we want to get out between November 15 and December 1, it behooves us to get down to brass tacks, get to work on these amendments, dispose of them, and get on with the business of the people.

Mr. STENNIS. I thank the Senator very much. I believe that his remarks will be effective.

### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, pursuant to the provisions of Senate Resolution 174, as a further mark of respect to the memory of the deceased Hon. JAMES C. WATTS, late a Representative from the State of Kentucky, and in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 2 o'clock and 50 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, September 28, 1971, at 10 a.m.

# EXTENSIONS OF REMARKS

## HEW-ING THE LINE

### HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Monday, September 27, 1971*

Mr. BYRD of Virginia. Mr. President, the Richmond Times-Dispatch of September 25 contains an excellent editorial concerning the activities of Dr. Eloise Severinson, regional civil rights director in the Philadelphia office of the Department of Health, Education, and Welfare, in connection with Virginia schools and colleges.

Dr. Severinson has consistently made unreasonable demands on Virginia educational institutions. Her efforts to achieve artificial racial balances—even on the majorette squad of a county high school—have gone far beyond the intent of Congress in civil rights legislation and far beyond the policy of the President of the United States.

The Times-Dispatch editorial details many of her activities. I have asked Secretary Richardson of HEW that Dr. Severinson be placed in a position where she will no longer be able to harass the school officials and students of Virginia. I hope that Secretary Richardson will accept my recommendation.

I ask unanimous consent that the editorial entitled, "HEWing the Line," be printed in the Extensions of Remarks. The editor of the editorial page of the Richmond Times-Dispatch is Edward Grimsley.

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

HEW-ING THE LINE

The name of Dr. Eloise Severinson is coming to be as familiar to Virginians as that of the state superintendent of public instruction or the president of one of the state's universities.

And it's no wonder, because this imperious bureaucrat has acted consistently as though she were both. In actuality, Dr. Severinson does her superintending and presiding from afar—the Philadelphia regional office of the Department of Health, Education, and Welfare (HEW). There, in her capacity as regional HEW civil rights director, she decides what's best for Virginia's school systems with the aid of her computers, balance sheets, and, of course, her telephone.

When Dr. Severinson, in a July 22 letter, demanded that the Albemarle County School Board produce a plan by July 28 for the busing of children for racial-balance purposes, she was not embarking upon a particularly novel course by her own standards.

We can remember Dr. Severinson, on other occasions, presuming to tell the College of William and Mary, one of the nation's strongest institutions academically, that its admission standards should be lowered in order to conform to the Eloise Severinson Standard of Ideal Ethnic Quotas.

We can remember Dr. Severinson demanding from the Prince George County School Board an explanation for the racial composition of the 15-member majorette squad of a county high school. No details of the school lives of Virginia children is considered too trivial, apparently, to prompt the solicitude of the Philadelphia overseer. A great many Virginia educators likewise have their recollections of arrogant and unreasonable (and frequently 11th hour) demands from Dr. Severinson's office.

Well, perhaps, just perhaps Dr. Severinson has presumed to be the law and a lord once too often. For on August 11, President Nixon stressed his desire that busing be minimized and indicated, through his press secretary, that federal employes who are unresponsive to his view "will find themselves involved in other assignments or quite possibly in assignments other than the federal government."

U.S. Sen. Harry F. Byrd Jr., in a letter to HEW Secretary Elliot Richardson, suggests with regard to the President's announced get-tough policy, "Would it not be well to start with Dr. Severinson?"

Wouldn't it, Mr. Nixon?

## TRANSPORTATION—A SOCIAL PRIORITY

### HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

ADDRESS BY R. MICHAEL ROBBINS, MANAGING DIRECTOR (RAILWAYS), LONDON TRANSPORT AT INTERNATIONAL CONFERENCE ON URBAN TRANSPORTATION, PITTSBURGH, SEPT. 8, 1971

Your Conference Committee have allocated me a very few minutes to expand on the statement that transportation fulfils a tremendous social need in man's life today. (These are their words.) This is a conference on urban transportation, so it is the city-dweller that we are concerned with; and as I have come from London, I shall use London's policies and practices as illustrations.

We in London Transport and our direct predecessors have been in the urban bus business since 1829 and in the underground railway business since 1863. These lengths of time mean that we have probably made more mistakes in these fields than anyone else. We like to think that we have learned from them, and can pass on some of our painfully acquired wisdom.

We operate in an area containing some 7½ million inhabitants. About ¾ million more come from in from outside the area every working day. We carry nearly 7 million passengers on a working day, 4½ million in buses and 2¼ million on the underground railway system. Over 5½ million visitors from overseas came to London in 1970; so far, 1971 is beating that figure by 12 per cent. We operate 6,400 buses and 4,400 railway cars. We have 241 miles of rapid transit route. So London is in the big league. In 19 months we carry a number equal to the total population of the world.

I shall turn first for a few minutes to the main theme: the essential importance of mobility in modern society; and then say something of London's approach to securing it through public transportation.

Mobility is precious to man. It is one—one of the most important—of the distinguishing marks of civilisation that a man's area of activity is not limited by the carrying capacity of his two legs. As a society, we are increasingly dependent for our very survival on regular, reliable, economic, and ever more sophisticated means of supplying us with things over considerable distances. As individuals, we need the personal mobility that assured, regular, reliable, and economic means of transportation are able to give to us. We need transportation to free us from the tyranny of distance. We need to have our homes at a distance from our places of work—to escape from the necessity which in previous centuries forced men to live over the shop, whether they liked it or not, and other men to live in the shadow of the mill or the factory; and their lives and families with them. Men are entitled to have the freedom to take employment within wider bounds than walking distance. For shopping and schooling, mobility extends the range and frees the family from local limitations. For recreation and entertainment, transportation supplies variety to select from. To most people the very idea of holidaying (what you call vacation) *means* travelling, in which direction, at what pace, at what range of price they choose to adopt.

Mobility opens up possibilities of choice. Ability to choose between different options as to our preferred way of life is a sign of a developed civilisation. The medieval peasant had precious little choice how he was to live out his days; twentieth-century man is better off, in this respect at least. Some of the publicity for this conference was headed "Mobility—the Fifth Freedom?" with a question mark. But the thing is surely self-evident! I propose that we unanimously resolve to remove that question mark from all future references to the subject.

But what brings us here is not the need to agree to a proposition which almost every one of us must be convinced needs no demonstration. I have not come 4,512 miles, by air-line reckoning, to beat that old drum. What brings us together is a paradox—again so familiar that I need do no more than mention it: in cities and city regions the proliferation of the means to achieve this desirable end of personal mobility contains within itself the cause of defeat—and a large-scale defeat which is already visible. Individual motorised transportation in city areas after multiplying to a certain point produces strangulation. It is counter-productive. Mobility is worsened, not improved, as each additional vehicle starts to occupy the space on the highways. The environment suffers

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harmful deterioration. Personal freedom is reduced. This point has already been reached in most cities; in some it has long been passed.

These observations have no high news value. The statement to which we responded in coming here says: "the emphasis is no longer on awareness of this problem; it is now on solving it".

I believe that the difficulties of solution do not lie primarily in the technical area. I speak with all possible respect in face of the technicians to whom we shall be listening attentively later on, and with acknowledgment to the engineering and technical skills which have made this city of Pittsburgh what it is. I am sure that the skill and energy of these devoted men will overcome whatever technical problems may be found to arise in the process of reintroducing mobility into our cities through well-considered schemes of collective transport. (If you will forgive me, I must declare that I hate your American expression "mass transportation", which seems to me an extraordinarily ill-chosen phrase to attract the public with. "Collective" or possibly "public" transportation seem to me more appealing, and truthful, adjectives.)

I have leapt over the stages in the argument which demonstrate that collective systems are essential to reinstate human mobility in cities; I am sure you are all familiar with them. It is a subject on which I cannot think of anything to say which is both new and true; and I prefer not to bore you with repeating other men's words, because I believe that you have all got the message already.

Let me turn for a few minutes to the policies that inform our thinking and action in London on what we firmly call "public transport."

The way our public transport is organized in relation to national and city government is, of course, important to us but not I think particularly relevant to this occasion. Every country and city has to work out its own political and administrative arrangements in accordance with its own characteristics and opportunities. There is no ideal pattern. I content myself with observing that some are better than others. I will just add that, in our London situation, we have adopted it as a principle that public transport shall run on a commercial basis, including full depreciation, on the annual revenue account; we look to public funds only for new capital investment and, exceptionally, to cover the cost of specific operations which are separately identifiable as ones which do not have in themselves any conceivable commercial justification but which the community has called for.

What then, if we are held to operate on an overall commercial basis, are our social obligations? Certainly there must be some, otherwise public money could not justifiably be put into providing the capital equipment and installations which we operate. Now the word "social" is one that commercial men normally approach with some suspicion. It is frequently adopted by people who think that certain things which they personally consider valuable ought to be provided at someone else's expense. People are usually in favour of subsidies when they think they are going to get more out of the arrangement than they put in. We must be careful that we don't fall, or appear to fall, into this kind of attitude.

We believe in London that the social duty of the city's public transport system is to carry as many passengers as possible while maintaining financial integrity as I have just defined it. Our social duty as we see it is to maximise travel by public transport, always within the overriding aim of remaining in the black on our revenue account.

How do you maximise passenger journeys? By providing a good service, of course. And how do you decide what is good in a local passenger transport, undertaking? First, it must be regular and reliable. It should, day in day out, in fog or ice or heat or cold, operate as near as humanly possible as your schedules have promised to the public. Then, it must take the passenger as near as possible from where he is to where he wants to be—and if your service's destination is not just where he wants to be, then to make it convenient for him to interchange to the next stage of the journey, by bus or train or car or on foot or by air, as easily and agreeably as possible. Third, the conditions of the ride (and of the wait preceding the ride) should be pleasant enough to attract the passenger to make subsequent rides. Fourth, the price charged to him should not be felt to be excessive in return for the service given. No passenger likes paying any fare; but the natural distaste for paying anything at all can be mitigated if the fare tariff is seen to operate in a way that conforms with natural justice. So we charge by the length of the ride. (Thus we have not inherited in an inflationary age the horrible head-on battles with the whole traveling public which those of you have to live with flat-fare systems get engaged in.) Fifth, and not necessarily last, our approach to the passenger and the potential passenger must be seen to be intelligent, friendly, informative; and this we try to achieve principally through training the staff in the right attitudes to their public-service job, and simultaneously by high quality design in all the equipment, installations, information signs, general publicity, and every other manufactured thing that we use. You cannot fool the people into thinking a bad transport service is a good one by smart publicity and attractive displays; but you can emphasise the advantages of a good service by high-quality presentation. We claim and get public financial support for our installations and equipment; so we try to ensure that they are identifiable at a glance as London Transport's and as products that the citizens can be proud of. And this is the way to make them respected and not become neglected, dejected, and inviting targets for vandalism.

Very briefly stated, these are our policy aims. They command the assent of the major political party in London, and to a considerable extent of the minority party as well, except that this is at present committed to a policy of keeping fares down by means, presumably, of operating subsidies. There is thus a large area of consensus about the desirable place of public transport.

We cannot rely on this acceptance continuing for ever—not even for the next few years. We have always to keep the people around us steady in the faith, by managing the business well and achieving financial stability, by imaginative collaboration with well-conceived plans of city authorities and other parties, and by never letting our great argument be lost by default. "A man", said Dr. Samuel Johnson, "should keep his friendship in constant repair". So, I add, must a public transport undertaking.

We here have all got the message of the vital importance of public transport in cities. But have enough people outside this hall got the message? Do enough of the influential people, the opinion-formers, the civic leaders, let alone the mass of opinion right down to the bar-room philosophers, share the convictions that we have on this subject?

I pay tribute to those who labour to convince outside opinion that what we hold to be self-evident truths really are unassailable in fact and logic, and ought urgently to be acted upon. We devote a lot of time and energy to assuring each other within the circles represented here how strong are our convictions on this vital matter. Might we not expend these more usefully in telling other people who are not as yet convinced? I have not come here to tell you that the holding of this conference is a mistake; it would be ungracious to you, and to the organisers; and it would not in any case be my opinion. But I do say that we should all conscientiously determine that after leaving Pittsburgh this week, and before we assemble again at some other agreeable function of a similar character, each of us in his own way will devote thought and time and energy to persuading those who are not yet converted.

This is where the battle ground lies: in the corridors of legislative and executive power, in the offices of opinion-forming agencies and communications media, in the minds of a large number of ordinary citizens. You have shown, by some striking examples in the United States, that enough minds can be moved to initiate and support great works of public—collective—mass (call it what you like)—transportation. You can, if you try, persuade enough people that well-considered, well-designed, thoroughly planned and integrated transportation systems are an essential element in the good life in our cities. High-quality transportation is too often lacking from their present equipment. This may not be our own fault; but we have a positive duty in this regard, as I see it, to pass on to the next generation something much better than we ourselves received—to think harder, to repair neglect, and to do better for our society. If this conference does anything towards spreading those convictions, then it will have been abundantly justified. To secure that happy result is a responsibility resting on every person here.

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## FORCED BUSING

## HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

*Monday, September 27, 1971*

Mr. GRIFFIN. Mr. President, last Friday in Detroit, I issued a statement concerning forced busing of schoolchildren for the sole purpose of achieving racial balance.

As the statement indicated, I have urged the Justice Department to intervene in appropriate cases now pending to make certain that the position of the President on this issue will be pressed as vigorously as possible in arguments before the Supreme Court.

It should not be necessary to add more and more amendments to the Constitution of the United States. However, I have no doubt that Congress stands ready to approve a constitutional amendment on this issue unless the Supreme Court moves much closer to the views of the President and the views of a large majority of the American people, black and white.

One such proposed constitutional amendment was introduced recently by the two Senators from Tennessee (Messrs. BAKER and BROCK). It reads as follows:

No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.

Mr. President, I ask unanimous consent that the text of my statement be printed in the RECORD.

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

STATEMENT BY U.S. SENATOR ROBERT P. GRIFFIN, SEPTEMBER 24, 1971

Most parents, black and white, want quality *and* equality in educational opportunity for their children.

These goals can eventually be reached if we make sure—

That job opportunities are really equal;

That housing opportunities are really equal;

And if we reform the system of financing education so that the quality of public education available to children in poorer districts is raised to the level of education available to children living in wealthy areas.

As one who wants to make more and more progress toward racial equality and an integrated society, I am deeply concerned that forced busing solely for the purpose of achieving racial balance is counter-productive. Instead of helping in the effort to promote better race relations, it is resulting in more bitterness and more polarization. Unfortunately, forced busing is greatly accelerating the flight to the suburbs and beyond.

Along with President Nixon and Senator Muskie, I don't like forced busing. And that is the position of the overwhelming majority of the people, black and white.

I don't believe I have to say that I am, and have been, for equal rights and against discrimination. During my 15 years in Congress I've had the opportunity to support and vote for every civil rights bill that has become law since Reconstruction days following the Civil War.

I believe the laws of the land must be enforced—even those who do not like. Court orders must be observed—including those that are being appealed. I deplore the criminal acts of the few who resort to violence and take the law into their own hands. They should be swiftly prosecuted.

I know that most people are willing to obey the law—even a law they don't like. But in fairness, it is essential that they know exactly what the law of the land requires.

Recently Chief Justice Burger indicated that some of the Federal district courts are going beyond constitutional requirements in ordering forced busing. The position of the President of the United States is at odds with what seems to be the position of the Supreme Court.

Needless to say, there is too much confusion at present; and it is important to have clarification as soon as possible.

There are a number of suits involving forced busing which are on their way to the Supreme Court right now. At present, the Justice Department is not a party to these suits. I refer, for example, to suits such as those affecting Pontiac, Michigan and Nashville, Tennessee.

Yesterday I met with Attorney General John Mitchell. I suggested and urged that the Justice Department intervene in these cases and perhaps in others. Because the public interest is so important and overriding, I do not believe the Justice Department should remain on the sidelines and leave the argument of such cases to counsel for private parties. Such a move by the Justice Department would make sense, particularly since the Administration already has a position which has been spelled out by the President.

While I hope that forced busing can be kept to a minimum, I want to reiterate a position I took in 1967. I would not favor a cut-off of federal funds for voluntary busing.

The magnet school plan in the City of Detroit is a good example of how busing can be an important part of a voluntary program to improve the quality of education.

Back in 1967, Senator Dirksen offered an amendment which read as follows:

"No funds authorized in this or any other Act shall be used to pay any costs of the assignment or transportation of students or teachers in order to overcome racial imbalance."

I offered an amendment to his amendment which read as follows:

"Following the word 'imbalance' and before the period at the end of the amendment, insert the following: 'unless such use is in accordance with a policy formally and freely made by the affected State or by the affected local educational agency without the exercise of direction, supervision or control with respect thereto by any Department, agency or officer of the United States.'"

I disagreed with Senator Dirksen at that time because he wanted to cut off federal funds for *voluntary* busing as well as forced busing.



## EVERS ALINES POOR OF TWO RACES

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. RANGEL. Mr. Speaker, Charles Evers, the independent candidate for Governor of Mississippi, has taken decisive steps to bridge the generations-old gap between poor blacks and poor whites in the South. As he recently told an interracial crowd in Jones County:

We're beginning to realize that we're all in the same bag. And most important of all, we're beginning to do something about it.

In the short time he has been mayor of Fayette, Evers has brought new occupational and educational opportunities to what had been one of Mississippi's most impoverished towns, benefiting all the residents of his community. He hopes to do the same for the entire State.

The Washington Post recently carried an account of Evers' campaign to persuade Mississippi to turn its back on the racism that has scarred its history for so long.

The article follows:

[From the Washington Post, Sept. 25, 1971]

EVERS ALINES POOR OF TWO RACES

(By Philip Carter)

LAUREL, MISS.—"We've either all got to run together or we're all going to sink together," Charles Evers shouted, and no one clapped louder than Justin Pulliam.

Pulliam is a poor white woodcutter, raised on hard work, hard knocks, little schooling and less money in the pine woods and pulp yards of South Mississippi. Evers is a black man, mayor of the small town of Fayette and the first Negro to run for governor of this state.

By the savage logic of generations of racism, he and Pulliam and the 200 other whites and blacks who gathered here in the Jones County Courthouse the other night should be mortal enemies. But this year they are allies, and at least for the moment the old Southern dream of "black and white together" is thriving—however precariously and improbably—in this recent stronghold of the Ku Klux Klan.

The reason is money. Last month the huge Lauren plant of the Chicago-based Masonite Corporation installed new wood-laying scales and changed its system for paying woodcutters for the pulpwood used in manufacturing Masonite "hardboard." According to Pulliam and other woodcutters, the result was a 20 per cent to 25 per cent cut in their pay.

Under the old system of paying by volume rather than weight, Pulliam said, he cleared only $2,700 last year for cutting trees and trucking them to Masonite's woodyard. Under the new system, he said, he could no longer afford to work.

So he and most of his fellow Masonite woodcutters, perhaps half of whom are black, went on strike against the corporation last month, organized their first union and started looking for political help.

Evers, running as an independent against Democratic nominee William Waller, denounced Masonite and endorsed the strike. He was the only Mississippi politician to come to the strikers' aid and Pulliam said he and other white woodcutters planned to vote for Evers.

"In the South," Pulliam said in an interview, "the politicians are the ones who started all this about race. The poor whites have never been against colored people.

"I admit there are some white people who are against colored people, but they're what I call the big shots around here . . . People coming to see the rich people are after one thing: money, more money. And the only way we can get anywhere is for all the poor people to stick together, white people and colored people."

Invited to speak to the strikers, Evers said much the same thing. "We're beginning to realize that we're all in the same bag," he declared. "And most important of all, we're beginning to do something about it."

But it was only a beginning. Despite heavy black voter registration gains since passage of the 1965 Voting Rights Act, white voters outnumber black voters more than two to one in Mississippi this year. Even with his Laurel breakthrough and others like it elsewhere in the state, Evers is still conceded no chance of gathering enough white votes to win.

For the woodcutters, the odds seem even more formidable. About 200 blacks and whites have formed a local chapter of the Gulf Coast Pulpwood Association, a three-year-old Southern union with no affiliation with the AFL–CIO They are contending with a powerful corporation with 1,900 employees in Laurel alone, 325,000 acres of its own trees in South Mississippi, plants in a dozen states, Quebec and South Africa.

"Masonite is just too big a company to go around trying to beat people out of something," said corporate spokesman Sneed McInvale in a telephone interview. "We wouldn't think of having a policy that would beat people out of their money." But he said the company would close its Laurel woodyard if necessary and take all its wood shipments by rail from other areas.

The union was brought to Laurel by a blunt-talking white Alabamian, James Simmons, a former woodcutter who founded the group three years ago in his home state. He and the local chapter have the help of a handful of organizers from the Southern Conference Education Fund (SCEF), an old-line militant integrationist group with long experience with the frustrations and legal and political hazards of trying to organize the South's poor whites and blacks.

SCEF and its white directors, Carl Braden of Louisville, Ky., and his wife, Ann, were frequently accused of "Communist activities" during the 1950s and '60s. Braden once served a year in federal prison on a contempt of Congress charge after he refused to answer questions before the House Un-American Activities Committee. In 1954, he was convicted of "sedition" in a Kentucky court and sentenced to 15 years in prison, a sentence subsequently overturned by a federal court. A similar conviction in 1967 was overturned when Kentucky's sedition law was declared unconstitutional.

According to Simmons, he first met Braden one year ago and "he has been helping us ever since." In an interview he said that Southern woodcutters and their families number about 250,000, and that they were unrepresented and unprotected before he,

the Pulpwood Association and Carl Braden came along.

In the eyes of the South's pulp and paper corporations, the cutters who supply them with raw materials are independent contractors and entrepreneurs who are not eligible for company insurance, workmen's compensation, corporate retirement and health benefits or the legal minimum wage. But in fact, Simmons and his woodcutters argued, they are sharecroppers totally dependent on the companies for employment and often even for their tools.

Typically, Simmons said, a cutter buys his truck and power saw on credit furnished by a corporation or by a private wood supplier, and his payments are taken out of his wages—often with little or no formal accounting. After a week of backbreaking toil in the woods, he said, cutters often clear no more than $35.

"It's worse than sharecropping," he said. "At least the sharecropper had a corn crib, a collard patch, a milk cow." Now, he said, cutters go into the woods before daylight and break only to dine on the standard chopper's fare of a soft drink, a can of Vienna sausages and a 10-cent store-bought cake. "Here you have to haul if you're going to eat."

After the Laurel strike began last month, Masonite spokesmen first denied that the strike existed, then denied that the old pay system had been changed, and then threatened to close the woodyard.

Before the latest meeting, several cutters confessed anxiety about "everybody being tarred with the same kind of brush," as one man put it. "People around here don't go for that stuff," he said. "We didn't know what he (Braden) was before he came in here. We wouldn't have had him in here."

But during the meeting James Simmons argued, in effect, that the allegations about Braden were beside the point, and most of the woodcutters seemed to agree with him. "As long as they can get somebody to run something on Carl Braden, they can sit back and laugh and say we're handling people'. . . "

Their faces set, two plainclothes detectives from the Laurel police force listened along with the crowd while a black woodcutter named John Padue exorted his fellow blacks to join him on the plant picket line, where he was the only Negro. "Don't let me down, pick up and be out there with me,' he said to stormy applause from whites. Two mules can pull a heavy load, he said, as long as they pull together.

Other speakers proclaimed the same message of black and white unity. But Evers won the heaviest applause.

Toward the end of the meeting at Evers' heavy prodding, 16 whites and six blacks added their names to the list for picket duty, and virtually every man in the room signed up to join the union. And when it all was over, the black men and white men together filed out of the courthouse, pausing to shake Evers' hand.

"We're going to change this state," he told them, "if it's the last thing we do." Justin Pulliam said he would help the best he could.

## FTC UNDER CHAIRMAN KIRKPATRICK

### HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

*Monday, September 27, 1971*

Mr. MOSS. Mr. President, the long beleagured Federal Trade Commission has been at the front of the consumer protection movement in the United States for the past 18 months. Two successive chairmen, Casper Weinberger and Miles Kirkpatrick, have transformed the agency into a vigorous organization dedicated to protecting the consumer as Congress originally intended. Special praise must also be directed toward the three bureau chiefs at the Commission, Robert Pitofsky, Alan Ward, and Dr. Michael Mann, who in their roles have given direction and enthusiasm in the staff.

If the Federal Trade Commission is to continue its function as the Government agency regulating trade practices, then it must have the support and respect of the public, the business community, and Congress. Although each of us may take issue with a particular decision of the Commission, we must not attempt to force ourselves into the middle of the regulatory function. The Commission is a regulator for all the people; it is subject enough to pressures from adversaries in its proceedings, without the necessity of fending off congressional incursions.

It is now 1 year since Chairman Kirkpatrick was sworn into office. I wish the chairman continued success in the 6 years which remain to his term of office. As chairman of the Subcommittee for Consumers, I feel confident to say that Chairman Kirkpatrick has served with honor and fairness to all. At each of the hearings where we have called upon him to present the Commission's viewpoint in legislative matters, we find his insight and analysis particularly useful in designing ways in which legislative efforts are directed to meet the needs of the consumer in the 20th century.

The Business Lawyer of the section of Corporation, Banking, and Business Law of the American Bar Association published, in its July number, an article entitled "The Federal Trade Commission—A Study in Survival," written by Robert E. Freer, Jr. I ask unanimous consent that it be printed in the Extensions of Remarks. I urge Senators to read the article and take note of the significant progress which has been made in awakening the sleeping lady of Pennsylvania Avenue.

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

THE FEDERAL TRADE COMMISSION—A STUDY IN SURVIVAL

(By Robert E. Freer, Jr.*)

WASHINGTON, D.C.—In fulfillment of a request by President Nixon to the American Bar Association in the spring of 1969, a blue ribbon panel of attorneys and economists under the leadership of the immediate past-Chairman of the Antitrust Section of the ABA, Miles W. Kirkpatrick,[1] filed their report on the Federal Trade Commission on September 15, 1969.

Although the report had some kind words for the Commission, its tone was generally critical and supported in substance the highly critical *Nader Report on the Federal Trade Commission*,[2] which had been compiled by a small group of students working under Mr. Nader's auspices in the summer and fall of 1968.

In the conclusion of the ABA report, it was recommended that it be the last of a long line of study groups and committees to insist that drastic changes were essential. The report states:

"The case for change is plain. What is required is that the changes now be made, and in depth. Further temporizing is indefensible. Notwithstanding the great potential of the F.T.C. in the field of antitrust and consumer protection, if change does not occur, there will be no substantial purpose to be served by its continued existence; the essential work to be done must then be carried on by other governmental institutions." [3]

In its indictment of the Commission, the ABA report pointed in the following way to particular areas where immediate attention should be given.[4]

We believe that the F.T.C. has mismanaged its own resources.

Through an inadequate system of recruitment and promotion, it has acquired and elevated to important positions a number of staff members of insufficient competence.

The failure of the F.T.C. to establish and adhere to a system of priorities has caused a misallocation of funds and personnel to trivial matters rather than to matters of pressing public concern.

. . . [B]itter public displays of dissension among Commissioners have confused and demoralized the F.T.C. staff and the failure to provide leadership has left enforcement activity largely aimless.

In view of this criticism of the Commission from all sides, it is a somewhat miraculous development that within 18 months of the ABA report the Commission has been transformed into a "Growling Watchdog" which has set out to prove it is the consumer's friend [5] and has garnered raves from Ralph Nader [6] and Virginia Knauer.[7] Rather than being in dire peril for its life, the Commission has been pronounced "very much alive and in an increasing state of health and vigor," [8] and has even been favorably considered in President Nixon's Consumer Message of February 24, 1971, containing his legislative recommendations for the 92nd Congress.[9]

How this Cinderella-like transformation from "little old lady" to "growling watchdog" occurred is an interesting lesson in effective management, and its import to businessmen and corporate practitioners wary of where the agency may strike next cannot be overstated.

Thanks to the excellent job of Mr. Kirkpatrick and the ABA Commission, the blueprint for the transformation was readily at hand when President Nixon nominated Caspar W. Weinberger to be a Commissioner and Chairman with a mandate to revive the agency.

In addition to the criticism of the Commission, the ABA report spelled its suggestions for improvement in terms which can now be used to gauge the success of its implementation.

The report suggests improvement in the following terms:

"We recommend a new and vigorous approach to consumer fraud. The F.T.C. should establish task forces in major cities to concentrate exclusively on this problem. These task forces should be given ample manpower and authority to pursue localized frauds expeditiously and effectively.[10]

"In the antitrust field, we believe that the F.T.C. can perform valuable service in bringing the administrative process to bear on difficult and complex problems. We therefore propose that the concurrent jurisdiction of the F.T.C. and the Department of Justice in antitrust enforcement be retained. We urge, however, that the present allocation of enforcement resources be reexamined and realigned in a manner more nearly consistent with the objectives of antitrust policy.

"[I]t is imperative that the F.T.C. embark on a program to establish goals, priorities and effective planning controls.

"We recommend establishment of a special staff committee to review the current backlog of pending matters and to recommend to the Commission the closing of files of marginal significance.

"We further propose the immediate expansion and invigoration of the Office of Program Review to take primary responsi-

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bility for proposing to the Commission ways and means of coordinating future operations.

"Second, the agency must recognize that some of its most serious problems—such as excessive delay and the conflict at the Commissioner level between the functions of prosecutor and judge—can be solved by greater delegation of authority to the staff. We recommend that the Commission confer on its bureau directors the authority to issue complaints and close investigations, on its General Counsel the authority to seek preliminary injunctions, and on its projected consumer protection task forces the authority to initiate and close investigations, issue complaints, and otherwise act as operating bureaus with respect to its own programs.

"Third, Commissioners have been criticised for making themselves available to those representing respondents or potential respondents on an *ex parte*, off-the-record basis. The Commission should define and publish criteria concerning the circumstances under which businessmen and their attorneys may confer with Commissioners at all stages of its proceedings." [11]

To the Commission's credit the response to these critical suggestions was positive and almost immediate. The Commission established on its own motion a special committee on caseload screening to review in depth the then existing backlog of pending matters and to recommend to the Commission the closing of those matters that had been pending so long that effective agency action would be difficult or impossible to achieve. As to those pending matters not closed out, the special committee was to impose realistic deadlines and see that they were strictly observed. As a result of their efforts, the Commission closed more than 450 matters and established realistic deadlines on the remainder of its caseloads.[12]

Soon after Caspar Weinberger was sworn in as Chairman, the Commission took the next step in its revitalization. For years the Commission's eleven field offices had served; more or less, as field investigators for matters which had their origin and ultimate control in Washington. Under the old system, the field investigators, all attorneys in their own right, would sift through the corporate files, interview witnesses and prepare the completed files for forwarding to Washington with their own summary memorandum of facts and law. The decision to draft and forward a complaint was that of the Bureau staff assigned to the matter and the field office attorney was thereafter used only as a witness or for supplemental investigation.

Soon after Chairman Weinberger was sworn in, he asked the attorneys in charge of the field offices to submit their views on improving their effectiveness in the area of consumer protection. After a meeting with the full Commission, however, it became clear that a thorough consideration of the full role of the field office attorneys was needed.[13] In this age of consumerism, the Commission cannot affort the "luxury" of not utilizing fully the untapped legal skills of the fields offices' attorneys. In line with the recommendation of the ABA, the Commission decided that the field offices themselves could be the "hard hitting" task forces equipped to knock out consumer fraud on a regional basis, and greatly expanded the responsibility of the field offices—making them in effect miniature FTC's on their own. Chairman Weinberger best described the benefits and nature of the new field office responsibility in the following way:

"As a result of our meeting with these representatives of the field offices, they have been given the authority to conduct investigations in regional and local deceptive practice matters on their own initiative without reference to Washington except for the routine housekeeping chores required by good management principles. This authority has as well been delegated to the field offices in all restraint of trade matters except mergers. In order to make implementation of this new policy practical, the Commission has also delegated to the attorney in charge of a field office and to his assistant the power to issue investigational subpoenas. Field Office attorneys will also prepare their own complaints and trial memoranda and will try their own cases.

"Though these changes appear minor, we hope to achieve major results. First of all, delay and duplication of effort should be reduced because one attorney will handle both investigation and trial. Second, we hope that now promising law school graduates of Law Review caliber who are interested in trial work will be attracted to careers in our field offices. Most important however we feel that this change assures that local and regional problems will be given prompt and effective attention." [14]

To make this delegation of authority to the field practical, the Commission created the new position of "Consumer Protection Specialist." Their function is to assist the field offices in the investigative work which was formally done by the field office attorneys and to work in the community carrying out the Commission's new consumer protection and education program.

Approximately 110 of these specialists have now been hired, trained and dispatched to the field offices where they are quickly fulfilling the promise of their creation.[15]

Closely following the expansion of field office authority, the Commission announced that it was going to establish joint consumer protection coordinating committees in major cities throughout the United States. There are now six [16] of them in operation—all of them greatly facilitating the Commission's attempt to assure that consumers and honest businessmen are protected from unfair and deceptive schemes by those who are not as ethical.[17]

Essentially these coordinating committees, composed of representatives of federal, state and local agencies, are accomplishing their goal of consumer protection in two ways. First, they are a one stop complaint service. An aggrieved consumer need only fill out one complaint form, and he is assured that the agency with the jurisdiction to help him will receive his complaint. Second, they and the field offices themselves are the eyes and ears of the Commission at the local level. As such, the data collected by them on a number of complaints and types of practices complained about are now providing a computerized picture of what really is most troubling the consumer. This is an invaluable input for the Office of Policy Planning and Evaluation to have when recommending to the Commission where it should spend its very limited budget.[18]

Perhaps another advantage which has accrued to the consumer from this new arrangement is the almost daily dialog which is occurring among the different government agencies. Now officials at all levels of government are thinking in terms of the problem at hand and the most efficient way of solving it. Rather than passing it off as one their agency is powerless to handle, they now can, on a first name basis, call another official, perhaps at a different level of government, who can help.

The Commission has also created consumer Advisory Boards as a nongovernmental supplement to the consumer protection coordinating committees. These advisory panels consist of area representatives of private and public service organizations, labor unions, industry associations and citizen groups. Their primary function will be to advise the Commission field offices on consumer problems and to suggest possible solutions for Commission consideration and action.[19]

Carl Swanson in his article in the *ABA Journal* on the changes which have occurred in the field offices calls them "A Quiet Revolution." [20] "Revolution" is perhaps a bit strong to describe the new profile of the field offices, but when viewed in conjunction with the reorganization of the Commission which took place under Chairman Weinberger on July 1, 1970, it is perhaps appropriate.

Chairman Weinberger in discussing the reorganization before the Commonwealth Club of California noted that it was not "paper reform" but was . . . "a clear response to President Nixon's mandate for a consumer-oriented, revitalized Federal Trade Commission. It is a scheme of organization that should allow for initiative to be taken in the Field and for policy and leadership to be executed by the Five Commissioners." The basic recognition reflected in the reorganization is the need for agency efficiency.[21]

Basically, the Commission reorganization has consolidated six disjointed bureaus into the two main areas of Commission responsibility with the addition of a supporting Bureau of Economics which assists both.[22] The Commission's new bureaus of Consumer Protection, Competition, and Economics are now organized to pare down the unnecessary and time-consuming layers of review that handicapped the Commission in former years and which previously delayed the Commission from acting fast enough to moot the Commission's enforcement effort. The Commission's functional alignment has also given the Commission a more efficient method of seeing that its budget is spent consistent with its determination of priorities, and that the results can be measured in terms of the Commission's overall effort in consumer protection and the enforcement of antitrust laws.

The most frequent criticism of the Commission in this regard is its failure to analyze its enforcement effort and to plan the allocation of resources in terms of priorities and agency goals. Along with the Commission's reorganization, additional steps were taken to strengthen the Commission in this area of policy planning which the ABA Commission found to be so deficient.

As part of the Commission's reorganization, there is now in operation an Office of Policy Planning and Evaluation with broad responsibility to advise the Commission on resource allocation.

July 1, 1970, the day that the Commission's reorganization plan became effective was also the date that the Budget Bureau was replaced by the Office of Management and Budget. The President's selection of Chairman Weinberger as Deputy Director of the New Office with primary responsibility for the budget, thus brought to a close his brief but accomplishment-laden six months as Chairman of the FTC.

Chairman Weinberger's own view of the progress during his tenure in increasing the Commission's effectiveness distinguishes three principal areas of improvement:

"*First*, procedures at all levels of the Commission have been speeded up by the recent reorganization, effective July 1, 1970, which has also established a special office to help the Commission determine its priorities in allocating manpower and resources.

"*Second*, there has been a substantial increase in the number of points of contact between the Commission and the public, which has increased the public's understanding of the requirements of the laws the Commission enforces and administers and the Commission's ability to discover violations of these laws.

"*Third*, the Commission has been probing the limits of its statutory powers, seeking to require novel types of relief as is necessary to deal with changed modern market practices." [23]

Before leaving the Weinberger era, a fourth area should be mentioned—personnel. Chairman Weinberger, with the assistance of a professional management specialist, interviewed scores of applicants for senior positions with the Commission and succeeded in bringing to the Commission in key policy positions the brightest and most energetic of these candidates.[24]

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One indication of the splendid job Chairman Weinberger did in this regard is the large percentage that have been retained by his successor.[25]

In summary in terms of the ABA suggestions, the Weinberger reorganization and leadership gave the Commission better control of its own resources and through an upgraded Office of Policy Planning and Evaluation a modern management method of monitoring the effectiveness of its expenditures.

The delegation to the field of greater responsibility and the added help of the Consumer Protection Specialists have greatly speeded up the Commission's investigations, and Chairman Weinberger was intent as well upon modernizing its adjudicatory procedures,[26] to assure that unnecessary delay would not occur after a complaint was issued.

Priorities have been established in major investigations and the backlog of cases eliminated. In addition, the Commission has been fortunate in avoiding the bitter public displays of past years and is now working together as a team. Finally the Commission's complaints are giving every indication that the ABA recommendations are being excelled in this area of cases that the Commission under Chairman Kirkpatrick has brought. Interestingly enough this is one area in which the results of the reorganization clearly indicate that more than a paper reform has taken place.

RECENT CASE ACTIVITY AND FUTURE DIRECTION

Early in 1970, the Commission signaled its awakening by a directive to the staff that the "Commission is receptive to novel and imaginative provisions in orders seeking to remedy alleged violations for future submission to the Commission recommending issuance of complaints." [27]

The response has been almost immediate and has dramatically shown that the Commission can be an effective, innovative and independent guardian of the consumer. During the last year there have been more than a score of complaints reflecting an imaginative use of the Commission's statutory powers. Some of these complaints have since been settle, and others have not as yet been tested either before the Commission or the courts, but they all represent a well motivated and carefully considered attempt by the Commission under Chairman Kirkpatrick's leadership to imaginatively use its statutory powers to eliminate practices which make it difficult for the great majority of honest businessmen to effectively compete, and are marring the quality of life in America today.

Perhaps the first of these notable cases involved the allegedly deceptive advertising of Campbell Soups.[28] The FTC complaint involved advertisements that included pictures of a ready-to-eat bowl of Campbell's soup, apparently prepared according to directions on the can. Solid ingredients appeared at the top of the bowl. Not so, alleged the Commission. There were marbles in the soup which forced the solid ingredients to the top, thus exaggerating the amount of solid ingredients in the soup.

In this particular instance, a consent order was obtained and duly published for comment. At this time a group composed of law students organized themselves and adopted an appropriate acronym for their group's name—S.O.U.P., Inc. (Student's Opposing Unfair Practices). S.O.U.P. thereafter filed a petition asking the Commission to withdraw its provisional acceptance of the agreed-to order as being inadequate, and to grant it permission to intervene.

The basic remedy which S.O.U.P. requested in its petition was inclusion of a paragraph in the order which would require Campbell to include an affirmative disclosure in all its future advertising of the deceptive practices discovered by the Commission in order to alert the public to these practices.

The Commission, after hearing S.O.U.P.'s arguments, accepted the consent agreement without the suggested alterations. However, in its opinion by Chairman Weinberger, the Commission noted that there was no basic disagreement between it and S.O.U.P. as to the Commission's power to require affirmative disclosure.

In deciding that affirmative disclosure was not appropriate in this instance, the Commission did, however, give some indication of the criteria to be used by it in evaluating not only the limited question of corrective advertising but also its approach in determining whether any proffered consent agreement is appropriate.

First, the Commission accepted as accurate S.O.U.P.'s three principal criteria:

1. Whether the public will be adequately informed of respondent's alleged deception and thus able to protect themselves from future recurrences.

2. Whether the order contains sufficient assurances that the alleged violations will not be repeated in the future.

3. Whether the order adequately insures that the effects of the deception alleged here have been adequately dissipated.

The Commission then added some additional criteria of its own:

"These questions are, of course, among those which the Commission must consider in determining whether final acceptance of the proposed order is in the public interest.

"There are also other questions which we should consider—among them the extent and type of the deception, whether it involves a danger to health or safety of consumers, and, what is particularly important where a proposed order has been agreed to by respondent, whether the matter merits further expenditure of the Commission's limited resources when compared with other matters within our jurisdiction." [29]

The Kirkpatrick Commission has very quickly followed up on this pronouncement in several ways.

First, the Commission has allowed intervention by S.O.U.P. in a case involving alleged misrepresentations by a major tire company for the limited purpose of presenting relevant material and noncumulative evidence on the issue of whether the proposed order adequately protects the public interest.[30]

The Commission in allowing intervention by S.O.U.P. in this case seems to have been particularly influenced by the fact that S.O.U.P.'s request to have an affirmative disclosure requirement in the *Firestone* order might be more appropriate than in the *Campbell Soup* case because an alleged misrepresentation of added safety was involved in the latter case and intervention would not unduly lengthen the case. The Commission did state, however:

"In allowing intervention in the present case, we are beginning a delicate experiment, one requiring caution and close observation. Nothing in this opinion should be construed as a permanent or irreversible policy decision; we have many apprehensions concerning this step, and we find a need for a period of probation." [31]

What this means practically is that the Commission believes that in the vast majority of cases the staff attorneys charged with the duty of drafting and supporting the Commission's complaints will do a competent job of representing the public interest, but that where a good showing for intervention can be made by responsible persons or groups that the Commission will seriously consider such requests.

Also as a result of the original S.O.U.P. intervention, the Commission has included in other proposed orders where it was deemed appropriate a requirement that the respondents "clearly and conspicuously disclose in all advertising for one year that the Federal Trade Commission has alleged that ——— has been falsely advertised as ———"

Two major cases in which the Commission has tentatively agreed that such relief would be appropriate involve allegations of false antipollution claims by Standard Oil Company of California for its Chevron gasoline with "F 310" and allegations that ITT–Continental Baking Company has falsely advertised Wonder and Profile Breads and Hostess Cupcakes. Wonder and Hostess have allegedly misrepresented nutritional qualities, and Profile Bread was charged with misrepresenting that it is effective for weight reduction.

The Commission's toughened stance in regards to the deceptive advertising of nutritional claims can most clearly be seen in the proposed orders both in the ITT–Continental case [32] and the Commission's complaint against alleged misrepresentations of Coca-Cola's Hi-C Fruit Drink. In addition to requiring corrective advertising,[33] these orders would also act against the trade marks "Profile" and "Hi-C" as being inherently deceptive and thus forbidden to respondent. Neither of these cases has been settled, and it appears that it will be a long time before there is a final answer to the Commission's authority to require this stringent relief.

In further response to the Commission's memorandum requesting innovative remedies where such are necessary to alleviate consumer abuses, the Commission's Division of Food and Drug Advertising forwarded a novel complaint against the Charles Pfizer Company to the Commission early in the Spring of 1970 which was issued on April 16, 1970, as a proposed complaint (now Docket No. 8819 under issue date of July 6, 1970).[34] The complaint charges that Pfizer's advertising of its "Urban Sunburn Treatment Preparation" represents that it actually anesthetizes nerves in sensitive sunburned skin and that it relieves pain fast. The complaint states that the advertising represents implicitly that its advertising statements have been susbtantiated by adequate and well-controlled scientific studies and alleges that this is not the case. If the Commission eventually issues a cease-and-desist order in this case, and if it is upheld in the courts, the effect would be to require manufacturers of analgesic and other specified claims for its products to have available substantial data fully corroborating the claims it makes for them. It is also interesting to note that, perhaps as a result of the Commission's complaint against "Unburn," Ralph Nader and Aileen Cowan have filed a petition with the Commission requesting a Trade Regulation Rule requiring that whenever claims are made as to the formulations, capabilities, safety or efficacy of any product, the advertisers must have supporting data available. It is expected that by the time this article is printed, the Commission will have made its decision as to whether such a rule should be formally proposed and set for a public hearing.

A perusal of the subject matter of the cases which have been discussed so far indicates another interesting facet of the current trend in Commission enforcement, and a trend which apparently will continue. Each of these cases has a great deal of impact in terms of consumer protection on a nationwide basis. Each is topical and is of more immediate concern to consumers than the myriad of Commission cases in former years which were concerned with violations of the so-called "Labeling Act" and such ever present petty frauds as chinchilla farming and the home improvement rackets which have been the subject of many Commission complaints in the past. This is not to say the Commission is not bringing such cases now or in the future, but rather that it is devoting the majority of its resources to matters of greater concern to and impact upon the national populace.

Another indication of this interest in obtaining the most enforcement for the consumer's tax dollar can be seen in the Commission's efforts in the field of sweepstakes

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and other games of chance. The amount of mail which the Commission receives on this one problem alone from all parts of the country indicates the great concern that such games of chance have caused the public. Recently, the Commission has announced several actions against major national users of such sweepstakes, games of chance and so-called games of skill. In one instance, the Commission has included in the proposed relief a requirement that the respondent must "cease-and-desist from wrongfully withholding the earned prize of $100 from contest entrants who submitted entry cards which were complete and correct under a reasonable interpretation of the published contest rules . . ." [35] and it is anticipated that a court test of the Commission's powers in this area will follow any final determination by the Commission that it has the power to require such cash payouts. Thus, if one intends to use such games to promote one's products, it would be wise to retain experienced trade regulation counsel. A review of one's promotional program will insure that it will pass muster under the increased vigilance of the Commission. I might add that in most of the recent cases the Commission has joined in its complaints the major products of such games along with the sponsor corporations.

Other interesting complaints in the sweepstakes area have involved McDonald's Hamburger Chain and D. L. Blair Company, the promoter of "McDonald's $500,000 Sweepstakes." In this particular complaint, McDonald's is charged with misrepresenting that $500,000 worth of prizes would be awarded when only $13,000 in prizes was actually distributed.

Unlike the Coca-Cola "Big Name Bingo" complaint, the proposed order would act prospectively to require that in all future games all prizes be distributed.[36] The Commission has continued this emphasis upon cases of major impact in such actions as its complaint against the major manufacturers and sellers of enzyme containing detergents for misrepresentations of their claims of "unique efficacy" for their product.[37] As in the sweepstakes cases just discussed, the Commission joined the manufacturers' advertising agencies in its proposed complaints.

Recently, the Commission has accepted proposed consent agreements in the enzyme efficacy cases,[38] but its previously announced investigation regarding enzyme safety is continuing and perhaps by the time this article appears, a Commission decision will have become public.

Another interesting area into which the Commission has delved is that of consumer privacy. In Docket No. C–1864, *Metromedia, Inc.*, the Commission [39] has indicated its concern that companies which obtain names for the purpose of compiling lists of prospective customers for various products and services clearly reveal the purpose of their questionnaire or other method of obtaining said names so that the consumer's privacy will not be unduly infringed.

Perhaps a greater indication of this very real concern for the consumers' privacy is the Commission's recent public announcement that it had directed the staff of the Bureau of Consumer Protection to expeditiously look into the possibility that income tax services which have recently become so popular are using the information obtained from their clients to compile lists which can be sold to finance and insurance companies who greatly value the refined financial data thus provided on prospective customers. As yet, no cases have been issued in this area, but should preliminary indications be borne out, action in this field might be expected in the near future.

Still another interesting development in respect to the Commission's request for innovative remedies is contained in the Commission's recent complaint against the DuPont Company.[40] DuPont has allegedly misrepresented in its advertising for "Zerex Anti-Freeze," certain anti-leak attributes of the product and, further, has failed to reveal that Zerex may damage the car's cooling system. The proposed order in this case would require DuPont to clearly disclose this damage potential. Additionally, if the record in this case indicates that such relief is inadequate, the Commission will consider ordering DuPont to stop marketing Zerex. This case most likely will be litigated.

Perhaps a good indication of another area of great interest to the Kirkpatrick Commission can be found in its recent cases brought against Mattel and Topper Companies, for the misrepresentation of certain characteristics of toys marketed by these companies.[41] In a further development in this area, the Commission has issued a joint statement with the Federal Communications Commission stating that both agencies are considering joint hearings on the question of advertising addressed primarily to children.

In evaluating further action by the Commission in this area, it is important to add that the Commission will use a more stringent standard when reviewing advertising which is addressed primarily to less-experienced and much more impressionable marketing groups such as children. It is perhaps possible that in regard to certain advertising specifically directed to such groups the Commission may test its powers to ban such advertising.

Though the most novel of the Commission's recent complaints have concerned the consumer protection field, the Commission's activities regarding anti-trust violations have also been marked by the innovative use of the Commission's powers. Last fall, the Commission announced its intention to issue a complaint against the nation's five largest tire manufacturers [42] charging that their leasing of and refusal to sell bus tires has eliminated competition among themselves and foreclosed potential competition. Perhaps the most unique feature of the Commission's complaint was that its charge was based upon the parallel action over a period of time by these major companies and that no allegation of conspiracy was included.

A test of the Commission's authority to interpret the law in this fashion must, however, await a future case since the Commission has tentatively accepted consent agreements in these cases [43] which avoid any contest on this issue.

In another action, the Commission has issued complaints [44] against major manufacturers and franchisers of bottled soft drinks. The complaints allege that the licensing agreements unduly restrict bottlers from selling outside of designated geographic areas, thus eliminating competition between bottlers and depriving retailers and customers of their rights to purchase at a competitive price.

There has been a great deal of fear among smaller bottlers that these complaints will eliminate them as a competitive factor in the market and that it could eventually put them out of business. However, this was not the intention in issuing the complaints. On the contrary, the desire was to enable smaller and medium-sized businesses to compete on the basis of price for the large market which exists for soft drinks. These complaints will undoubtedly be fully litigated, and the Commission will very carefully consider the competitive effect of any orders which might be issued.

These, then, are all major cases during the past year which are indicative of the Commission's intent to be increasingly active as a protector of honest business and the consumer.

Increasingly, as the effects of the Commission's Office of Policy Planning and Evaluation become felt, the majority of the Commission's resources will be directed toward areas in which its limited budget can do the most good. Also, the Commission is placing an emphasis upon the creative use of statutory powers which in the past have not proven sufficient to permit the Commission to carry out its responsibilities.

The Commission remains eager to obtain the assistance of business through self-regulation and cooperation in performing its duties. It recently accepted, on a trial basis, the proposals of the major manufacturers of the cigarette industry to voluntarily include the latest information on the tar and nicotine content of their cigarette product in advertising and promotional materials.[45]

Further, the Commission has cooperated fully with other Government agencies and industry in its inquiries into the safety of detergents containing enzymes and in another area has been willing to explore with the advertising industry its proposals for self-regulation.

The Commission has become increasingly aware of the bridge which exists between its responsibilities in the areas of advertising and antitrust.[46] It has announced major investigations of franchising and six major concentrated industries which will perhaps, when completed, give the Commission more information on this important relationship.[47]

Preliminary indications, however, in the Commission's franchise and cereal industry investigations strongly suggest that concentrated industries are characterized by little physical and real product differentiation and extremely large advertising budgets. One might look for future developments in this area.

Practitioners and businessmen affected by the Commission will also note in the future that in addition to the Commission's emphasis on initiating cases of major impact that the Commission will increasingly resort to tightly drafted Trade Regulation Rules which will be marked by the same originality which is currently appearing in the prohibitions of the Commission's proposed complaints. The Commission now has under consideration proposals affecting the negative option procedure used by major book and record clubs, new car pricing practices, unfair billing practices, and a proposal which would affect the rights of creditors handling commercial paper for many consumer credit items to assert the "holder in due course" concept as a defense.

The Commission is also increasingly active through its General Counsel's Office in the use of its seizure powers under the Flammable Fabrics Act and in its request for preliminary injunctions against advertising which is alleged to be violative of Section 12 of the Federal Trade Commission Act.

The Commission, through its General Counsel, Joseph Martin, Jr., has also shown itself able to act quickly where matters of general safety are involved.

In the Commission's complaint against the American Safety Razor Company, a subsidiary of Phillip Morris, the Commission acted in less than a week to draft a complaint designed to prevent the distribution of sample razor blades to members of the general public by means of home delivery newspapers, and to prepare the necessary papers for an injunction suit (which proved to be unnecessary).[48]

The Commission, through its General Counsel was prepared in this case, had it been necessary to request the United States district court for a preliminary injunction under general equity power to prevent this distribution. While there may be some doubt whether the Commission has such powers, the Commission was willing in this instance had it been necessary to test its rights in this regard because it was felt the public welfare required such action.

The Commission, in the months ahead, will probably continue to pursue its current enforcement direction. The Commission's enforcement will become increasingly

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sophisticated as a result of the work which is being done in its Office of Policy Planning and Evaluation under the direction of Lawrence G. Meyer.[49] At the current time, this Office is heavily involved in the development of a computer methodology to measure in term of standard industrial codes the Commission expenditures of both time and money. This codification by industry, when successfully completed, will give the Commission a continuing grasp of where it is devoting its energies and thus a method to refine the Commission's enforcement to areas of greatest need and to improve its management of individual Commission matters. Further, this Office is involved in research into behavioral aspects of markets and consumers on a level of sophistication which has been lacking in previous Commission action.[50]

Before concluding, there is one additional area which should be discussed—the possibility of changes imposed on the Commission from the outside.

On January 30, 1971, the President's Advisory Council on Executive Organization, under the leadership of its President, Roy L. Ash, filed a report on selected independent regulatory agencies which recommended a new regulatory framework.

As regards the Federal Trade Commission, the so-called "Ash Committee" recommended that "the Federal Trade Commission be abolished and its consumer protection responsibilities vested in a new federal trade practice agency headed by a single Administrator, and that antitrust enforcement responsibilities of the Federal Trade Commission be transferred to a new federal antitrust Board." [51]

At the same time that the "Ash Committee" was recommending that the Federal Trade Commission be abolished, Senators Magnuson and Gurney, and Congressmen Dingell and Erlenborn were introducing bills on Capitol Hill which would have a far different effect upon the Commission. In S. 986, (H.R. 4809), the Consumer Product Warranty and Federal Trade Commission Improvements Act of 1971, Senator Magnuson and Congressman Dingell have introduced a bill which would greatly increase the powers of the Federal Trade Commission to protect the consumer's interest.

Title I of S. 986, provides minimum disclosure standards for written consumer product warranties and would vest in the Federal Trade Commission the requisite authority to enforce these standards. Title I provides effective features for the elimination of much of the warranty abuse which exists today.

Title II contains those powers which would be most beneficial to the Commission's enforcement of its consumer protection responsibilities. It would modernize the Federal Trade Commission Act to give the Commission jurisdiction over unfair methods of competition and unfair or deceptive acts or practices which *affect* interstate commerce. Other sections of this bill would allow the Commission to initiate suits in the district courts to obtain penalties for violations with actual or implied knowledge of Section 5 or rules promulgated under Section 6 of the Federal Trade Commission Act. This also would be a valuable weapon for the Commission to have.

Section 203 of the Act would provide clarification of the Commission's powers by spelling out that the Commission's cease-and-desist authority extends the power to the Commission to require such other action as may be determined necessary to remedy the violations of law found by the Commission. This specific endorsement of the Commission's recent practice of including in appropriate proposed orders a requirement that respondents allow rescission of contracts and restitution (only where appropriate) as well as corrective advertising, would be desirable in that it would eliminate the delay which protracted litigation will have upon the Commission's use of these powers.

In Sections 206, 209 and 210 of S. 986, the penalty for violations of final Commission orders is raised from $5,000 to $10,000 and the Commission is authorized to act through its own attorneys, thus eliminating the Commission's reliance upon the Department of Justice. This legislation also makes explicit the Commission's powers to promulgate trade regulation rules, and in Section 212 gives the Commission the right to seek preliminary injunctions after the Commission has shown a federal district court that it has reason to believe that an act or practice is unfair or deceptive to the consumer and that the enjoining thereof would be in the public interest.

Congressman Erlenborn's and Senator Gurney's proposal would increase the Commission's responsibility in still another fashion. Title II of S. 1205—H.R. 3809, instead of establishing a separate consumer protection agency would grant statutory recognition to the Bureau of Consumer Protection within the Federal Trade Commission, and would grant to the Bureau of Consumer Protection most of the powers and responsibilities now being suggested in Congressman Rosenthal's bill, H.R. 14, as being necessary and desirable for a separate consumer protection agency. By legislatively recognizing and extending the responsibilities of the Bureau and by increasing the stature of its Director to that of a Presidential appointment, these bills would greatly enhance the Commission's ability to protect the consumer interest in a comprehensive fashion.

In forwarding his recommendation to Congress for consumer legislation in February of 1970, President Nixon specifically asked for some of the powers mentioned in the bills which have been introduced by Senator Magnuson and Congressman Dingell, and the President recommended an interim measure that the "advocacy function" be placed within the Federal Trade Commission.[52] President Nixon specifically did not pass upon the recommendation of the Ash Committee to abolish the Federal Trade Commission so that he might judge the commentary received by the Bar and other interested parties before making a recommendation.[53]

Concurrently with the drafting of this article, a special subcommittee of the Antitrust Section of the American Bar Association has come out solidly against the Ash Committee recommendation to dissolve the Federal Trade Commission but has recommended that the adjudicative functions be transferred to a new administrative court.[54]

It is not the purpose of this paper to choose between the alternative proposals presented by these differing outside attempts to affect the Commission's future. It would seem, however, that there is a very real need for an active agency such as the Federal Trade Commission to protect consumers and honest businessmen from practices which are inherently unfair whether they be traditionally characterized as antitrust violations or unfair or deceptive practices.[55] In the months ahead, the Commission will, through its own actions, continue to make a case for its continued existence, and it is my opinion that the revitalized Federal Trade Commission will be around for quite a long time.

EDITOR'S NOTE

In the interim between the time this article was completed and its publication in this journal, the Commission has continued its accelerated pace. In the *Coca-Cola Hi-C* case (supra), the Commission has issued a formal complaint and has dropped the order previously affecting the trademark "Hi-C." An eventual test of the Commission's powers to require the termination of the advertising of a trademarked brand name, however, most surely will not be long in coming. In addition to the *Profile Bread* case which remains, the Commission has now challenged a recent case against the J. B. Williams Corp.'s (Trade Reg. Rep. ¶ 19591) advertising the trademark "Pro-Slim" and "Pro-Slim's 7-Day Reducing Wafers and Diet Drinks."

The Commission has brought an additional case against gasoline anti-pollution claims and in the antitrust area has challenged the Warner-Lambert merger with Parke, Davis and ruled against the Peabody Coal Co. merger with Kennecott.

FOOTNOTES

* Member of the Virginia and District of Columbia Bars. The views stated are those of the author and not necessarily those of the Commission or any individual Commissioner.

[1] Mr. Kirkpatrick was sworn in as Chairman of the Federal Trade Commission exactly one year later on September 15, 1970.

[2] COX, FELLMETH, SCHULTZ, THE NADER REPORT ON THE FEDERAL TRADE COMMISSION (1969, Richard W. Baron, New York), hereinafter cited as NADER REPORT.

[3] REPORT OF THE ABA COMMISSION TO STUDY THE FEDERAL TRADE COMMISSION, September 15, 1969, Committee Print, at 3.

[4] *Id.* at 1.

[5] Wall Street Journal, Feb. 10, 1971, at 1.

[6] *Id.* Mr. Nader is quoted in the article as stating, "The Commission is waking up to its responsibilities, which is attributable to a new and more vigilant staff. If they keep up the accelerated pace, the FTC may become a prime recruiting ground for idealistic young lawyers who want to use the authority of a democratic government to protect consumers and root out anti-competitive practices."

[7] *See, infra* note 9.

[8] Address by Chairman Miles W. Kirkpatrick, International Newspaper Advertising Executive, Jan. 8, 1971.

[9] 117 CONG. REC. No. 22, Feb. 24, 1971, at 1879–1882. *See also,* Statement of Virginia H. Knauer, Special Assistant to the President for Consumer Affairs Concerning the President's Consumer Message of Feb. 24, 1971. Mrs. Knauer notes that:

"[N]o review of the President's message would be complete without a review of the proposals for the Federal Trade Commission. We are pleased with the great strides made thus far by the dedicated leadership of Chairman Miles Kirkpatrick.

"The President asks that the FTC be given authority to seek preliminary injunctions in Federal courts against what it deems are unfair or deceptive business practices. He has also asked the authority of the FTC be expanded to include activities 'affecting' interstate commerce as well as those activities which are 'in' interstate commerce. In addition, he has requested civil penalties to be increased up to $10,000 for each violation of Commission cease-and-desist orders.

"We all know that consumers have been troubled for some time by deceptive and unclear warranties. The President has proposed that the Federal Trade Commission be given authority to require full and complete disclosure of warranty terms in language consumers can understand, and Department of Justice enforcement of disclosure requirements would be added to the Commission's efforts."

[10] ABA REPORT, at 2, Committee Print (1969).

[11] *Id.* at 2–3.

[12] Address by Caspar W. Weinberger, ABA Antitrust Section Spring Meeting, April 9, 1970. *See,* 39 ANTITRUST L. J. 414.

[13] *See,* 39 ANTITRUST L. J., *supra,* note 12, at 415–16.

[14] Address by Caspar W. Weinberger, Ohio State Bar Association, Akron, Ohio, May 14, 1970. *See also,* Swanson, *Revolution at the Federal Trade Commission,* 57 ABA REP. 132 (1971). It might be noted that Basil Mezines, Chairman Weinberger's Executive Assistant, played an extremely important role in the transfer of authority to the field and in the subsequent reorganization of the Commission. Chairman Kirkpatrick has appointed Mr. Mezines to the position of Executive Di-

rector of the Commission. As the Chief Staff Official, Mr. Mezines is in excellent position to insure that changes in the Commission's structure which he helped draft are efficiently carried forward.

[15] In announcing this new position, Chairman Weinberger stated:

"[O]ur team of highly mobile specialists will complement the work of our investigatory personnel, giving our field offices far greater coverage of their territory. Local consumer problems will not be spotted more promptly and field office attorneys can respond just as promptly in resolving the complaints. Washington need not be contacted except for actions that by law only the Commission itself can take.

"These specialists help the field attorneys enforce the Truth in Lending Act, the Wool, Fur, Textile, and Flammable Fabrics Laws, and are deeply involved in general investigation consumer education programs and community relations. This corps of consumer protection specialists is a highly competent and motivated group of men and women who will provide the added measure of strength that the FTC field offices have long needed to conduct an unflagging campaign countrywide against fraud, deception, and unethical business practices . . . . a campaign that is really designed to serve the best interests of consumers and businessmen alike." Press Release, *FTC Dispatching Consumer Protection Specialists to Field in Broad Attack on Deception, Fraud,* July 2, 1970.

[16] Chicago, Los Angeles, Detroit, San Francisco, Philadelphia, Boston.

[17] Weinberger before Ohio State Bar Association, *supra* note 13.

"Further indicative of the Commission's and the field offices' new vitality is the creation in major metropolitan areas of consumer protection committees.

"One such committee has already been established in Chicago and the creation of such committees in all fifteen largest population centers is our goal for the immediate future.

"These committees, composed of federal, state and local agencies, have as their target consumer fraud in all its most virulent forms. As part of the one stop complaint service provided by these committees, a consumer complaint that may have been filed with the wrong agency will be automatically forwarded to the appropriate destination. No longer will frustrated consumers face the depressing aggravation of being shunted from one agency to another until they give up in their attempt to achieve redress totally disillusioned with all levels of government."

[18] The Commission's budget for fiscal 1971 is $20,500,000 for all activities. This can be contrasted with Procter & Gamble's *advertising* budget for 1969 of $275,000,000, $187.6 million of which was in measured media (radio, television, magazines, etc.).

[19] Consumer Advisory Board found in New Orleans, FTC Press Release (June 4, 1970). *See,* FTC policy announcement of February 5, 1970. There are now Consumer Advisory Boards operating in Chicago, New Orleans, and one in the midst of development in San Francisco.

[20] 57 ABA REP., *supra* note 13, at 132.

[21] Address by Caspar W. Weinberger, Commonwealth Club of California, San Francisco, June 19, 1970.

[22] Chairman Weinberger announces Reorganization Plan for F.T.C., FTC Press Release (June 9, 1970). The attached chart shows the Weinberger reorganization with the current organization; the original Weinberger reorganization also included the positions of Economic Adviser, Executive Assistant to Chairman, and the Office of Congressional Relations, which have been eliminated. The second chart is the pre-Weinberger alignment.

[23] Recent FTC Achievements Reviewed, FTC Press Release, Aug. 13, 1970, with accompanying letter to Honorable Edward M. Kennedy.

[24] It is obviously people who make any organization run. The best organizational table imaginable is useless without capable and energetic personnel to fill the listed positions. Chairman Weinberger had a distinct ability to find people with the ability to "make things happen" and to convince them to accept the challenge of turning this agency around. *See,* 2 NATL. J. No. 14, (April 11, 1970), for information on some of these recruits, and, Consumer Report/FTC's New boldness tests limits on its authority, 3 NATL. J. No. 4 (Jan. 30, 1971), for a complete article on Commission personnel today.

[25] *Id.* Chairman Kirkpatrick has exhibited this same ability to attract highly capable men to accept senior staff positions. To head the Bureau of Consumer Protection he has chosen Professor Robert Pitofsky, Counsel to the ABA Committee, for the Bureau of Competition he has chosen Mr. Alan Ward, an eminent member of the Washington Antitrust Bar, and he has chosen as head of the Bureau of Economics Dr. Michael Mann, head of the Economics Department at Boston College.

[26] FTC Forms Advisory Council to Review Rules of Practice and Procedures, FTC Press Release, May 27, 1970.

[27] Highlights of 1970, FTC Press Release (undated). *See also,* 116 CONG. REC. E10, 837 (daily ed. Dec. 30, 1970) (remarks of Honorable John N. Erlenborn).

[28] Campbell Soup Co., et al, Docket C 1741 (1970). See the final order and opinion of the Commission by Chairman Weinberger dated May 25, 1970. TRADE REG. REP. ¶ 19,261 (1970).

[29] *Id.* at ¶ 21.423.

[30] Firestone Tire & Rubber Co., D. No. 8818 1970). *See,* TRADE REG. REP. ¶¶ 19,373, 21,501 (1970), for the Commission's opinion and order granting limited intervention. S.O.U.P. was also permitted necessary discovery rights.

[31] *Id.* at ¶ 21,502.

[32] Standard Oil Co. of California, D. 8827 (1970), TRADE REG. REP. 19,352, 19,428 (1970). ITT-Continental Baking Co., Inc., proposed complaint No. 712 3447, TRADE REG. REP. ¶ 19,539 (1970). Other cases in which the Commission has issued proposals or adjudicative complaints which have proposed orders requiring corrective advertising and involving similar nutritional product misrepresentation are in *Ocean Spray Cranberry Juice,* and in *Coca-Cola* for the alleged misrepresentation of Hi-C Fruit Drink. In addition, in its complaint against Chemway for the alleged misrepresentation of the therapeutic value of Dr. West's Toothbrushes, the Commission ordered corrective advertising. The Commission, however, specifically rejected the inclusion of corrective advertising in the proposed order against the Swift Baby Food Company because of its fear that Swift, which has only a minor share of the baby food market, would be irreparably injured thereby. It should be noted that the complaints which have been tentatively found to be appropriate for the inclusion of corrective advertising have involved either environment, health or nutritional claims.

[33] It is interesting to note that in the *Ocean Spray* case, the suggested corrective advertising relief has been strengthened to require Ocean Spray to devote at least 25% of each beverage advertisement for the next year to a clear disclosure that the FTC has alleged the firm has falsely described its cranberry drink as a juice and has falsely described the beverage's nutritional content. TRADE REG. REP. ¶¶ 19,477, 21,556 (1970).

[34] TRADE REG. REP. ¶ 19,209, 19,370 (1970).

[35] The Coca-Cola Company, D. 8824 (1970). *See,* TRADE REG. REP. ¶ 19,290 (1970).

[36] McDonald's Corp., D. 8837 (1970), TRADE REG. REP. ¶¶19,295, 19,512 (1970). McDonald's and its advertising agency, D'Arcy Advertising, have filed a consent order which has been provisionally accepted by the FTC. D. L. Blair, the promoter, is not a party to this consent agreement and the complaint is being litigated.

[37] TRADE REG. REP. ¶ 19,353 (1970).

[38] TRADE REG. REP. ¶ 19,511 (1970).

[39] *See,* TRADE REG. REP. ¶ 19,441 (1970), for the Commission's provisional acceptance of the consent order.

[40] TRADE REG. REP. ¶ 19,395 (1970).

[41] TRADE REG. REP. ¶ 19,398. *See also,* TRADE REG. REP. ¶ 19,386, for the Commission's action against Mars, Inc. for allegedly misrepresenting the nutritional value of its Milky-Way chocolate bar.

[42] Goodyear Tire & Rubber Company, TRADE REG. REP. ¶ 19,381 (1970).

[43] TRADE REG. REP. ¶ 19,522 (1971).

[44] TRADE REG. REP. ¶ 19,433 (1971).

[45] TRADE REG. REP. ¶ 50,292 (1970).

[46] *New Challenges for Consumer Movement,* Address by Commissioner Mary Gardiner Jones, Fifth Consumer Assembly of Greater New York, March 6, 1971.

[47] Address by Miles W. Kirkpatrick, 19th Annual Spring Meeting, Antitrust Section, American Bar Association, April 1, 1971. *See also,* Statement by Casper W. Weinberger, Joint Economic Committee of Congress, July 10, 1970.

[48] Phillip Morris, Inc., D. 8838, TRADE REG. REP. (1971).

[49] Mr. Meyer has given an excellent view of enforcement trends of the Commission in the petroleum industry and in franchising and product safety in three separate speeches which should be reviewed by those desiring more material on the trends of enforcement at the Federal Trade Commission:

(a) *Some General Observations on the Petroleum Industry,* National Congress of Petroleum Retailers, Aug. 12, 1970;

(b) Before the International Franchise Association, Miami, Florida, January 21, 1971;

(c) *Some Observations on the Emerging Trends in Product Liability,* University of Wisconsin, March 16, 1971.

[50] For an indication of the depth and breadth of the work being done in this Office, the speech by Fred L. Woodworth, Assistant Director of this Office, before the Distinguished Lecture Series in Consumer Behavior at the Ohio State University on February 22, 1971, is highly recommended. Copies may be obtained from the Commission's Office of Public Information.

[51] PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION, A NEW REGULATORY FRAMEWORK REPORT ON SELECTED INDEPENDENT REGULATORY AGENCIES 87 (January 1971).

[52] The "advocacy function" is a shorthand notation for the right to intervene in the proceedings of other federal agencies to represent the interests of consumers. The alternative versions of the proposals before Congress give this right to either the FTC or an independent executive agency as a matter of right in proceedings which are not solely for obtaining penalties, and at the option of the other agency where a penalty is the purpose of the proceedings.

[53] 117 CONG. REC. REP. (daily ed. Feb. 24, 1971).

[54] REPORT OF THE SECTION OF ANTITRUST LAW TO STUDY THE ASH COUNCIL REPORT, April 1, 1971.

[55] Although it is not the purpose of this paper to choose from among the various proposals affecting the agency, the address by Chairman Miles W. Kirkpatrick before the 19th Annual Spring Meeting of the Antitrust Section of the American Bar Association presents an excellent defense of the Commission's current procedures and joint responsibilities.

## STABILITY AND CHANGE IN DRUG USE PATTERNS AMONG HIGH SCHOOL STUDENTS

**HON. CHARLES E. WIGGINS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. WIGGINS. Mr. Speaker, my activity as a member of the Select Committee on Crime has alerted me to the serious problem of drug abuse among our Nation's youth. Testimony before this committee has indicated that the use of marihuana by youths of high school age is widespread, while the use of more harmful hallucinogens, amphetamines, and barbiturates is increasing.

It is my privilege to speak to thousands of high school students each year. I am continually impressed by their vitality and by the sharpness of their minds. In the light of medical evidence attesting to the harmful effects of drug abuse, I am deeply troubled by the thought that so many of these young adults, while in the prime of life, have found it necessary to jeopardize their future mental, physical and emotional development for momentary escapes from reality.

It is clear that there remains much to be learned concerning the causes and the effects of drug usage and drug addiction among youth. Only a few extensive studies have addressed themselves to the various aspects of this problem.

Recently, I had the opportunity to read one such study concerning the use of drugs among high school students in the district which I represent. It was prepared by Dr. Michael Brown, with the aid of a staff of student research assistants. Dr. Brown is an assistant professor at California State College in Fullerton, Calif., and a consultant for the Fullerton High School district. He is the author of a number of books and articles concerning the politics of youth and drug abuse among youth.

Based on data compiled over a 4-year period, the study provides a statistical analysis of patterns of drug usage among high school students in the Fullerton High School district. This study is of particular significance in that it constitutes the only long-term analysis of an adolescent community, based upon highly reliable scientific survey techniques, to be compiled in this country.

I commend Dr. Brown and his staff on their work in compiling this worthwhile and thought-provoking study. I include this study in the RECORD and recommend it to the entire membership for reading.

### STABILITY AND CHANGE IN DRUG USE PATTERNS AMONG HIGH SCHOOL STUDENTS

(By Michael Brown)

#### INTRODUCTION: THE FULLERTON FORMULA

The predominantly suburban north Orange County (California) area began to feel the impact of the growing drug subculture among the young in 1967–68 as marijuana and hallucinogen use began its spread from city to middle-class suburb. Unprepared to cope with what was rumored to be drug experimentation of near-epidemic proportions, police and educators, as well as community groups, involved themselves in numberless attempts to control the drug "problem."

In restrospect, most attempts at solution were hasty, ill-informed, and generally ineffective; all too often the attention and attendant publicity glamorized the drug subculture and stoked the risk-taking predisposition of many adolescents.

The Fullerton High School District, composed of seven high schools with an enrollment of 14,000 students, followed a policy of notable restraints in their approach to drug use within their community. The immediate problem in 1967–68 was to provide some guidance and educational continuity for drug users apprehended by law enforcement agencies. By creating an extended day educational situation for students suspended from their regular high schools, the District was able to maintain contact with students who would otherwise be left to their own devices, which under the circumstances would doubtless lead to continued or increased drug-taking during the long days of enforced isolation. In addition to educational continuity, the students had access to regular counseling. This formula satisfied both the needs of the community and the personal and educational needs of the suspended students.

A concurrent program was undertaken by the District to establish the precise nature and extent of drug use among their student clientele. Not satisfied with the unsubstantiated estimates offered by law enforcement agencies and the media, District administrators with the full support of the Board of Education commissioned this investigator to ascertain the dimensions and extent of drug use within the seven high schools. The findings of the first study in May, 1968 were released in February, 1969 and summarized in a letter to every parent in the school district. It was decided at that time to relegate the survey in May, 1970, in order to chart changes over the two-year-period.

#### THE FULLERTON STUDY (1970): METHODOLOGY

The Student Attitude Survey included twenty-two drug use and drug-related attitude items and was administered to a statistically random selection of students in each of the high schools in the District. The questionnaire was of the self-administered type, and was a partially revised and expanded version of the 1968 instrument. All students were anonymous and participation was voluntary, although no student opted not to participate. Administration at each school was executed by this investigator and research staff, after preparatory organization by the Dean of Guidance at each school.

The 1108 questionnaires were hand-coded and checked for error in two separate processes before keypunch, verification and storage procedures. Computer operations were executed through the facilities of the Computer Center, University of Southern California.

#### SCOPE OF THE 1970 STUDY

This report summarizes the extent of the use of marijuana, hallucinogens (LSD and mescaline), amphetamines, and barbiturates. Drug use frequency is controlled by sex, grade level, and economic-education level. In addition, the patterns and characteristics of users are controlled by the extent of use and inter-relationships of types of drug use. Special attention is given to the rationales for use and non-use of marijuana. Drug use data is compared, where reliable, to 1968 patterns.

#### MARIJUANA[1]

*Changes in use from 1968 to 1970*

In 1968 the ongoing use of marijuana was reported by 22.5% of our sample which was a statistical representation of our seven high school universe. That figure, low in comparison to general estimates, proved to be congruent with concurrent studies executed, on various sampling bases, in several suburban areas in California. In 1970, 34.2% of our sample reported *having ever tried* marijuana; however, 29.6% of marijuana experimenters had stopped using and another 20.2% reported decreasing use. The actual ongoing use of marijuana was little different in 1970 than in 1968, and of the 23% using in 1970, one-fifth indicated decreasing use. This confirms what many in the field have suggested, that is, that marijuana use in this particular area probably peaked during the 1968–69 school year and is in a phase of incipient decline.

Several significant changes in patterns of marijuana experimentation are apparent in a comparison of the 1968 and 1970 characteristics of users. For example, boys were not much more likely than girls to use marijuana in 1968; however, in 1970 marijuana use was much more likely to be the province of boys: 40.7% of the boys had tried marijuana but only 27.9% of the girls had ever experimented. Further, girls were more likely to have stopped use (36.4%) than boys (24.8%). This emerging sex difference in marijuana use bears a closer association to more traditional "delinquent" patterns among adolescents which have pointed to the higher availability of males for social and legally deviant behavior.

Similarly, the differences in use between grade levels were not very great in 1968, at which time 9th and 11th graders reported use at the median level (22.5%) with 10th graders registering less (16%) and 12th graders more (29%). However, in 1970 the 9th grade experimentation (25.6%) was considerably below the over-all figure of 34.2% and not much more than that indicated in 1968. If the pattern of decreasing usage apparent in the later grades (11th and 12th graders are more likely to decrease or stop use) can be projected for the 9th graders, both the experimentation and ongoing use figures should decline radically over the next few years. Should this trend hold, it is likely that incoming freshman will evidence lower levels of experimentation. However, if marijuana use follows the scenario of other youth movements, it is probable that after the passing of the highmark in usage there will remain a small hard-core group of regular users.

#### SOCIAL CLASS AND MARIJUANA USE

Traditional delinquent behavior among adolescents has generally demonstrated a strong relationship to family economic-educational stratification. However, there is no significant relationship between family socio-economic indicators and marijuana use among adolescents. Marijuana use tends to cut across social strata within our universe and is not to be explained by economic deprivation; if it is an escape or distraction from living conditions, then we must re-evaluate our traditional explanations of "condition" based on "resource deprivation" in the light of largely middle-class suburban environments, such as ours, which have spawned drug-escapist behavior in these economically nondeprived environments. It is likely that "deprivation" simply mutates into more subtle forms in relatively affluent circumstances.

#### FRIENDSHIP GROUPS AND MARIJUANA USE

Although marijuana use cuts across social class cleavages, it appears to create and reinforce peer-friendship cleavages. As Table 1 indicates, there is an exceedingly strong relationship between marijuana use and the proportion of friends who use marijuana. Conversely, non-users tend to sharply limit their friendship interactions with users with three-fourths reporting that they have "none" or "hardly any" friends who use marijuana.

[1] See Appendix A for tables.

TABLE 1.—PROPORTION OF FRIENDS USING MARIHUANA [1]

[In percent]

| | All | Most | Half | Less than half | Hardly any | None |
|---|---|---|---|---|---|---|
| Marihuana users | 10.8 | 36.8 | 24.5 | 13.9 | 13.2 | 0.8 |
| Nonusers | .3 | 4.0 | 7.8 | 14.0 | 40.0 | 33.8 |

[1] Question: How many of your friends would you estimate use marihuana?

Similarly, among the user population there is a clear relationship between the *extent* of use and the proportion of the friendship group which uses marijuana; the heavier the use of marijuana, the greater the proportion of marijuana using friends. (Table 2)

TABLE 2.—EXTENT OF USE IN RELATION TO PROPORTION OF FRIENDS USING MARIHUANA

| Number of times used | Percentage | | | | | | |
|---|---|---|---|---|---|---|---|
| | All | Most | half | Less than half | Hardly any | None | (N) |
| 1-2 | 1.2 | 21.4 | 23.8 | 25.0 | 27.4 | 1.2 | (84) |
| 3-9 | 1.2 | 21.2 | 32.5 | 21.2 | 2.5 | 1.2 | (80) |
| 10-25 | 8.1 | 43.5 | 40.3 | 3.2 | 3.2 | 1.6 | (62) |
| 26-50 | 14.9 | 44.7 | 14.9 | 17.0 | 8.5 | 0 | (47) |
| 50+ | 25.2 | 53.3 | 14.0 | 4.7 | 2.8 | 0 | (107) |

The program of friends using marijuana apparently has a strong impact upon whether the user increases or stops use. For example, of those reporting that all of their friends use marijuana, 53.7% *increased* use and only 22% reported a decrease (12.2%) or stoppage (9.8%) of use. Of those users having "hardly any" friends using, only 16.3% increased use while 73.5% decreased (18.4%) or stopped (55.1%) use.

This creation and sustaining of marijuana-base. friendship groups has a *time* dimension as well. Of those who have been using marijuana for four years or more, 45.5% report that *all* their friends are users; on the other hand, of those who have used for a year or less, only 5.2% report that *all* their friends use marijuana.

It appears, in summary, that marijuana is likely to be a central factor in the creation and maintenance of friendship groups among our adolescent sample and that the heavier the use, the more likely the user is to consort exclusively with other users. The more the user limits his friendship group to other users, the greater the likelihood of his own heavier use, and the less likely he is to limit or stop his use of marijuana. And the longer he uses marijuana, the more likely the user is to have little or no contact with nonusers. This represents a pattern of circular reinforcement in which marijuana is the central commonality of a friendship group. Regardless of the rationales for original experimentation, it appears that the effect of time and frequency of use is to create dependence upon a friendship group which is centered around marijuana use. Exclusive of the long-term effects of marijuana use (which are still unclear), many of the characteristics observed among users may well be attributable to attitude sets and behavior patterns learned and reinforced within the tightly-knit association of users. It is likely, further, that the illegality and social disapprobation of drug use provide further impetus for the maintenance of the drug-oriented community in terms of "out-group" status and consequent strong out-group identity for the user. For the marijuana user who reports that most of his friends use, stopping use would have the effect of isolating him from the friendship group. It is unlikely that many adolescents would give up a tight-knit friendship group once formed.

*Perceptions of the extent of marijuana use*

In 1968 we reported that the overestimate of ongoing marijuana use by high school students themselves was as inaccurate as the inflated figures bandied about the community and suggested through the media. As Table 3 indicates, student perceptions in 1970 are nearly identical to those in 1968, even though there has been considerable change in use patterns around them.

TABLE 3.—PERCEPTIONS OF MARIHUANA USE—1968 AND 1970

| | Student estimate of percentage using— | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 10 | 20 | 30 | 40 | 50 | 60 | 70 | 80 | 90+ |
| 1968 | 8 | 14 | 16 | 18 | 13 | 11 | 13 | 6 | 1 |
| 1970 | 7 | 10 | 16 | 18 | 13 | 13 | 12 | 9 | 2 |

This perceptual set of students, unchanged by shifts in the actual use patterns about them, deserves consideration in coping with drug use and in the creation of drug education programs. One of the popular legitimations for marijuana experimentation and for the legalization of marijuana has been the assertion that "everybody is doing it"—a particularly powerful legitimation among adolescents. On the other side, those labelling marijuana as a "problem" have also contributed to the general perception that marijuana use is widespread. The value of basic research is in providing the information that can put the lie to mistaken perceptions which, on the part of the young and on the part of the community, can lead to judgments and behavior which can only be harmful. In this instance, inflated perceptions of drug using behavior by an adolescent's peers, particularly if glamorized by the media and lent an aura of excitement and risk-taking by establishment outrage, ease the recruitment of new marijuana users. Perceptions that "everyone is using it" tend to lower the threshold of resistance to experimentation. As will be noted later, once the threshold of resistance to one drug is crossed there is a much stronger likelihood that the adolescent will be available for other drugs.

As Table 4 indicates, those who have used marijuana to one degree or other are much more likely to overestimate the extent of use than non-experimenters.

TABLE 4.—ESTIMATE OF MARIHUANA USE—USERS AND NONUSERS

STUDENT ESTIMATE OF PERCENTAGE OF MARIHUANA USERS

| | All | Most | Half | Less than half | Hardly any | None |
|---|---|---|---|---|---|---|
| Marihuana users | 10.8 | 36.8 | 24.5 | 13.9 | 13.2 | 0.8 |
| Nonusers | .3 | 4.0 | 7.8 | 14.0 | 40.0 | 33.8 |

Theoretically, this could either indicate that behavior (marijuana use) colors perceptions, or that perceptions tend to promote behavior congruent with the perceptions, as we have suggested above. The latter supposition is supported by the fact that when users are controlled by the *extent* of use there was no difference in the perceptions of general marijuana use. Neither did long-term users differ in their perceptions from short-term (a year or less) users. If behavior colored perceptions we would expect in this instance that the more extensive and long-term the marijuana use, the stronger the overestimate of general use. While we cannot divine the perceptions of users prior to use, it is likely that their perceptions of use were inflated and this "universality" of marijuana use within their peer community promoted experimentation. That there is no significant change in perceptions after sustained use of marijuana is interesting and may be related to the "threshold" concept. That is, once drug use (and perhaps other risk-taking behaviors) is perceptually legitimated and experienced, the original perceptions are unimportant and become rather static, nonreferents for further drug behavior.

There is an agency, however, which does reinforce inflated perceptions of general marijuana use: the friendship group. The data indicates the following pattern: to the degree that a student reports friends using marijuana (regardless of whether he is a user), he is likely to overestimate the actual use in his high school community. The more friends using, the greater misperceptions of widespread use, and consequently the greater likelihood the student is to experiment.

The process of induction into the drug subculture is a complex interaction of several components, but the outlines are clear. A set of community and student perceptions which are highly inflated focus attention upon drug use, the curious student with high availability (discussed later in terms of rationales for marijuana use) and legitimating perceptions of widespread drug use makes contact at the threshold of experimentation. At that point his perceptions of the scope of drug using are reinforced by his evolving drug-oriented friendship group, not by the drug use itself. It is the friendship group which then becomes the most important factor in promoting heavier drug use; the perceptions merely legitimated initial experimentation.

If this analysis has been slightly extended, it has been for a purpose. The implications of this process are vital for drug education and rehabilitation of the self-destructive. Drug use among the economically nondeprived, as in our suburban community, does not necessarily develop nor is it sustained by the pleasure or escape offered by the drug itself. Certainly the reasons for the availability of adolescents for drug use is an important aspect, but the process of induction is quite as important. And that induction begins with inflated perceptions of drug use within a community which are often fanned by law enforcement agencies, voluntary associations, local government officials, and the local and national media. Only basic research in each school community can effectively counter these overinflated figures and provide school administrators the time and latitude to go about dealing with the actual drug use extant in a rational manner. The first educational program should be based on fact, and directed to the community, which should cause the "polarizers" of the "drug problem" to assume a lower profile. While particular drug education programs for dealing with users and potential users will vary, their success is dependent upon the recognition that drugs, *per se*, play a limited part in the process of induction and motivations of users. As the data makes clear the problem is one of tight-knit friendship groups which tend to center around drugs as the vehicle for recruitment and maintenance—and the importance of those groups for sustaining and strengthening the illusion that drug use is widespread. The problem of rehabilitation cannot be directed to urging the end of drug use," but must deal with changing student perceptions concurrently with offering alternative vehicles for the creation of new friendship groups. This may not be as difficult as it seems, as will be discussed in the conclusions to this paper.

*Characteristics of the user population*

While a relatively larger number of boys have experimented with marijuana than girls, a much more marked difference in 1970 than in 1968, among the user population boys do not appear to demonstrate patterns of more extensive use than girls. Nor does it

appear that boys were any more likely to start use at an earlier period than girls, indicating that there is little in the ways of sex differences within the marijuana subculture.

A considerable portion of our user population (29%) had begun marijuana use before entering high school in the 9th grade. Another 29% began in the first year of high school, 24% in 10th grade, 13% in 11th grade, and 5% in 12th grade. This indicates that those predisposed to marijuana experimentation will use it before or within their first two years in high school. However, these figures may be applicable only to this sample, since 68% of our user population began over a two year period (1967–8: 35%; 1968–9: 33%) which we have suggested previously as the high point of marijuana experimentation. Only 25% of our users started in 1969–70 (including the summer vacation). This decrease is particularly notable among the 9th grade population who had no higher percentage of initiates into marijuana use than had upperclassmen when in the 9th grade, but who had a considerably lower percentage of over-all use. This substantiates the trend, strongest in the 9th grade, toward a decline in experimentation.

Marijuana users are not only more likely to have more friends using than non-users, but the heavier the use of marijuana, the more likely the user to have all or most of his friends as users.

The heavier the use, the more likely the user is to have a marijuana using friendship group, and the less likely the user to report stopping or decreasing use. Three-fourths of the 1–2 time experimenters decrease or stop use, while only 28% of the heavy (50+ times) users do the same. And the heavier the use, the more likely the user to report increasing his use.

*Rationales for marijuana use among users*

In 1968 and 1970 users were queried as to the "best reasons for using marijuana." As Table 5 indicates, the predominant reasons have little relation to the sophisticated rationales preferred by marijuana advocates.

Further analysis indicates that light users of marijuana are much more likely to give peer-friendship reasons and distraction-anxiety rationales than are heavy users; the former response supports that thesis that friendship groups are particularly important in promoting initial experimentation. Light users were considerably less likely to respond that marijuana helped them toward awareness or that they used out of boredom. Heavier users are apt to give more sophisticated rationales (self and environmental awareness).

TABLE 5.—MARIHUANA USERS: RATIONALE FOR USE

[In percent]

| | 1970 | 1968 |
|---|---|---|
| Pleasure: To feel good | 40 | 37 |
| Boredom: To give me something to do when nothing else is happening | 14 | [1] 27 |
| Distraction: To take my mind off of things around me | 18 | ---- |
| Awareness (environment): To let me appreciate things around me better | 11 | * 16 |
| Awareness (self): To help me understand myself better | 7 | 13 |
| Peer-friendship relationships: | | |
| Because most of my friends use it | 5 | 13 |
| To make me feel closer to my friends | 3 | |

[1] The boredom dimension was reconceptualized into 2 aspects in 1970; the distraction aspect elicits stronger anxiety motivation for use.

Regardless of the extent of marijuana use, 40% respond that pleasure is the primary reason for use. Girls, however, are slightly less likely than boys to give pleasure as a reason in favor of the dimensions of self-awareness, closeness to friends, and distraction.

While no distinctive pattern emerges among grade levels, 9th and 10th graders are more likely to give anxiety-distraction as a rationale which may be partly accounted for by the more recent and lighter use patterns at those levels, but may also be attributable to anxieties arising from attempts in the first two years of high school to create a satisfactory peer-friendship situation.

*Rationale for non-use of marijuana*

The entire sample was asked to indicate the best reasons for *not* using marijuana. As Table 6 illustrates, there was a considerable difference in the responses of users as against non-users.

Over two-thirds (69%) of the users give reasons of authority fear (either formal or informal) while, on the other hand, only one-fifth (21%) of non-users consider the authority factor significant as a reason not to use marijuana.

These differing rationales for use between users and non-users are significant for drug education. It appears that the greatest effect of drug programs is on non-users; not that the programs necessarily keep them from experimenting, but provide them a rationale for not experimenting. Similarly one suspects that the high proportion fearful of the effect of marijuana on other activities carries with it a substantial self-justification dimension. This could be better phrased as the "I don't *need* it" attitude. Nevertheless, that a high proportion of users as well as non-users feels that marijuana is not the ultimate answer to leisure activity is important.

TABLE 6.—MARIHUANA: RATIONALE FOR NONUSE

[In percent]

| | Users | Nonusers |
|---|---|---|
| Authority fear (formal-legal): | | |
| Because there is a law against it | 26 | 14 |
| Because I might get caught by the police | 26 | 3 |
| Authority fear (formal): Because I might get kicked out of school | 3 | 1 |
| Authority fear (informal): Because my parents might find out | 14 | 4 |
| Peer-friendship relations: Because my friends don't use it | 3 | 1 |
| Effects of marihuana: | | |
| Because films and talks on narcotics show what marihuana leads to | 7 | 31 |
| Because the effect of marihuana might interfere with other things I like to do | 22 | 44 |

It should be stressed that the fact that users fear getting caught does not seem to inhibit their use. Authority fear is likely to be supportive of the risk-taking factor in drug use. However, it must be noted that the threat of being suspended or expelled from school is not a very powerful one among users.

*Marijuana Use and Cigarette Smoking*

Over the entire sample, only 23.3% smoke cigarettes, a considerably lower percentage than uses marijuana. There appears to be a strong relationship between marijuana use and cigarette smoking. Further, the heavier the use of marijuana, the greater the use of cigarettes. A similar pattern emerges in the relationship between cigarette smoking and both hallucinogenic and amphetamine use. In summary, the degree of drug use appears to vary regularly with the extent of tobacco use. We have no way to ascertain which precedes the other.

HALLUCINOGENS [2]

*LSD*

Experimentation with LSD doubled from 1968 (5.5%) to 1970 (10.4%). However, as with the increase in marijuana experimentation, there has been considerable "putting down" of LSD over the past few years. For example, of those experimenting with LSD, over one-half (55.8%) stopped using entirely while another 11% reported a decrease in use. Only 17% increased their use. Those stopping use were predominantly 1–2 time users, while those decreasing use were predominantly heavy users. This data suggests the tendency, observed in the field, for many long-term users to taper off use, and for those first time users with unfortunate experiences to stop. Over-all, however, the heaviest users of LSD were likely to either increase or remain constant in their level of use.

Interestingly, 9th and 12th graders were less likely to have used LSD (8%) than 10th and 11th graders; girls were only slightly less likely to have used LSD than boys. Of the LSD user population, 11th and 12th graders are apt to have had more experiences with the drug (probably due to a simple time factor), girls exhibit lighter use patterns than boys, and they are slightly more likely to decrease or stop LSD use than boys.

Contrary to general belief, LSD use is lower among children from the higher economic-education strata. While the socio-economic variations are not glaring, they are considerably more differentiating than found among marijuana users. The assumptions based upon prior research that LSD tended to be a middle or upper-middle class phenomenon may have been colored by the universes investigated which were primarily college and university student populations. It is also possible that the reported general decline of LSD use among the middle class drug using avant garde further implies that latecomers to hallucinogen use (or to any social movement) are more likely to be from lower economic-education strata. It could also be possible that the extremely high personal risk potential of LSD is more easily tolerated by the less advantaged and the less well socialized.

*Mescaline*

13.1% of our sample had ever tried mescaline; however, 46% report having stopped use altogether and another 18% have decreased use. As with LSD, 17% reported an increase in use. Users are more likely to be boys (14.7%) than girls (11.5%), and least likely to be 9th graders. However, the more experienced users in the 11th and 12th grades are the most likely to have stopped or decreased use. Girls are more likely to stop entirely (52.5%) than boys (41.3%). Mescaline use appears to cut across the economic-educational strata in a similar manner to marijuana use. This supports, in part, the thesis that adolescents from upper social strata are less likely to take extreme personal risks with drugs than are those from other strata.

*Amphetamines*

In 1968, 16% of our sample had used amphetamines of some sort. In 1970, there was a slight increase to 19% of the sample. However, 71.3% of the users reported only using "sometimes," while 19.1% reported using often (12.9%) or regularly (6.2%), and another 8.1% used them "whenever available." The heaviest users of "uppers" (among the user population) were 10th graders, the lightest users were 11th and 12th graders. Contrary to patterns of use among other drugs, however, amphetamine use is nearly the same between the sexes, although girls are more likely to use uppers heavily than are boys.

[2] Tables on hallucinogen use, Appendix B.

*Barbiturates*

The use of barbiturates among our population was lower than would have been suspected by school administrators. Only 12% have ever used "downers," and of the user population three-fourths (76.9%) report using "sometimes," 13.8% use "often" (11.5%), and 6.9% use when barbiturates are available. While barbiturate use does not seem to vary by grade or sex, there is a significant difference between economic-education strata. Barbiturate use is more likely to be found among adolescents from lower socio-economic strata. The observation by many school and law enforcement officials that barbiturate use has increased radically over the past two years may have less to do with the actual percentage of the student population using than with the social class location of "downer" use. The actual observable effects of a young person under the influence of barbiturates is much easier to spot in his "drunken" behavior patterns than are the effects of marijuana or amphetamines. It is likely that the use of a drug which has very observable effects by a less cannily socialized young person creates an over-all impression that barbiturate use is on the rise.

INTERRELATIONSHIP OF DRUG USE

There is an extraordinarily strong relationship of one type of drug use to another. This does not mean necessarily that there is a linear causative effect, that one drug necessarily leads to another. It means that a young person who crosses the threshold of experimentation with one drug is more prone to experiment with others. It does not mean that the drug itself is responsible for "hooking" the child, it means that he is particularly available for drug experimentation and has that predisposition reinforced and mobilized by his friendship group.

*Marijuana and Hallucinogens*

29.5% of those who have used marijuana have also tried LSD. Marijuana then does not necessarily lead to LSD. However, if one has used LSD, he almost inevitably has used marijuana; 99.9% of LSD users are marijuana users. Only one person in our sample of LSD users had not used marijuana.

Heavy use of LSD is related to heavy use of marijuana; *all* of those who have used LSD twenty-five times or more have used marijuana more than 50 times.

Conversely, 92% of LSD users who report having stopped marijuana use have also stopped using LSD. This does not operate in the reverse, however, for only 31% of those increasing their use of marijuana have also increased LSD use.

A similar pattern holds in regard to mescaline and marijuana use: 38% of marijuana users are also mescaline users while only .6% of marijuana non-users have used mescaline. 97% of mescaline users are also marijuana users. Similar to the pattern found among LSD users, the heavier the mescaline use, the heavier the marijuana use.

The relationship between mescaline and LSD users is strong, but not as strong as that between marijuana and those hallucinogens. The relationship between mescaline and LSD is stronger the more extensive the hallucinogen use. For example, of those having used LSD 1-2 times, one-half (51%) have never used mescaline; however, of those using LSD 3-7 times, only 17% have never used mescaline. Of those having used LSD 25 times or more, 57% have used mescaline 25 times or more. Of those using mescaline 25 times or more, 80% have used LSD at a similar rate.

It is apparent that there is a "hardness" factor in drug use; the initiate may or may not pass through the levels of risk involved with marijuana, mescaline, and LSD. But, the heavier his use at any point, the more likely he is to become involved with another drug with a higher risk factor. It is highly probable that passing on to higher drug risk levels is facilitated by a friendship group which is exclusively made up of other drug users.

*Amphetamines and Marijuana Use*

One-half (51%) of those using amphetamines to one degree or another have also used marijuana; only 4% of nonusers of marijuana have used amphetamines. Of the amphetamine-using population, 87% have tried marijuana. Heavy users of marijuana have heavier rates of amphetamine use.

*Barbiturates and Marijuana Use*

31.7% of those who have used marijuana have also used barbiturates; only 2% of those never using marijuana have tried barbiturates. 90% of barbiturate users are also marijuana users. While heavy "downer" users are also likely to use marijuana heavily, the relationship is not exceptionally strong.

CONCLUSIONS

*Implications for drug education*

The effectiveness of drug education among high school students is reliant in large part, if we are to follow the lead provided by the data, on discriminating more clearly between users and non-users. It is clear that educational programs have little effect upon marijuana users, but they have at least a reinforcement effect upon non-users. It is also apparent that users of marijuana are not affected by the fear of legal or parental authority, and are particularly unconcerned by the possible actions of school authorities. It seems, as well, that non-users are not much affected or hindered from use by fear of legal authority. The data does suggest that non-users are more likely than users to fear of getting caught by parents, perhaps indicating that a parent is well disposed to express strong feelings about marijuana use. Certainly parental concern and discussion can only help in impressing upon the adolescent the parent's concern over the potentials of drug use.

The more important direction for drug education is the more positive approach indicated by the rationales for the best reason to use marijuana. Disregarding the pleasure motivation, which is likely related to the other reasons proffered, boredom and distraction seem widespread as reasons for drug use. It is vital, however, to recognize that these rationales are strong among heavy users as well as experimenters. This suggests that ongoing drug use of heavy proportions does little to "cure" boredom; if that is a sufficient reason to use, it is not apparently a successful solution. As mentioned earlier, the process of induction is heavily reliant upon friendship group use, but it seems that even with drug using friends and the consequent sense of community and identity, the users still feel bored and aimless for the most part.

This anxiety, even among users, is clear in the high proportion stating that the best reason not to use marijuana is that it would interfere with other things the adolescent likes to do. This assertion from users, and particularly strong among light users, implies that they would actually prefer to do something more exciting with their time than smoking marijuana.

Thus, it is clear that "drug" education is potentially more effective as the vehicle to promote self-awareness ("what is it I like to do," "what are the potentials within my community for developing some strong involvements") and evaluation of one's real desires and values for creating a strong and viable set of interests and a consequent friendship group which would sustain itself on a more constructive basis than drug use.

The business of drug education is not unrelated to the functions of education itself—to stimulate and guide the adolescent into personally fulfilling activities that hold the key to his development of personal potency and self-esteem. Friendship groups based on common creative activity have the potential of maintaining themselves and deepening from the original common interest. This is not true of most drug-based friendship groups as any honest drug user will admit. These pseudo-communities are based upon superficial secondary characteristics and hostility to the outside "establishment" world. The actual physiological effects of drug use make communication and common action with the group almost impossible—drug users in groups tend to lethargy, withdrawal into personal fantasy worlds, and intellectual inactivity. Their development of personal values also tend to the shallow, unidimensional aspects of the "rights" to dress as they wish and smoke marijuana at will. Worse, for the drug user expecting some type of tight-knit and continuing personal interaction, drug users demonstrate very casual inter-personal relations and very low levels of continuity within their friendship groups. In short, a young person looking for a sustaining network of relationships would be well advised to look carefully at the real nature of drug friendship groups.

However, and this is of course the great difficulty, do educators know what their community offers for youth involvement? This definitely does not mean the creation of organized youth centers and other formalized activities. They have not proved a sufficient source in deterring drug use communities to this time and it is doubtful that another "center" or authority-innovated program can have much effect. The need, among a youth population highly organized from childhood into school and non-school activities, is for the encouragement of individual fulfillment *first*, and provision for establishment support later.

But, how many educators in the classrooms and in administrative offices can claim for themselves personal excitement in other people and in creative interests? How many parents have transmitted through their actions the joy of engagement in physical and intellectual involvements? Who can transmit the electricity of discovery, self and environmental, which can effectively motivate an aimless adolescent? How many educators and parents can communicate through personal style and action a model and a motivation? For drug education, of the type suggested here, those people must be found. Perhaps these are even the criteria for the worth and effect of educators and parents themselves.

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APPENDIX A.—MARIHUANA

TABLE 1.—MARIHUANA—EXTENT OF USE

| | Percent |
|---|---|
| 1 to 2 times | 22.1 |
| 3 to 9 times | 21.1 |
| 10 to 25 times | 16.3 |
| 25 to 50 times | 12.4 |
| 50 plus times | 28.2 |

TABLE 2.—MARIHUANA—EXTENT OF USE BY SEX

[In percent]

| | Never used | 1–2 times | 3–9 times | 10–25 times | 25–50 times | 50+ times |
|---|---|---|---|---|---|---|
| Male | 59.3 | 21.9 | 21.4 | 17.9 | 8.0 | 30.8 |
| Female | 72.1 | 22.4 | 20.5 | 14.1 | 18.6 | 24.4 |

TABLE 3.—MARIHUANA: EXTENT OF USE, BY GRADE

[In percent]

| | Never used | 1 to 2 times | 3 to 9 times | 10 to 25 times | 25 to 50 times | 50 plus times |
|---|---|---|---|---|---|---|
| 9th | 74.2 | 23.2 | 25.6 | 18.3 | 13.4 | 19.5 |
| 10th | 62.6 | 23.9 | 20.4 | 12.4 | 11.5 | 31.9 |
| 11th | 64.1 | 18.8 | 18.8 | 17.8 | 12.9 | 31.7 |
| 12th | 59.5 | 21.7 | 20.5 | 18.1 | 12.0 | 27.7 |

TABLE 4.—MARIHUANA: FATHER'S EDUCATION BY MARIHUANA USE

[In percent']

| | 8th grade | 9 to 11 grades | 12th grade | 1 to 2 college | 3 years college | 4 years college | 5 years college | 6-plus college |
|---|---|---|---|---|---|---|---|---|
| MJ use | 6.2 | 10.2 | 30.6 | 15.6 | 4.5 | 19.0 | 2.8 | 11.0 |
| MJ nonuse | 4.2 | 9.6 | 30.5 | 11.7 | 3.9 | 22.2 | 6.2 | 11.8 |

TABLE 5.—MARIHUANA—FATHER'S OCCUPATION BY MARIHUANA USE

[In percent']

| | Professional | Managerial | Business | Clerical | Manual work | Protective service | Farmer | Deceased |
|---|---|---|---|---|---|---|---|---|
| Marihuana: | | | | | | | | |
| Use | 20.8 | 7.2 | 15.8 | 18.8 | 23.0 | 10.5 | 0.6 | 3.3 |
| Nonuse | 22.4 | 5.4 | 17.4 | 16.8 | 25.1 | 9.8 | 0 | 3.0 |

TABLE 6—MARIHUANA USERS BY SEX—FRIENDSHIP GROUP USE

[In percent]

| | All | Most | Half | Less than half | Few | None |
|---|---|---|---|---|---|---|
| Male | 4.7 | 16.5 | 13.3 | 13.6 | 29.3 | 22.5 |
| Female | 3.0 | 14.1 | 14.0 | 14.3 | 32.2 | 22.4 |

TABLE 7.—MARIHUANA USERS BY GRADE: FRIENDSHIP GROUP USE

[In percent]

| | All | Most | Half | Less than half | Few | None |
|---|---|---|---|---|---|---|
| 9th | 3.8 | 10.0 | 11.9 | 9.4 | 32.6 | 32.3 |
| 10th | 4.3 | 16.2 | 13.5 | 16.2 | 30.4 | 19.5 |
| 11th | 3.9 | 17.5 | 13.6 | 15.7 | 31.1 | 18.2 |
| 12th | 3.4 | 19.4 | 16.0 | 15.5 | 28.2 | 17.5 |

TABLE 8.—MARIHUANA: RATIONALE FOR NONUSE

[In percent]

| | Law | Parents | Friends don't | Police | School | Education programs | Interferes |
|---|---|---|---|---|---|---|---|
| MJ use | 25.9 | 13.5 | 2.7 | 25.6 | 2.7 | 7.3 | 21.8 |
| MJ nonuse | 13.6 | 4.0 | .7 | 3.1 | 1.3 | 31.1 | 44.4 |

TABLE 9.—MARIHUANA—RATIONALE FOR NONUSE BY SEX

[In percent]

| | Law | Parents | Friends don't | Police | School | Education programs | Interferes |
|---|---|---|---|---|---|---|---|
| Male | 20.6 | 6.7 | 2.0 | 13.5 | 2.4 | 20.2 | 34.3 |
| Female | 15.2 | 8.0 | .7 | 8.0 | 1.1 | 15.7 | 38.9 |

TABLE 10.—MARIHUANA—RATIONALE FOR NONUSE BY GRADE

[In percent]

| | Law | Parents | Friends don't | Police | School | Education programs | Interferes |
|---|---|---|---|---|---|---|---|
| 9th | 13.3 | 8.5 | 1.6 | 7.3 | 1.9 | 26.9 | 40.2 |
| 10th | 18.5 | 7.7 | 1.0 | 14.1 | 1.7 | 23.2 | 32.8 |
| 11th | 18.2 | 6.9 | 1.1 | 11.6 | 1.8 | 21.5 | 36.4 |
| 12th | 23.8 | 5.4 | 2.0 | 9.9 | 1.5 | 18.8 | 37.6 |

TABLE 11.—MARIHUANA USERS: USE OF CIGARETTES BY MARIHUANA USE

[In percent]

| | None | Few per day | ½ pack a day | Pack a day | Pack plus, a day |
|---|---|---|---|---|---|
| 1 to 2 times | 63.4 | 19.5 | 13.4 | 1.2 | 2.4 |
| 3 to 9 times | 61.2 | 16.2 | 10.0 | 8.7 | 3.7 |
| 10 to 25 times | 49.2 | 14.8 | 16.4 | 16.4 | 3.3 |
| 25 to 50 times | 47.8 | 19.6 | 15.2 | 17.4 | 0 |
| 50 or more times | 34.3 | 19.0 | 20.0 | 20.0 | 6.7 |

## APPENDIX B.—HALLUCINOGENS, AMPHETAMINES, BARBITURATES

### TABLE 1

| | Percent |
|---|---|
| LSD users—Frequency distribution: | |
| 1 to 2 times | 42.0 |
| 3 to 7 times | 22.3 |
| 8 to 12 times | 10.7 |
| 13 to 25 times | 6.3 |
| 25+ times | 18.8 |

### TABLE 2.—LSD—FREQUENCY OF USE BY SEX

[In percent]

| | 1 to 2 times | 3 to 7 times | 8 to 12 times | 13 to 25 times | 25 plus times |
|---|---|---|---|---|---|
| Male | 36.1 | 27.9 | 6.6 | 6.6 | 23.0 |
| Female | 49.0 | 15.7 | 15.7 | 5.9 | 13.7 |

### TABLE 3.—LSD: FREQUENCY OF USE, BY GRADE

[In percent]

| | 1 to 2 times | 3 to 7 times | 8 to 12 times | 13 to 25 times | 25-plus times |
|---|---|---|---|---|---|
| 9th | 46.2 | 23.1 | 11.5 | 7.7 | 11.5 |
| 10th | 44.4 | 13.9 | 13.9 | 11.1 | 16.7 |
| 11th | 36.4 | 27.3 | 9.1 | 3.0 | 24.2 |
| 12th | 41.2 | 29.4 | 5.9 | 0 | 23.5 |

### TABLE 4.—LSD: USE FREQUENCY, BY PATTERN CHANGE—DIRECTION OF USE CHANGE

[In percent]

| LSD frequency | Increased | Remained same | Decreased | Stopped |
|---|---|---|---|---|
| 1 to 2 times | 2.1 | 8.5 | 4.3 | 85.1 |
| 3 to 7 times | 16.7 | 25.0 | 12.5 | 45.8 |
| 8 to 12 times | 36.4 | 18.2 | 18.2 | 27.3 |
| 13 to 25 times | 14.3 | 28.6 | 14.3 | 42.9 |
| 25-plus times | 33.3 | 23.8 | 23.8 | 19.0 |

### TABLE 5.—LSD: USE DECREASE BY SEX

[In percent]

| | Increased | Remained same | Decreased | Stopped |
|---|---|---|---|---|
| Male | 20.9 | 17.9 | 10.4 | 50.7 |
| Female | 13.2 | 13.4 | 11.3 | 62.3 |

### TABLE 6.—LSD: USE DECREASE BY GRADE

[In percent]

| | Increased | Remained same | Decreased | Stopped |
|---|---|---|---|---|
| 9th | 23.1 | 26.9 | 7.7 | 42.3 |
| 10th | 18.4 | 15.8 | 7.9 | 57.9 |
| 11th | 14.7 | 14.7 | 17.6 | 52.9 |
| 12th | 13.6 | 4.5 | 9.1 | 72.7 |

### TABLE 7.—AMPHETAMINE USE BY GRADE

[In percent]

| | Use | Nonuse |
|---|---|---|
| 9th | 15.7 | 84.3 |
| 10th | 18.6 | 81.4 |
| 11th | 21.9 | 78.1 |
| 12th | 23.0 | 77.0 |

### TABLE 8.—AMPHETAMINE USERS: FREQUENCY BY SEX

[In percent]

| | Sometimes | Often | Regularly | When available |
|---|---|---|---|---|
| Male | 75.2 | 11.4 | 6.7 | 5.7 |
| Female | 67.3 | 14.4 | 5.8 | 10.6 |

### TABLE 9.—AMPHETAMINE USERS: FREQUENCY BY GRADE

[In percent]

| | Sometimes | Often | Regularly | When available |
|---|---|---|---|---|
| 9th | 66.7 | 20.8 | 6.3 | 6.3 |
| 10th | 59.3 | 16.7 | 9.3 | 14.8 |
| 11th | 81.7 | 5.0 | 3.3 | 6.7 |
| 12th | 76.6 | 10.6 | 6.4 | 4.3 |

### TABLE 10.—BARBITURATE USE BY GRADE

[In percent]

| | Use | Nonuse |
|---|---|---|
| 9th | 10.8 | 89.2 |
| 10th | 12.0 | 88.0 |
| 11th | 11.7 | 88.3 |
| 12th | 13.9 | 86.1 |

### TABLE 11.—BARBITURATE USE BY SEX

[In percent]

| | Use | Nonuse |
|---|---|---|
| Male | 11.8 | 88.2 |
| Female | 12.1 | 87.9 |

### TABLE 12.—BARBITURATE USERS: FREQUENCY BY SEX

[In percent]

| | Sometimes | Often | Regularly | When available |
|---|---|---|---|---|
| Male | 84.1 | 7.9 | 1.6 | 4.8 |
| Female | 70.1 | 14.9 | 3.0 | 9.0 |

### TABLE 13.—BARBITURATE USERS: FREQUENCY BY GRADE

[In percent]

| | Sometimes | Often | Regularly | When available |
|---|---|---|---|---|
| 9th | 87.9 | 12.1 | 0 | 0 |
| 10th | 71.4 | 11.4 | 5.7 | 11.4 |
| 11th | 66.7 | 12.1 | 3.0 | 12.1 |
| 12th | 82.8 | 10.3 | 0 | 3.4 |

## APPENDIX C.—INTERDRUG USE RELATIONSHIPS

### TABLE 1.—MARIHUANA USE BY LSD USE (MARIHUANA USE)

[In percent]

| LSD use | 1 to 2 times | 3 to 9 times | 10 to 25 times | 25 to 50 times | 50 plus times |
|---|---|---|---|---|---|
| 1 to 2 times | 2.1 | 10.6 | 29.8 | 17.0 | 40.4 |
| 3 to 7 times | 4.2 | 0 | 8.3 | 16.7 | 70.8 |
| 8 to 12 times | 0 | 0 | 0 | 16.7 | 75.0 |
| 13 to 25 times | 0 | 0 | 14.3 | 14.3 | 71.4 |
| 25 plus times | 0 | 0 | 0 | 0 | 100.0 |

### TABLE 2.—MARIHUANA USE BY AMPHETAMINE USE (MARIHUANA USE)

[In percent]

| Amphetamine use | 1 to 2 times | 3 to 9 times | 10 to 25 times | 25 to 50 times | 50 plus times |
|---|---|---|---|---|---|
| Sometimes | 66.7 | 75.7 | 65.5 | 71.4 | 64.5 |
| Often | 25.0 | 18.9 | 6.9 | 14.3 | 13.2 |
| Regularly | 0 | 0 | 10.3 | 3.6 | 11.8 |
| When available | 8.3 | 2.7 | 10.3 | 10.7 | 10.5 |

### TABLE 3.—LSD BY MESCALINE USE FREQUENCIES

[In percent]

| | Mescaline use | | | | | |
|---|---|---|---|---|---|---|
| | Never used | 1 to 2 times | 3 to 7 times | 8 to 12 times | 13 to 25 times | 25+ times |
| LSD use: | | | | | | |
| 1 to 2 times | 51.1 | 31.9 | 10.6 | 6.6 | 0 | 0 |
| 3 to 7 times | 16.7 | 33.3 | 16.7 | 20.8 | 8.3 | 4.2 |
| 8 to 12 times | 18.2 | 18.2 | 36.4 | 9.1 | 9.1 | 9.1 |
| 13 to 25 times | 14.3 | 0 | 42.9 | 42.9 | 0 | 0 |
| 25+ times | 9.3 | 4.8 | 9.5 | 4.8 | 14.3 | 57.1 |

### TABLE 4.—MESCALINE USE BY LSD USE

[In percent]

| | LSD Use | | | | | |
|---|---|---|---|---|---|---|
| | Never used | 1 to 2 times | 3 to 7 times | 8 to 12 times | 13 to 25 times | 25+ times |
| Mescaline use: | | | | | | |
| 1 to 2 times | 62.9 | 21.4 | 11.4 | 2.9 | 0 | 1.4 |
| 3 to 7 times | 30.8 | 19.2 | 15.4 | 15.4 | 11.5 | 7.7 |
| 8 to 12 times | 13.3 | 20.0 | 33.3 | 6.7 | 20.0 | 6.7 |
| 13 to 25 times | 14.3 | .0 | 28.6 | 14.3 | .0 | 42.9 |
| 25+ times | 6.7 | .0 | 6.7 | 6.7 | .0 | 80.0 |

TABLE 5.—MESCALINE USE BY AMPHETAMINE USE

[In percent]

| Amphetamine use | 1 to 2 times | 3 to 7 times | 8 to 12 times | 13 to 25 times | 25+ times |
|---|---|---|---|---|---|
| Never | 31.4 | 20.0 | 13.3 | 0 | 28.6 |
| Sometimes | 48.6 | 48.0 | 33.3 | 57.1 | 35.7 |
| Often | 8.6 | 16.0 | 20.0 | 28.6 | 14.3 |
| Regularly | 1.4 | 12.0 | 13.3 | 14.3 | 14.3 |
| When available | 10.0 | 0 | 13.3 | 0 | 7.1 |

## AMERICA HAS POTENTIAL TO LEAD TECHNOLOGICAL ATTACK ON POLLUTION PROBLEM

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## HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. BELL. Mr. Speaker, an article in last Sunday's New York Times makes very clear the fact that environmental pollution has become a worldwide problem in need of international attention and cooperation in attacking it.

We are barely beginning to face up to that problem here in the United States. We are just beginning to acknowledge that the cost of dirty air, filthy streams and rivers, and spoiled land must be recognized as part of the real cost of doing business.

But it is especially distressing to see that countries which are just in the process of industrializing—nations which are moving at a rapid pace from farm to factory and country to city—are also following our path by polluting their portions of the environment.

The traveler sees this developing international tragedy when he visits one of these countries in the process of rapid industrialization. The waters there are clear to the bottom, but already industrial and human waste are being nonchalantly dumped into the waters. As long as the waters and the air remain clean in appearance, no one sounds the alarm.

But in the very near future nearly every nation on earth will be distressed and alarmed by the pollution problem. In this time of "crisis politics" it will be the era of the "pollution crisis" all over the globe.

Most important, nations all over the globe will be seeking the technological methods and devices to reverse the trend toward a polluted environment.

The United States should be proceeding at a rapid pace—now—to develop the technological leadership necessary to enable the nations of the earth to put a halt to pollution.

We should begin now applying the same kind of commitment to environmental technology which we have given to space technology.

We should be working now in cooperation with other nations to put a halt to further pollution of our environment in developing nations as well as in heavily developed nations.

An indication of where the failure of truly bold leadership in the area of environmental technology is leaving us is indicated by the articles to which I referred earlier by Richard Curtis and Dave Fisher in the Sunday, September 26, 1971, New York Times.

The article follows:

[From the New York Times, Sept. 26, 1971]

THE SEVEN WONDERS OF THE POLLUTED WORLD

(By Richard Curtis and Dave Fisher)

(NOTE.—Richard Curtis is a freelance who specializes in environmental subjects. His latest book, "The Case for Extinction," a satire published under the pseudonym Professor Morton Stultifer, advocates the destruction of most living things. Dave Fisher is a reporter for Life magazine.)

Rather than always spend your vacation seeking out virgin forests, unblemished beaches and unspoiled natural wonders, how would you like to try something downright polluted? Before you say no, stop and think for a moment. Wouldn't you appreciate the beauties of the earth more keenly after having exposed yourself to a ravaged wilderness, a fetid waterway or a decayed town?

Well, all right, if you won't actually expose yourself to such things, perhaps you will at least read about them. So come, let us take you by the hand and lead you on a modern-day Grand Tour, a globe-circling expedition to the Seven Wonders of the Polluted World.

The journey begins at Manhattan's piers. We board our cruise ship, steam out of New York Harbor toward Ambrose Point and travel a scant 12 miles before encountering our first wonder—a dead sea of sewage sludge and industrial wastes covering 20 square miles of what once was ocean.

Sludgeophiles, as authorities on this sort of thing are called, have long hailed New York as the liquid waste capital of the world. Each year, under permits issued by the Army Corps of Engineers, five million cubic yards of treated sewage are towed by barge to this site and dumped here. To this are added six million tons of dredging spoils annually and 365 million gallons of raw sewage from the Hudson River *daily*. The result is a chemical broth that has destroyed all marine life in the vicinity.

Marine biologists and Army engineers regularly lower buckets into this gunk and haul up samples. One Army man described the bottom as "a gooey mess," but the surface of the ocean out here is something to write home about, too. Depending on the season, its color ranges from phew-green to feh-brown, with odors to match. Fred Ulrich, senior sanitation engineer of the Interstate Sanitation Commission, says a catalogue of the junk floating around would awe even a seasoned garbage collector, and he concludes somewhat anticlimactically that "the water is definitely not safe for swimming." Since "huge chunks of decayed piers" are among the more prominent detritus he mentioned, one would imagine that it's not only not safe for swimming but scarcely safe for anything smaller than dreadnought-class ships.

Like most unnatural wonders, this dead sea was not created overnight. Dumping has been going on here for at least 40 years, and there are no signs that it will end soon. But dead though it is, this titanic cube of gumbo is by no means immobile. Subject to winds and currents, it occasionally drifts toward the New York-New Jersey coastline, tantalizing residents with the prospect that the Metropolitan area may become the first excrement-locked region in the world. In fact, fringes have already brushed New Jersey and contributed, in the opinion of some scientists, to an occasional "red tide"—an invasion of highly toxic microorganisms that turn the water red and render the ocean unfit for bathing.

Should a capricious breeze of current decide to deposit even a portion of this sea of goop on our doorsteps, Fun City residents might one day find themselves participating in an unscheduled summer festival. "If the bottom was ever agitated and this stuff turned up on the beaches, it would be disastrous," says Joseph L. Brown, pollution control specialist for the Army Engineers. "You couldn't possibly swim without picking up some sort of disease." Arthur Ashendorff, assistant director of the Bureau of Sanitary Engineering for the New York City Department of Health, cites typhoid and dysentery as some of the more interesting possibilities.

With a prayer of thanks that our ship's hull hasn't corroded beneath our feet, we proceed eastward to serene—and noisome—Venice. Although Europe offers plenty of contenders for odor pollution honors, the laurels must go to Venetians for stubborn resistance to the evidence of their own nostrils. Fumes from the fertilizer plants, steel mills and oil refineries in the surrounding industrial area of Mestre-Marghera mingle with noxious naphtha produced by the burning of soft coal to heat homes, then blend with sewage and garbage ordors rising from the canals plus oily wastes from multitudes of *vaporetti*—motor-driven canal boats. Not wishing to leave anything to the winds of chance, public-spirited citizens deposit their refuse in the watery streets, and drowned rats and poisoned fish lend a final exquisite touch to the fetid atmosphere of the city once called the Queen of the Adriatic.

FOULED CANALS

One of the Great Moments in Pollution History took place here in mid-summer, 1970. Wastes from the Marghera factories filled the water and air with such a concentration of sulphur that the canals turned dark brown, eyes bright red, and exposed silver a tarnished rust color. True, many municipalities are subject to sulphurous effluvia due to industrial activity, but the damp Venetian climate tends to trap residues close to the ground so that they form a heavy blanket over the city. Although Venetians suffer mightily, the prime victim of the virulent air is the city's fabled statuary. Marble that survived hundreds of millions of years of geological upheaval is beginning to disintegrate after a mere century of exposure to Venice's least-talked-about manufactured item—sulphuric acid, the result of rain, mist and sea spray combining with sulphurous effluents. According to Prof. Francesco Valcanover, Superintendent of Fine Arts in Venice, more than one-third of the city's buildings and sculpture have been corroded by what locals quaintly term "marble cancer." Moreover Professor Valcanover estimates that the erosion is taking place at the rate of 5 per cent of the marble works every year, to say nothing of Venice's glorious frescoes and paintings. Luckily, for many statues, the nose is the first part to go.

From Venice we wing to London, exchanging nasal for visual pollution. London, this sublime city whose residents like to think of themselves as divinely ordained defenders of Western tradition, is rapidly yielding to a form of architectural barbarianism that has been dubbed The New Brutalism. No doubt about it, London leads the European League in historic structures batted down.

More than a quarter of Britain's capital city was leveled by the blitz in World War II, but the peacetime blitz symbolized by the wrecker's ball has proven even more effective: 14 acres are being knocked down and rebuilt every week. Bridget Cherry, an architectural historian, has actually furnished proof that more of central London is being destroyed by developers than was ever done by the Luftwaffe.

The fact is, however, that it's hard to say which is the more appalling—the widespread demolition or the quality of the new construction. The first replacement structure to horrify everyone was the 28-story London Hilton, a towering, gleamingly sterile box

wedged into the genteel five-story serenity of Mayfair back in 1963. It sounded a clarion call to every mediocre architect in the city to see if he couldn't outdo it. Many succeeded. The ensuing building boom in the Mayfair area wrote finis to at least a hundred Georgian terrace houses, the famed Carlton Mews and numerous other examples of a glorious heritage.

Not content with Mayfair, developers have sought to wreak mischief elsewhere. St. Paul's, for example, is being pushed out of the picture by the 600-foot National Westminister Bank under construction a half-mile away. The Thames is the setting for the monstrous 34-story Vickers office tower overshadowing the Houses of Parliament, Westminster Abbey and Big Ben, which Britons are wryly coming to call Little Ben. Across the river stands the 24-story Shell Tower, described as "a tombstone of boardroom architecture." A new project planned for the area combines a skyscraper headquarters for the International Paper Company with a housing project and tropical resort-style hotel.

"Miami Beach" is rapidly becoming London's favorite building style, according to Ada Louise Huxtable, architecture critic of The New York Times. "There is a new London rising and all that is missing is the palm trees," she says.

For the next leg of our journey we fly southeast, and if you're the gregarious sort you'll be sublimely happy almost from the moment you touch down at the aptly named Dum-Dum International Airport in India, just outside Calcutta, for you'll never get closer to people than here. In Calcutta you may observe the ultimate fulmination of the population bomb: 7.5 million people living on the city's 135 square miles of usable land. Of course, many cities, such as Tokyo, Amsterdam, Copenhagen and even New York, are densely populated, but in the core of Calcutta roughtly 100,000 people occupy each square mile, and that's a record. In addition, it must be explained that population density isn't as significant as the capacity of an area to support its inhabitants. And that's where Calcutta is really unsurpassed. Four and a half million of its residents are housed in squalid slums and nearly a quarter of a million live on the sidewalks.

To 77 per cent of Calcuttans, 40 square feet is home, a little larger than one of our king-size water beds. Indeed, it might be said that Calcutta itself becomes the world's bigger water bed whenever it rains, because the sewage system backs up. Built in 1888, it was designed for a city of no more than two million, which is why Calcutta has become the earth's permanent convention center for cholera bacilli. At least 200,000 Indians die of cholera annually, according to World Health Organization statistics.

What holds Calcutta's mass of human beings together is a stoical belief in an underpopulated afterlife plus a sense of humor. A favorite saying here is, "Calcutta would simply go down the drain—if there was one." And an Indian economist, asked what he would do if elected mayor of the city, replied, "Buy six feet of wire and hang myself." Oh, Calcutta! An absolute must for Zero Population Growth freaks!

From India to South Vietnam is a longish passage, but no tour of defiled areas would be complete without a visit to this masterpiece of technological desecration. In the last nine years United States "advisers" have managed to defoliate one-seventh of the total area of the country. Over four million acres have been sprayed with a variety of green-killing chemicals, converting the soil into something approaching the texture of concrete. More than one-third of the dense jungle comprising half of the country's forest land has been stripped by defoliants sprayed from planes in an enterprise appropriately named "Operation Hades." The fledgling Vietnamese timber industry has been devastated: 6.5 billion board feet have been lost. In addition, according to Time magazine, "Trees are so riddled with shrapnel that sawmills lose 1 to 3 hours a day repairing damage to saw blades."

But if recent studies are indicative, greenery may not be the only victim of this chemical warfare. In the spring of last year the United States Government acknowledged that one of the substances sprayed extensively over South Vietnam was capable of producing birth defects in rats and mice, and debate now rages in scientific circles about the future genetic effects of this spraying of 60,000 tons of a certain chemical called 2,4,5-T on Vietnamese people. As one health official laconically observed, "It can't help."

GIANT BULLDOZERS

To get back to trees, chemical pollutants are not the only tools of destruction diligently applied to them here. Gigantic 38½-ton bulldozers specifically designed to ram down forests are being employed on a wide scale. Over 40 per cent of South Vietnam's pine plantations have been burned out, some by fires purposely set by combatants, others ignited by artillery shells. Naturally the Air Force is not to be outdone by land forces. B–52 bombers have dropped over 2.5 million 500- and 750-pound bombs, leaving craters as deep as 30 feet and as wide as 35, and giving the countryside a surface-of-the-moon aspect—and one showing about as much life in many places.

Of more recent vintage is a piece of ordnance affectionately dubbed "the cheeseburger." Weighing in at 15,000 pounds, it is the world's biggest non-nuclear bomb. Because it is too heavy for a conventional bomber to carry, it must be borne in the bay of a giant C–13 cargo plane. The cheeseburger explodes horizontally and is capable of leveling an area the size of a football field to instantly create a landing place for helicopters. In the words of one airman, "It kills everything within a hundred yards, even the worms in the ground." People standing more than a mile from ground zero may be deafened. Judging by the effectiveness of this anti-tree campaign, it is little wonder that the fastest-growing cash crop of South Vietnam is marijuana.

Incidentally, one intriguing by-product of the war has been a probable increase in Vietnam's tiger population. Gordon H. Orians and E. W. Pfeiffer, in a recent issue of Science, reported that over the last 24 years of struggle, involving first the French and then the U.S., tigers have "learned to associate the sounds of gunfire with the presence of dead and wounded human beings in the vicinity. As a result, tigers rapidly move toward gunfire and apparently consume large numbers of battle casualties. . . . It is likely that the tiger population has increased, much as the wolf population in Poland increased during World War II."

To our next destination bring a gas mask. With luck and radar our plane will make it safely through the soupy air of Tokyo.

The Japanese are determined to become the most industrialized nation in the world even it kills them, and they are well on the way to fulfilling their ambition. The country's phenomenal postwar recovery has created forests of smokestacks around every major city and some 75,000 of them around Tokyo alone daily belch hundreds of tons of noxious sulphur, nitrous oxides, ammonia and carbon gases into an atmosphere already saturated with chemical dust and ashes. Add emissions from the 1.5 million vehicles clogging Tokyo's streets and what do you get? Something pretty awful. On a recent summer day the density of carbon monoxide in the air rose to 74.5 on a scale where 20.0 represents serious peril.

VISIEILITY ZERO

The result of this outpouring is permanently visible air, which, unfortunately, tends to make everything else invisible. Visibility along the heavily traveled sea route between Tokyo and Yokosuka, for example, fell to zero more than 50 times during one recent 12-month period, resulting in over one hundred maritime collisions. Among the famous sights that have largely vanished is the view of Mount Fuji once so dear to postcard senders. Only one day out of every nine will get you a clear look at the mountain because of the miasma, which has also decimated Tokyo's cherry tree population. Indeed, the cherry tree mortality rate is so high that the Japanese have asked Washington for sprigs from the very trees they bestowed on America five decades ago.

In the best tradition of devilish Oriental cleverness, citizens of Tokyo have taken exciting steps to adapt to their smog problem. Traffic policemen, for example, return to their headquarters several times a day for oxygen boosters. The man in the street may purchase oxygen in shops at the equivalent of two bits a whiff. Gauze surgical masks are in common use on particularly bad days. Thus, once again, the Land of the Rising Sun has pointed the way to the future—a future with no rising sun.

From Tokyo we proceed to our last stop for a look at what is probably the most attractive form of pollution from the viewpoint of those seeking to cause maximum harms with minimum effort—radioactivity. We land at the Tri-City Airport just 10 miles outside of Richland, Wash., back in the U.S.A.

Richland is the home of the Hanford atomic facilities, where 140 huge steel and concrete tanks lie buried just below the surface of the ground. They contain approximately 55 million gallons of concentrated radioactive waste, the by-product of plutonium manufactured for nuclear weapons. So intensely hot is this waste that it boils by itself for years, will be violent toxic for tens of thousands of years, and is so nasty that a few gallons released in a city's watershed might contaminate it for the indefinite future.

RISK OF DISASTER

It seems that some of these tanks leak a little, and there have been a few instances of near-rupture. Since they are situated only 240 feet above the water table of the Columbia River, the possibility of a Really Big Show is always imminent. In addition, the chance of tank ruptures at Hanford is enhanced by the fact that it is in a seismically unstable area that is part of the earthquake belt that rings the Pacific, the one responsible for chronic temblors in Alaska, California, South America and Japan. Some geologists have theorized that an offshoot of a major fault runs underneath the atomic facilities and it is known that there was an earthquake in the general area as little as 52 years ago.

Though a quake might not damage the tanks themselves, it could harm the elaborate cooling and stirring systems that keep the tanks from developing hot spots. A breakdown might burst the seams and release radioactive gases into the air. If atmospheric conditions were right, these gases could blanket an extremely large territory like a killer smog, only far more virulent—yea, the havoc could prove worse than that wrought by the atomic bomb over Hiroshima.

Dr. Chauncey Starr, founder and past president of the American Nuclear Society, is a great believer in the development of nuclear power, but even he admitted in a recent interview in Look magazine that "I do not conceive of leaking tanks as acceptable storage." Other experts, not given to couching their opinions quite so conservatively, have averred that the situation scares them to death.

So here we have the seventh wonder—tanks built to last 10 or 20 years but required to hold radioactive wastes for thousands, for periods "longer" to quote one Atomic Energy Commission spokesman,

"than the history of most governments that the world has seen." Hanford, Wash., is future pollution at its finest, splendid climax to a splendid tour.

## WHY U.S. CARS LAG IN IMPORT-EXPORT RACE

## HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. CHAMBERLAIN. Mr. Speaker, the rising flood of foreign-made automobiles into this country last year reached a point where imports accounted for more than 14 percent of all U.S. car sales. Market indications during the first half of 1971 suggest that they may reach 16 percent this year. Concern over this situation is one of the reasons that prompted President Nixon to impose a 10-percent import surcharge and to request repeal of the 7-percent automobile excise tax. While I share the hope that this 10-percent duty level will not be required for too long a time, it should also be borne in mind that much higher tariffs and taxes have for years been imposed on American cars by foreign countries. Mr. Richard Ryan, of the Washington bureau of the Detroit News in an article appearing September 19, provides an informative analysis of many of the factors involved in this situation and I commend it to the attention of my colleagues:

WHY U.S. CARS LAG IN IMPORT-EXPORT RACE

(By Richard A. Ryan)

(NOTE.—The role of Michigan industry in international commerce is strikingly illustrated in this story comparing U.S. auto imports and exports, and describing a situation typical of those that influenced President Nixon's decisions in drawing up his new economic policy. The writer, Richard Ryan of The News' Washington Bureau, drew his figures together from both auto and Commerce Department sources.)

WASHINGTON.—A 1971 Chevrolet Impala that sells for $3,859 in the United States costs $8,164 in West Germany.

That same Impala sells for nearly $8,000 in London and Stockholm.

A 1971 Vega sells for $2,200 in the United States. It would cost $4,000 to purchase that same vehicle in Japan.

Only the very rich in most foreign countries can afford to purchase an American made car. This did not result by accident. It was by design.

Most foreign governments have created a system of tariffs and taxes that are aimed directly at making the price of an American automobile prohibitive for the majority of its citizens to purchase.

Meanwhile, foreign imports have gained an increasingly larger percentage of the American automobile market. In 1970, for example, 1,230,961 imported cars excluding those brought in from Canada, were sold in the United States.

Imports in 1970 accounted for 14.67 percent of the total automobiles sales in the United States. In contrast, in 1953 imports accounted for only 0.50 percent of the domestic car market.

More than one million of the cars imported last year came from West Germany and Japan, with the German-made Volkswagen being No. 1. Other countries exporting cars to the United States were the United Kingdom, Sweden, Italy and France.

All of them sent more cars to this country than they imported from it. Much of the disparity between exports and imports can be traced directly to discriminatory tariffs and taxes levied against the U.S.-made cars by foreign countries.

A mitigating factor, however, is that U.S. auto makers also manufacture cars in foreign countries for domestic sale within those countries as well as for export to this and other countries. In fact, such "captive" imports into this country this year jumped 71 percent in the first eight months.

Until President Nixon raised the tariff to 10 percent last month, the only discriminatory levy against foreign manufacturers was a 3.5 percent duty on their automobiles.

In addition to the tariff, foreign manufacturers also are required to pay the 7 percent auto excise tax. This tax is passed on to the customer.

The excise tax, which President Nixon has asked to be repealed, is not discriminatory, however, in that it is levied equally on domestic as well as foreign manufacturers.

In comparison to the U.S. levied tariffs, the following is a sample of some of the charges placed on American automobiles by foreign countries:

Germany—13.2 percent tariff, an 11 percent value added tax and an annual road use tax of $3.60 per 100 cubic centimeters displacement. Like many nontariff barriers levied on automobile imports, the road tax is aimed directly at the larger American-made cars.

Japan—10 percent tariff; a commodity tax based on the size of the car, ranging from 15 percent on small cars to 40 percent on larger cars; an annual road tax also related to car size, ranging from $50 to $250, and a 3 percent purchase tax.

United Kingdom—13 percent tariff and a 36⅔ percent purchase tax. In addition, the United Kingdom requires an import deposit of 50 percent of the value of goods before release from customs. The deposit is to be returned to the importer after 180 days.

France—13.2 percent tariff; a 33⅓ percent value added tax on both the vehicle and the duty; a customs stamp duty which is 2 percent of the import duty, and an annual tax based on age and horsepower.

Italy—13.2 percent tariff; a compensation tax of 7.8 percent on the duty paid; a turnover tax of 4 percent of the duty plus fees; an administrative tax of .5 percent; a stamp tax of .2 percent of duties and other taxes, and an annual road tax based on horsepower.

Sweden—13 percent tariff; a sales tax of 11.11 percent of vehicle and duty paid, and a transaction tax based solely on vehicle size.

Numerous other countries restrict imports in other ways. Several countries, for example, require that any car sold within their borders must contain a certain amount of locally produced materials.

Such content requirements are in force in most developing nations in Africa, Asia and South America. Spain and Portugal, however, also have such requirements.

Requirements vary from country to country, ranging between the 5 to 14 percent called for in Venezuela to the 95 to 100 percent requirement of Brazil.

Another factor driving up the price of American cars abroad is the considerably higher shipping costs, resulting from both dockside charges to actual freighter costs.

Major foreign exporters have special car-carrying freighters which considerably reduce the shipping costs per car and their dockside costs, mainly because of lower wages, are less.

Still another reason for the higher prices is that foreign countries base their tariffs and taxes on American cars on the wholesale price of the car plus marine insurance and freight costs.

The U.S. tariff on foreign cars, on the other hand, is levied on the wholesale price of the auto only and not on insurance and freight costs.

Although foreign manufacturers pay less duty to export their cars to the United States, they must conform to all U.S. imposed safety and pollution control standards. Meeting these requirements has resulted in increasing the cost of the imports.

While a considerable portion of the disparity between U.S. imports and exports of automobiles can be traced to taxes that discriminate against large cars there are other reasons too.

A major deterrent to the use of the larger American cars in Europe, for example, is the exorbitant price of gasoline resulting from high taxes.

In some European countries fuel taxes are 175 percent to 450 percent higher than in the United States. As a result, European auto manufacturers have designed cars that place an emphasis on low fuel consumption.

Road conditions and city congestion also are more suited for the smaller European car than they are to the larger American-built automobile.

"Europeans don't have anything like the number of freeways we have here," said one automobile company spokesman. "And they usually don't have to drive very far at one time. Europeans just don't jump into their cars for a 2,000 mile trip as we do," the spokesman asserted.

While American companies have been effectively barred from exporting large numbers of cars by tariffs and taxes, they have not been prohibited from investing abroad. And that they have done in a significant way.

IMPORTS AND EXPORTS—THE 1970 FIGURES

Following is a comparative list of foreign auto imports, which include cars made by U.S. firms abroad, and U.S. auto exports for 1970:

| | Exports to United States | Imports from United States |
|---|---|---|
| West Germany | 674,945 | 2,476 |
| Japan | 381,338 | 159 |
| United Kingdom | 76,257 | 434 |
| Sweden | 57,844 | 1,091 |
| Italy | 42,523 | 159 |
| France | 37,114 | 394 |

A factor that should be considered in any relative comparison of these statistics is the widely-differing populations of each country: The United States—204,000,000; West Germany—60,842,000; Japan—102,322,000; United Kingdom—55,534,000; Sweden—7,978,000; Italy—53,170,000; and France—50,330,000.

General Motors, for example, is one of the largest auto producing companies overseas. GM's Opel manufacturing plant in Germany produced 807,000 cars in 1970. The firm's Vauxhall plant in England turned out 269,797 automobiles in the same year.

"We don't really expect to export the Vega to Europe," conceded one GM spokesman, "when we manufacture Opels and Vauxhalls there."

Currently, overseas car production accounts for almost 24 percent of GM's car output.

The firm also is involved in exporting its Opel into the United States. Last year, 86,630 Opels were sold in the United States. Through August of this year, 65,330 German-made Opels were sold here.

Ford Motor Co. also has an extensive overseas operation with major plants in Germany and Britain.

In 1970, Ford of Britain sold 480,948 automobiles. Ford of Germany sold 643,649. Ford's foreign operations in 1970 accounted for 26 percent of its sales and 24 percent of its net income.

Ford also imports its overseas-built Capri into the United States. Last year more than 41,000 foreign-built Ford's were sold here.

Chrysler Corp., the remaining member of the Big Three auto fraternity, also has a large overseas manufacturing operation.

Chrysler of France, which produces the Simca, turns out about 400,000 cars a year and has about 18 percent of the French car market.

Until recently the Simca also was exported to the United States. The company discontinued exports of the car this year because, as a company spokesman explained it, the cost of installing safety and pollution control equipment became too high to justify selling the car here.

Chrysler-United Kingdom produces the Sunbeam and Hillman. A car similar to the Hillman Avenger is exported to the United States where it is sold as the Cricket.

The Dodge Colt is produced in Japan by Mitzubishi Motors. Chrysler recently purchased 15 percent control of the Japanese plant and agreed to acquire 35 percent over a three-year period.

Approximately 35,000 each of the Crickets and Colts are expected to be brought into the United States this year.

While American auto firms have invested heavily in overseas plants in recent years, there has been little investing here by foreign firms.

The reason, according to industry spokesmen, is that the much higher wages paid to auto workers in the United States would make the cost of their cars and parts considerably higher, and thus uncompetitive.

An industry spokesman said that although the additional tariff levied on foreign imports by President Nixon may be helpful in curtailing import sales in the short run, the industry favors complete free trade between all countries.

GM board chairman James M. Roche appeared to sum up the industry's feeling in an interview on the Today show one week after President Nixon raised the import tariff:

"I am a firm believer in free trade," Roche said, "because I think free trade among the nations is essential to peace and prosperity in the world.

"On the other hand, we have some very important differences in this country. Our labor rates are four times as high as they are in Japan; twice as high as in Germany, and three times as high as in Great Britain.

"These are economic factors which we have to recognize in this country and we have to find some way of competing . . . with these countries if we expect to maintain our economy on a sound basis."

## CONFIDENCE DAYS

### HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. TERRY. Mr. Speaker, an event taking place in Syracuse today can serve as an example of what can happen when an idea, the right people, and faith get together. Last Friday, yesterday and today are confidence days in Syracuse—confidence in the economy and in the President's efforts to set it right.

President Nixon has called on individual businessmen and consumers to help in getting the economy back on its feet—his policies, in fact, depend on their help. Many times all it takes is one man to start the ball rolling. It then starts to snowball and soon things begin to happen. Confidence starts coming back. The Syracuse newspapers—the Herald-Journal, Post-Standard, and the Sunday combined edition, the Herald American—are to be commended for their efforts in picking up the snowball and delivering it, on target, in the form of confidence days.

About 2 months ago, Mr. Wilber Liberman, executive vice president of Franklin Furniture in Syracuse, explained to me a proposal he had for increasing consumer spending. The snowball was ready for delivery.

Mr. Liberman believes people lack confidence in the economy and are not planning to spend their money until economic conditions improve. They must, he explained, be induced to spend now. People are basically afraid to spend and are scared by negative economic views.

Mr. Liberman's proposal was to businessmen and what he suggested, plus what was subsequently achieved, shows the effect one man's idea can have if people are willing to help. An article containing his ideas appears in the CONGRESSIONAL RECORD, July 28, 1971, on page 27806.

The proposal is simple—run a sale, any kind of a sale, and people will find the money to buy things. Several years ago Mr. Lieberman staged a prosperity sale in Franklin Furniture's eight stores. His advertisements and displays read "buy now—create jobs," and "back to work prosperity sale." In the first 6 hours, 3,900 customers visited the stores and the volume of business was greater than at any time in the store's previous 40-year history.

It was this idea that caught the attention and imagination of the Syracuse papers. A letter, which they sent to more than 800 retailers, urged their participation in this great event.

Faith in the economy can be contagious. If every city in the country conducted a campaign similar to confidence days, the vitality our economy needs would be with us.

I would like to commend the Syracuse Post-Standard, the Herald-Journal, the Herald American, Bob Hennessy of the advertising staff, and the merchants in the area for their willingness to support a "new prosperity."

## RECOGNITION DESERVED

### HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. SHRIVER. Mr. Speaker, it was my pleasure and privilege to be present in Newton, Kans., on Sunday, September 19, 1971, for the Newton and Harvey County Centennial Fiesta. Citizens of Newton had paused to observe Mexico's Independence Day on September 16 and those of Mexican heritage staged the fiesta as part of the centennial observance for the city of Newton and Harvey County.

One of the highlights of the Fiesta event was the appearance of Los Alacranes, Juarez, Mexico, Mariachi Band. The community arranged for the participation of the band and housed their visitors in homes of citizens to further emphasize the spirit of goodwill.

The Newton Kansan effectively discussed the significance of the Fiesta observance and its relationship to the centennial in the following editorial:

RECOGNITION DESERVED

Newtonians Thursday afternoon took time off to observe Mexico's independence day, and Saturday and Sunday those of Mexican parentage who now live in Newton will stage a fiesta that's part of the Newton and Harvey County centennial observance.

It's well that all of us took time off to honor those who fought for freedom from overseas powers in Mexico, for their fight for their own government by their own people parallels that of the United States.

Both countries were colonized by European powers, and both felt that the yoke they had to bear as colonies of what then were super powers was too heavy. Successful revolutions were fought in both countries.

And it is well that the area's centennial observance recognizes the part that those who came here from Mexico and their descendants have played in the history of the area.

Most of the original group who came here from Mexico came as track laborers for the Santa Fe railroad. It was their job to maintain the miles and miles of track and roadbed that crisscross this area. And as such they were an important part of the railroad organization.

Their descendants have found work in other industries both as workers and supervisors and they have taken a growing part in many community endeavors.

We are sure that in the future their part in the life of the community will continue to increase in importance.

And we are sure that all of us can learn and profit from the work of each other as we work together for a better community.

## A DEDICATED LEADER CHARTS FUTURE COURSE

### HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. EDMONDSON. Mr. Speaker, one of Oklahoma's great leaders, Mr. W. W. Keeler of Bartlesville, has been elected by an overwhelming majority vote as Chief of the Cherokee Nation of Oklahoma, a position he previously held by appointment.

Chief Keeler has provided the Cherokees with an enlightened leadership. He has dedicated himself and his tribal administration to providing educational opportunity for Cherokee children and jobs for Cherokee adults, and these efforts have been singularly successful.

Chief Keeler was one of the leaders in the successful effort to change the law and give the five civilized tribes of Oklahoma the right to elect their own chiefs. In this first election in more than 60 years the Cherokees have shown their appreciation of his many years of service by making Mr. Keeler their first elected Chief under the new election law.

In his inaugural address at the Cherokee capitol of Tahlequah, Chief Keeler gives evidence that the Cherokees will continue to progress under his elected leadership as they have under his appointed leadership. I am inserting his

inaugural address in the RECORD at this point:

INAUGURAL ADDRESS

(By W. W. Keeler)

Deputy Commissioner Crowe, Chaplain Ketcher, Senator McSpadden and Chiefs of the Indian tribes of Oklahoma who honor us by their presence here today. Fellow Cherokees, Friends, Ladies and Gentlemen.

This is a historic moment for all Cherokees, Delawares and Shawnees. It marks the return of the management of their tribal affairs into the hands of the people. We have not had this responsibility of self-determination for more than three score years. I am proud and happy to see this day. I am honored to be your elected leader.

The Cherokees were a free and independent nation, with a constitutional government elected by the people, almost a century and a half ago. In the years between then and now, our forebears and we suffered internal strife, removal to an alien land, a civil war that was not of our making, loss of our land without fair compensation, discrimination because of our color, and indignity because we were few in number.

Our Delaware and Shawnee brothers joined us by purchase agreement to share in our hopes and sorrows and in the lean production of the rocky hillsides to which the Cherokees had been driven.

But we are a dauntless people. Our fathers would not bow to a stronger force. Neither have we ever bowed to it. Not when we were penniless; nor when we were without food to fill our children's stomachs. Not when we were without clothing to shield us against the bitter winds that howl in the forgotten hollows between these hills; nor when these hallowed grounds on which we stand were a place of mockery and contempt for those who had herded us onto them.

We were dauntless in our defeat. We remembered the hardships of those, who gave us our heritage. We took courage from their example. We would not be overcome. The blood of our fathers beats strongly in our veins; and we can still hear the distant drums that echo against the mountainsides of the lost and lonely memories that whisper along the byways of our hallowed heritage.

Today we see the beginning of the realization of everything that was only a dream during the lifetime of most of us here today. The Cherokee Nation was never dead; only asleep. Today it stirs and begins to awaken. Today our children see the dream that you and I have had for so many bleak years.

We are again entrusted with the management of our own affairs. We are now free to elect our own leaders. We are free to train our people for jobs; to improve the educational opportunities of our children; to provide adequate medical care for all who need it; to record and promote our noble heritage.

We must be united if we are to accomplish the heavy work that lies ahead. We must join hands with all of our brothers as never before in the history of our people.

Past mistakes and animosity must be laid aside. All of us have been mistaken at some time in the past. We must learn from these mistakes. If we fail in this, the opportunity of this moment will be lost—perhaps beyond recall.

We must think of the work to be done in the future; not of what we should have done in the past.

My opponents in the election came forward with many good proposals. I intend to ask their help and support in making them part of the goals of my administration for the coming four years. I ask everyone to join with me in bringing about their benefits for the Cherokees and their brothers, the Delawares and the Shawnees.

We must develop the human resources of our people. We must end any inequities of tribal activities that may have developed in the past years. All of our programs must be fair to all of our people. The tribal rolls must be brought up to date to include our children as well as our fathers. We must standardize the Cherokee language. I agree that the chief or vice chief should speak Cherokee.

I recognize that our Cherokee Executive Committee of which I have been a member has been criticizd. But, I also know that they have given great service to the Cherokees. During the time that I've been Chief they have served only in an advisory capacity. I want to express my thanks to them for their unselfish assistance to me. Certainly they should be continued until we have had time to rewrite our Cherokee Constitution and make it possible for tribal leaders to be more responsive to individual Cherokees. I would like to see an executive and a legislative branch based on the pattern of our early-day Constitution. The tribal government must reflect the will of all of the people.

I pledge to you today, in this historic setting, my time and the best of whatever talents I have.

I thank you for your support in years past and for your confidence in me to lead the tribe for the next four years.

I humbly and sincerely ask for your support and for your best advice in the years ahead.

Together, we can accomplish even greater things than have been accomplished in the past. With God's help, we can bring about miracles even greater than the accomplishments of this day.

Cherokees! Give me your trust and your united support. Thank you.

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## PROBLEMS OF INDIANA CITIES AND TOWNS

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech I gave at a Jefferson County candidates breakfast in Madison, Ind., September 18, 1971. The speech concerns the problems of Indiana cities and towns:

REMARKS BY HON. LEE H. HAMILTON

I want to talk for a few minutes with you about Indiana cities and towns:

What are their problems?

What approach we, as Democrats, should take toward the solution of the problems?

I. THE FEDERAL SYSTEM

The first thing I want to say is that we cannot separate the problem of cities and towns in Indiana from the general attitude of the American people toward the nation and its government.

The American people are disturbed about the present state of their nation. They are losing confidence in the ability of their government to govern and their leaders to lead. They wonder if the nation and its communities will martial the will and the way to meet the challenges before them. They know that the Federal system is not working as well as it should.

They doubt:

Whether their government in Columbus, Indiana and Washington, D.C. is responsive.

Whether they can make a difference in the decision making processes.

Whether government can meet its problems before they occur or merely react to crises after they occur.

The challenge, then, is to make government work better:

To make it more responsive
More efficient
Less costly
Less confusing

It is no exaggeration that the fate of the American federal system, which has had a remarkable capacity to adapt to changing circumstances depends on its ability to adapt quickly enough to meet the challenges of today.

What concerns me is that although we fight and die for the principle of self-determination in other lands and for self-government in our own, we are often negligent in maintaining the vitality of local, state and federal governments, the very instrument through which self-government is provided.

We have this overwhelming array of public problems that will occupy our energies for decades to come:

Pollution
Poverty
Health
Education
Housing
Transportation
Crime
Drugs
Discrimination

Our federal system simply isn't going to solve these problems until all the parts work, and I don't think they are working adequately today.

Some people argue that we should scrap the federal system and start over. These people, instead of confronting these problems, want to confront each other, sometimes violently in the streets. They want to solve those problems outside the accepted political processes.

But they do not represent the bulk of the American people. You and I believe we have to solve these problems within the system. We have to make the institutions we have work and, if we don't make them work, then our society is in deep trouble.

Some want to try to deal with these problems as individuals. But, we cannot, as individuals, have clean air, clean water, adequate transportation, safe streets, good schools. The only way we can have these things in a society is to organize ourselves in such a way as to achieve them.

Some people argue that all we need to do is elect good men and everything will be well. I want to elect good men to public office, too, but I also say that we need to focus on much more than electing good men. We cannot forget the process in which good men are involved and that process can neutralize and frustrate good men. The system, if it is not a good one, can make it all but impossible for good men to deal adequately and intelligently with the problems.

The federal system doesn't work unless all parts of it are alive and well. Cities that are too feeble, too fragmented to grapple with the problems that confront them will be engulfed by those problems.

II. THE PROBLEMS OF INDIANA'S CITIES AND TOWNS

One part of the federal system we have to take a hard look at is the cities. In Indiana, with city elections ahead, now is a good time to think hard about our cities.

The future of these cities and towns is crucially important to the future of the federal system and the nation. If they cannot establish justice, insure domestic tranquility, promote welfare and secure the blessings of liberty, then the nation cannot be expected to do the same.

The cities deal with the problems closest to the people. They are responsible for the basic services. They are responsible for services you would miss most if they stopped: water, sanitation, orderly growth, traffic con-

trol. If this grand experiment in democracy is going to work, it has got to work in the cities.

Several fundamental facts lie at the base of the problems of Indiana cities and towns.

*1. Lack of money*

Not long ago I asked an Indiana expert on cities what the major problems of the cities were in Indiana. With tongue in cheek, he summarized the problems of Indiana cities in three words: Revenue, finance, and money.

Lack of money and the source of local tax money are the major concerns of every Indiana city. Our local money comes from a number of sources—state and federal aid, fees, assessments, fines—but the property tax supplies 55% of Indiana's local revenues, and is, by far, the most important single revenue source.

The property tax is a poor source:

It's inequitable because it is not tied to the income of the property owner;

It is unproductive because it does not grow with the economy;

Variations in local assessment overburden some owners;

It deters building improvement and urges speculation in land.

Unfortunately, Indiana relies especially heavily upon the property tax. We raise 15 to 20% less from income tax than does the average state.

*2. Lack of size*

Another fundamental fact of Indiana cities and towns is their littleness. Most local governments lack the territory, the population and resources to deal effectively with problems.

They have a built in inefficiency.

They cannot hire a full time mayor.

They cannot attract the kind of full time expertise needed to solve many problems of today.

They cannot take advantage of savings from data processing, automation, modernization.

*3. Lack of authority*

Another fundamental fact is that in Indiana, cities lack authority to deal with their problems. This lack of authority involves the state government as well as the city, since cities and towns in Indiana are creatures of the State, and the State must act if improvements are to be made.

Cities have granted authority and, even with the limited home rule bill which was passed in the last legislature, they have very little inherent power.

Let me give you an example of how state law restricts the power of the city to act.

We have a debt limitation in Indiana which restricts municipal indebetedness to 2% of the value of taxable property within a city. We often compliment ourselves for this provision, but the result really has been to put the city in a financial strait jacket. It has prompted the creation of special taxing districts, revenue bonding practices, lease arrangements, additional municipal corporations and special authorities with boundaries overlapping those of the cities. The structure of city government has become unduly complicated and more expensive, not less. The power and authority of the mayor and the city council have been diluted.

*4. Lack of interest*

There is also the fundamental fact of public apathy in the problems of the cities. This may be the single greatest obstacle in the way of effective local government.

People just don't care about the necessity to revitalize long established and often outmoded practices of municipal government. Only about 30% of Americans vote in separately held city elections. This compares with about 60% who vote in the Presidential contest.

We often say that government closest to people is the best government, but I have my doubts about that because, given the nature of the news media in this nation, most people today know more about what is happening in Washington than in City Hall.

III. WHAT SHOULD WE DO FOR EFFECTIVE LOCAL GOVERNMENT?

Given the challenge to the federal system and the nature of the municipal problems before us, what, should we, as Democrats, be striving for in city government, not just as we approach these municipal elections, but after the tumult and the shouting of the election are over, and we are faced with the stark responsibility of governing.

You probably know the story of the mother who was concerned about her small son who had just learned to swear. She became quite exasperated by his bad habit. Finally, she told him if he swore one more time, he would have to pack his bags and leave home. Well, of course, he swore again. His mother made him pack, and pushed him out the front door. He stood on the porch for a long time and did not move.

Finally, the mother, who had watched him the entire time, was sure he had learned his lesson. She triumphantly opened the door and said, "Well, Johnny, why don't you go on?" Johnny responded, "I would, but I don't know where the hell to go."

As we look at the problems of Indiana cities, we want to be sure we know where we want to go.

Above anything else I want to see a mayor and city administration that are constantly seeking to do a job better.

*1. Organization of city government*

They ought to be exploring better ways to organize the city to deal with the problems:

What type of organization is best for governing this city?

Should we have a commission plan, with a small number of commissioners, with all powers, legislative and executive, for the city government?

Shall we have a council-manager plan, with a small council elected at large and a trained professional administrator?

Shall we have a mayor-council plan, and if we do shall we have a weak mayor and a strong council or a strong mayor and a weak council plan?

Should we have a local review commission to study improvements in municipal government. A review commission need not be a witch hunt for municipal inefficiencies. It can be a balanced study of the strengths and weaknesses of current city operations and organization; and it can make recommendations on how to proceed more effectively.

*2. Public apathy*

The mayor or city council ought to be searching out ways and means to overcome public indifference.

What can be done to increase the knowledge of municipal residents on local issues?

Successful local government depends not just on organization, or finances, or even people. It also depends upon the response and the contributions the citizens of the community make.

What kinds of programs of continuing education ought we to have in this city? Should the mayor give a "State of the City" address each year, as the President gives a State of the Union address? Should we have an annual municipal report? Shouldn't we have in the city a kind of ombudsman office where citizens' complaints can be received and channeled for proper official response?

Could we have more public hearings on crucial topics?

In short, I want to see a city administration exploring every possible measure to help build local interest in municipal affairs.

*3. Attracting good people to work on city problems*

They ought to be searching for the best people to work on city problems. The complexity of local government today requires that public employees be chosen carefully and that they be selected from experienced and professionally trained people. If this means increasing the salaries of mayors, city councilmen, and other city officials to attract the best people, then I support this increase.

*4. Utilization of resources*

They ought to be analyzing and utilizing the sources of the community.

Is the city taking stock of the resources available to it—individual, private, and governmental? Is it trying to channel the resources of creative and alert individuals in the community?

People who really care about their community are the most important and potent force for good that any community has.

There are scores of such people in all of our communities who want to find ways to channel their energies and their abilities for constructive work in their communities. It is not an easy job to organize them, but every city ought to be trying.

Is the city taking advantage of private resources to the maximum extent? Every community that I know about in the Ninth Congressional District has a problem with low cost housing. Government alone is not going to solve that problem. It has to have the help of the private sector. I know towns where the private sectors have helped create parking lots, develop attractive stores and office buildings, provide recreation facilities, remove blight, improve airports, even built city halls, and improved educational facilities.

*5. Cooperation with State and Federal government*

They ought to be exploring every avenue of cooperation and assistance with federal and state officers.

Is it working with them to develop the resources at their disposal from the state and federal governments? Federal and state governments can do an incalculable amount of good in our local communities. There is evidence of that at every turn in almost every community—schools, hospitals, streets, public buildings, welfare agencies.

One of the tasks of city government is to encourage and foster programs of state and federal government which help them get the job done better.

It is only if you have a mayor and a city council who are persistent, aggressive, competent and with a sophisticated knowledge of government and politics that you can develop a working partnership with your state and local governments.

Is the city government working with state officials to modify provisions in the Indiana law to bring about municipal government reforms, and to give the cities the authority they need to deal effectively with their problems.

Among the constitutional issues that need to be explored are:

Whether consolidation of overlapping and duplicating units of government should not be an inherent power of cities. (After all consolidation means better police and fire systems, better pay for local officials, more diversity of work, a better trained staff and more advanced technological assistance.)

Whether the debt limitation provision really saves money and promotes efficiency.

Whether cities should have the opportunity to formulate their own charters, tailored to meet the needs of their municipalities.

Obviously, you have to work in cooperation with the state, but as it is today, the General Assembly handles an enormous volume of strictly local legislation. I am told that it occupies as much as a 25% of the time of the state legislature. The General Assembly ought to be dealing with more important problems that have a statewide impact.

*6. Financial resources*

They ought to be especially vigilant in the collection and spending of money.

Is the city exploring ways and means to improve their tax resources? This includes:

A review of the procedure of assessing taxes;

Eliminating variations in local assessment practices;

The exploration of alternative tax sources;

The possibility of piggy-backing a city sales tax on top of a state sales tax to promote taxpayer convenience and administrative simplicity;

A local income tax and a variety of other measures. It also includes action by the state and federal governments to help to relieve the burdens of the cities.

As we approach these elections we ought to be saying two things to the people:

1. I am listening to you and I understand what you are saying.

2. Here is what we, as Democrats, are going to do about it. Come with us to the top of the mountain and let me show you a better land, a better way.

CONCLUSION

I want to see a city government—

That reflects its diverse citizenry;

That pays its public servants adequately;

That is open to citizens of any social, religious, racial, or economic group;

That has a close two-way communication with the people;

That follows procedures which are understandable;

Whose business is open so that the public will know what it is doing, why, and who is responsible.

I want to see a city that is organized to concentrate on the people's business with the care and attention the people deserve.

I want to see a city:

That can innovate in the development of public policy;

That will exercise continuing oversight over its programs;

That will undertake comprehensive, long range planning for its economic and social development;

That will evaluate and review its own performance;

That will identify and provide for the future needs of the city before they become critical.

## A LETTER TO RUSSIAN AMBASSADOR DOBRYNIN

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. BINGHAM. Mr. Speaker, on Thursday, September 23, I had the honor to participate in a vigil protesting the Soviet Union's treatment of Russian Jewry which was held in a dignified fashion across the street from the Soviet Embassy.

Participating in the vigil were a number of women representing the Leadership Conference of National Jewish Women's Organizations. They had attempted to deliver a letter to Ambassador Dobrynin but had been told by the doorman at the Embassy that no communication of that type would be accepted and that they should send their letter through the mail.

I insert herewith the letter to Ambassador Dobrynin together with the names and affiliations of the signers. Communications of this kind to the Government of the Soviet Union should be given maximum visibility, both in this country and throughout the world, so that the Soviet Union may feel the pressure of world public opinion:

LEADERSHIP CONFERENCE OF NATIONAL JEWISH WOMEN'S ORGANIZATIONS,

*New York, N.Y., September 23, 1971.*

His Excellency ANATOLY F. DOBRYNIN,
*Ambassador of United Soviet Socialist Republics, Washington, D.C.*

Representing nine national Jewish women's organizations with more than one million members throughout the United States, we join with Jewish women leaders throughout the world in expressing our concern for the treatment of Jewish prisoners of conscience in the Soviet Union.

Unlike other political prisoners, these young men and women have not planned any action against the Soviet state or its people. Their only "crime" is their desire to leave the country and go to Israel where they can live as Jews, a right defined by the Universal Declaration of Human Rights of the United Nations.

These people have been given harsh prison sentences—up to 15 years in some instances. They have been subjected to a brutal prison regime with meagre food rations. In effect they have been sentenced to a slow death by starvation and exhaustion.

In particular we abhor the treatment of Mrs. Silva Zalmonson, one of the eleven in Leningrad sentenced in December of 1970 to ten years in a prison camp. She has been deliberately starved, given a calory intake that would be insufficient to sustain a child. Mrs. Zalmonson was pregnant at the time and has since lost her baby. Since her imprisonment she has begun losing her hearing and her general physical and mental states have begun to deteriorate. She has told her friends she will not be able to survive the long sentence.

We urge the Soviet Union to cease harassment of those who wish to live openly as Jews within the USSR, a right granted to all nationalities by the soviet constitution, and to allow those who wish to go to Israel to do so. We urge, in the interests of humanity, that these prisoners of conscience, who have been victims of political persecution, be freed.

We deplore the fact that when we wanted to see you to discuss these humanitarian issues, neither you nor any responsible official of the Soviet government would agree to meet with us. We are therefore forced to deliver this to the embassy in the hope that it will find its way to the proper officials.

Mrs. Charles Snitow, President, Leadership Conference of National Jewish Women's Organizations.

Mrs. Nathan Holstein, President, B'nai B'rith Women.

Mrs. Milton Jacobson, President, Mizrachi Women's Organization of America.

Mrs. Joel Dolkart, Vice President, National Council of Jewish Women.

Mrs. David Levitt, President, National Federation of Temple Sisterhoods.

Mrs. Henry Rapaport, President, National Women's League of the United Synagogue.

Mrs. Charles Stein, Vice President, Pioneer Women's Organization.

Mrs. Monroe Rosenthal, President, Women's American Ort.

Mrs. Meyer Karlin, President, Women's Branch, Orthodox Jewish Congregations of America.

Mrs. Howard Levine, President, Women's Division, American Jewish Congress.

## MINNEAPOLIS HEALTH HEARINGS

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. FRASER. Mr. Speaker, I recently concluded 3 days of public hearings in Minneapolis. Those hearings generated a number of letters from concerned citizens who were unable to attend.

The lack of dental insurance is one area of health care of particular concern to all age levels of our society. As the following statement from the Minneapolis Model City Health Committee indicates, dental care is of great concern to the elderly. This statement by Mrs. Ione M. Brown, Mr. Ward Edwards, and Mrs. Esther Schones, deserves wide dissemination, thoughtful consideration, and an attempt at implementation. The failure of medical programs and health insurance to provide dental coverage for the elderly is a major shortcoming.

Dr. Bruce Keyworth provided a copy of an article written by Dr. Viron Diefenbach. This article sketches the position of the American Dental Association Task Force on National Health Programs.

Mr. William Jones, an Executive Board Member of the Laundry, Drycleaning and Dye House Workers suggests the inclusion of a program of dental care in health reforms. I share Mr. Jones' concern and am hopeful that the Congress can respond to these particular, but very important needs.

THE MINNEAPOLIS MODEL CITY PROGRAM,

*Minneapolis, Minn., July 16, 1971.*

Representative DONALD FRASER,
*House of Representatives,*
*Washington, D.C.*

DEAR REPRESENTATIVE FRASER: We are writing to you with the authorization of the Minneapolis Model City Health Committee stating some of the dental needs of the elderly in the community.

Good health is highly related to the prevention of illness, and proper dental care is one important facet of our health needs.

The following data have been found in various community surveys:

1. 50% of the population of the United Stats have lost their teeth by the time they reach the age of 55 years.

2. 50% of the adult seniors have not visited a dentist in two years. This is a need that should be attended to.

3. 25% cannot chew their food properly.

4. 30% find dental care too expensive.

5. 15% have a fear of the dentist.

6. 20% do not want to go to the dentist alone.

The above information indicates that some government help through private insurance companies, Medicaid Insurance, or Medicare must be given. Education as well as coordination of the present dental services should be the starting point for improving our nation's dental health systems.

A trained neighborhood senior (adult) visitor could be a useful resource person for giving encouragement and information on the available dental care, as well as for gathering helpful facts on the very important need for transportation to the various dental services in a community.

The Minneapolis Model City Senior Citizens Health Task Force felt that some health insurance should be guaranteed through the company that persons have been employed by, and dental care must be included in the policy.

The senior citizens are wholeheartedly in accord with the concept that proper dental care starts from birth and continues throughout one's life, but we are particularly concerned with dental care for senior citizens.

Action should start now, and we are urging you as our representative in Washington to take necessary steps to help with the dental needs of the elderly.

Thank you for your consideration and your aid on this urgent matter.

Very truly yours,

IONE M. BROWN,
*Chairman, Senior Citizens Health Task Forces.*

WARD EDWARDS,
*Chairman, Health Committee.*

Mrs. ESTHER SCHONES,
*Chairman, Policy and Planning Committee.*

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ADA TASK FORCE ON NATIONAL HEALTH PROGRAMS

(By Viron Diefenbach, DDS, MPH)

In anticipation of the increasing impetus of the movement toward national health programs and the significance of this development, the 1969 House of Delegates approved a resolution (*Trans* 1969:269) creating a "broad-based dental health task force to design the Association's position with respect to the partcipation of the dental profession in national programs concerned with the delivery of health care to the public." A progress report will be delivered to the House in 1970 and the final report will be submitted through the Board of Trustees to the House of Delegates at the 112th annual session in Atlantic City, October 1971.

The recommendation was initiated by Harold Hillenbrand, now executive director emeritus, in his final report to the Board of Trustees and was implemented on the recommendation of Hubert A. McGuirl, then president of the Association.

The resolution also directed the Council on Dental Care Programs and the Council on Dental Health "to review as a matter of high priority all existing Association policies relating to national health programs." Their joint meeting in December 1969 reviewed policies under the general headings of national control of health care services, availability and accessibility of dental care, organization of dental care programs, and financing of dental services. Review of these policies confirmed the notion that a complete reevaluation of the Association's position on national health care programs was needed.

COMPOSITION OF THE TASK FORCE

President Harry M. Klenda subsequently appointed a 14-member Task Force composed of eight dentists representing a wide range of the dental profession and six nondentists representing interests significant to the consideration of national health programs. Doctor McGuirl, immediate past president, was appointed chairman. President Klenda and President-elect John Deines are ex-officio members of the Task Force.

Of the eight dentists, five are in full-time private practice and all five are engaged in additional responsibilities for the profession: Doctor McGuirl, a general practitioner, is executive secretary, Rhode Island State Dental Society; Eddie G. Smith, a general practitioner, is speaker of the house for the National Dental Association and is associated with Community Group Health Foundation, Inc.; Edward A. Cheney, an orthodontist, is an ADA trustee; I. Lawrence Kerr, an oral surgeon, is president of the Dental Society of the State of New York; and Lynden M. Kennedy, a general practitioner, is editor of the *Texas Dental Journal*. Another dentist, Roy L. Lindahl, chairman of the ADA Council on Dental Care Programs, is in part-time pedodontic practice in the intramural private practice of the University of North Carolina Dental School where he is on the faculty.

The other dentists are: Donald J. Galagan, dean, University of Iowa College of Dentistry, representing dental education, and F. Gene Dixon, vice-president and managing director, California Dental Service, representing dental prepayment plans. Doctor Diefenbach, originally named to the Task Force, has since joined the Association staff as assistant executive director for dental health. On becoming the ADA staff director of the Task Force, he resigned from Task Force membership. Lynden M. Kennedy was appointed to fill the resultant vacancy.

The nondental representatives are: Ray E. Brown, executive vice-president, Northwestern University, McGraw Medical Center; Lester Breslow, MD, professor of health services administration, School of Public Health, UCLA; Robert D. Eilers, PhD, executive director, Leonard Davis, Institute of Health Economics, University of Pennsylvania; Herbert L. Meyers, president, Consolidated Dental Services Company; Daniel W. Pettengill, vice-president, group division, Aetna Life & Casualty, and John G. Tomayko, director, Pension and Insurance Department, United Steelworkers of America.

FIRST MEETING

At the first meeting of the Task Force on May 20, the base lines and procedures for operation were established. Operations will cover an 18-month period, as dictated by the timing of the 1971 annual session. A progress report will be made to the 1970 House and final recommendations will be submitted to the 1971 House. It was emphasized that deliberations of the Task Force should not be bound by existing Association policies since the House of Delegates will act on its ultimate recommendations.

There was a consensus among the members that some type of national health program would be a reality in the future; estimates of the time when such a program can be expected ranged from four to six years. It was pointed out, however, that the dental profession needed a position on this vital matter at the earliest possible date. Furthermore, the term "national health insurance" may be used loosely in the months ahead to describe programs that may not actually constitute a new national program, such as an extension of Medicare to more categories of recipients.

Background information was reviewed on essential prerequisities for developing an acceptable national dental program—adequate dental manpower, adequate resources for educating and training dentists and auxiliaries, assurance of quality of dental services, and priorities. Consideration of all these broad subject areas is necessary to formulate a position for dentistry in national health programs.

ORGANIZATION STRUCTURE

Five committees under the following headings, were created to conduct basic studies of the Task Force:

These are:

Manpower;

Delivery of Services,

Priorities of Services and Review of National Health Proposals,

Quality Review and Methods of Payment, and Consumer Concerns.

Committee chairmen, all members of the Task Force, are, respectively: Doctor Galagan, Doctor Kerr, Doctor Cheney, Doctor Lindahl, and Mr. Tomayko. Each committee has five members from outside the Task Force. Overall, the membership of the committees totals 22 dentists and eight nondentists. The structure of the Task Force and its relation to the Association's policy-making body are shown in the chart.

WHY THE TASK FORCE IS SO IMPORTANT

The timeliness and importance of the Task Force are confirmed with every new proposal on national health legislation that is announced or introduced in Congress. By the end of summer, proposals were advanced by the Committee of 100, led by the United Auto Workers, the AFL–CIO, American Medical Association, Health Insurance Association, Health Insurance Association of America, the National Governors' Conference, Senator Jacob Javits, and Senator Edward Kennedy. Several of these proposals include dental care for children of specified age groups, but several have omitted dental services completely. All of the present proposals would change the financing of health services.

The omission of dental services in a national health program would relegate dental care to a subordinate and separate position from total health care. If dentistry were not included, the current provision of dental services to publicly supported beneficiaries could be affected by cuts in dental expenditures because the federal health funds now going into dental services would likely be diverted to the national health care program. Yet inclusion of dental services in a national health program raises crucial questions of dental manpower and funds to pay for treatment of the gigantic backlog of unmet dental needs in the nation.

The plans proposed thus far have indicated that the dental profession cannot assume dental services will be included automatically in national health programs. It is, therefore, urgent that the profession determine its position on the inclusion of dental services. The American Dental Association Task Force on National Health Profession Programs was created to assist the dental profession in developing its position.

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LAUNDRY, DRY CLEANING & DYE HOUSE WORKERS,
INTERNATIONAL UNION LOCAL 183,
*Minneapolis, Minn, February 27, 1971.*

I am in support of the DFL Health Plan, and I would like to make a suggestion to what is currently proposed:

I would like to see included in the plan a program of dental care.

WILLIAM D. JONES,
*Executive Board Member.*

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## CULVER CALLS FOR NEW U.S. INITIATIVES IN INTERNATIONAL ECONOMIC NEGOTIATIONS

## HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. CULVER. Mr. Speaker, President Nixon's new economic policy has changed the outlook for international economic relations more profoundly than any single step since World War I. It opens the possibility for dramatic improvements in the international monetary and trade systems and the network of international cooperation to meet the new economic needs of the 1970's and beyond. However, the "new economic policy" could also seriously damage the world trading system and the network of international cooperation which over the last 25 years has tripled foreign trade. The outcome will depend on the skillfulness of the administration taking reasonable advantage of the opportunities it has created, and the responsiveness of other countries in working with us to achieve them.

We are now about halfway through phase I of the President's "new economic policy." We are on the eve of the most important regular economic and monetary meeting that takes place every year—the world meeting of the International Monetary Fund, and within a few days, the President will receive the recommendations of his senior advisers on how we proceed in phase II. This is, therefore, a good moment to pause and take stock.

One cannot doubt that much of the President's announcement has powerful validity and enjoys a wide measure of support in both parties. Certainly the time was long due for a wage-price stabilization program. One can argue about details, but still the objectives are inescapable. By effectively controlling inflation we will do much to improve our domestic economy, as well as our trade and balance-of-payments position. We will no longer be pricing ourselves out of competition because of uncontrolled inflation.

Likewise, though one can disagree about the most effective mix of tax measures and incentives, the President did properly fix our attention on the need for better productivity and performance in many sectors of our economy. In addition to the tax measures and incentives already proposed, the United States should also undertake a major program to increase U.S. exports by assisting research and development in the export sector, and by expanding facilities for export credit.

The second keystone of the President's program for which there is full justification and where delay would have been debilitating is the uncoupling of our currency from gold. Gold convertibility had become archaic, unworkable and a constant temptation to volatile speculative money and capital movements. Our action was proper for its own sake, and the best means for setting in motion a more realistic realinement of major world currencies.

At this halfway mark, we have made at least halfway progress in the necessary progress of currency adjustments. The major currencies of the world, including the Japanese yen, are floating though most governments are not yet permitting them to reach a "free market" level.

However, it is also evident at this point that the "new economic policy" has not been adequately meshed with our foreign policy. To many of our closest friends—Canada, Mexico, Japan, Europe—as well as many detached and wholly innocent nations of the third world, the President's actions had a blunt indiscriminate and almost retaliatory character.

Not all of these charges have to be taken at face value, especially since some of these countries have been comfortably avoiding hard decisions of their own by using our deficit as their cushion. We have every right to expect that these countries assume a full measure of responsibility for taking whatever measures are necessary to correcting our serious balance-of-payments problem.

To some extent, the imposition of a broad program of the sort which has been undertaken cannot be pinpointed to take into account all individual or special situations. Nonetheless, the experience of the last several weeks leaves no doubt that one of the President's instruments—the import surcharge—coupled with a buy American clause in the new investment credit exceeds the real needs of the situation and may in fact ultimately impede the proper reconstruction of the world monetary system.

The surcharge has, more and more, become a weapon by which to obtain ill-defined concessions across an ever-widening front. Whereas in its original formulation, it appeared to be largely related to a movement toward currency realinement and monetary reform, it has now been translated into a temporary measure of extended duration and is tied to concessions in all kinds of commercial and even military and political spheres of interest.

Though it must be acknowledged that we are not the first nation to adopt a surcharge for a period of time—Canada and Great Britain are examples of trading partners who have adopted it— it has not been used by a major power as a principal weapon of political and economic threat in negotiations.

By our use of the surcharge under the haziest ground rules and without putting forward a negotiating package of any specificity, we are raising the prospect of economic retaliation by other countries, creation of vested interests in our own country which oppose its removal, and a recoil effect which may make our whole effort to improve the world economic situation self-defeating.

The surcharge has become a bone in the throat which may suffocate progress in all areas of mutual interest. It could set back the progress of international trade by many years and could invite barren forms of economic warfare. Moreover, its undue maintenance could, in fact, propel the world monetary and trade system backwards instead.

It is all very well to say that as a Nation we are far less dependent than Japan, Great Britain, Italy or India on foreign trade, but this would offer no satisfaction when one takes into account the great importance of trade to U.S. Agriculture, particularly major U.S. industries and firms and especially patterns of international investment, the inevitable leadership role which the American economic position commands, and the vital stimulus of fair competition. And we in Iowa certainly have no cause to rejoice in American isolationism or a trade war:

Agricultural commodities shipped from Iowa to foreign markets accounted for $505 million in fiscal year 1970. The State was third in the Nation in total as well as per capita exports of farm products. Most important, Iowa's growth rate in agriculture leads the Nation.

Iowa is the Nation's leading exporter of tallow and lard, meat products, and hides and skins, with foreign sales in fiscal year 1970 valued at $30.7 million, $25.2 million, and $18.2 million respectively.

In addition, the State is the second largest exporter of four other commodities of major importance to its farm economy—soybeans, with supplements abroad valued at $166.9 million; feed grains, $135.4 million; protein meal, $49.4 million; and soybean oil, $21.7 million.

Iowa's exports of dairy products, third largest in the country, were valued at $9.4 million.

Exports of manufactured goods from the State of Iowa were $412 million in fiscal 1970. Iowa ranked 11th among the States in per capita exports of these products.

Foreign shipments of nonelectrical machinery nearly doubled during the last decade to a level of $173.5 million in fiscal year 1970.

Cedar Rapids is the State's major producer of manufactured goods, predominantly electrical, and nonelectrical machinery and food products.

Waterloo sells large amounts of nonelectric machinery.

Other important export centers are Dubuque, Des Moines, and the metropolitan area of Davenport.

As chairman of the House Foreign Affairs Subcommittee on Foreign Economic Policy, I have recently had occasion to preside over two sets of hearings dealing with the new trade trends of the common market, and more recently, to examine the international effects and consequences of the President's "new economic policy."

I cannot pretend to be a professional economic analyst or expert in the intricacies of international monetary mechanisms; however, without pretending to know the exact prescriptive requirements for resolution of the current international economic crisis, I have reached these general conclusions:

First, I believe it is crucially important that the United States offer to negotiate, based on a set of specific proposals it puts forward to deal with the growing international economic crisis.

I do not believe that we have much to gain any longer from a poker style policy in which we take a temperance oath from all policy recommendations and projections of what a new international trade and monetary system might look like.

Negotiation requires, to begin with, an agenda. I cannot believe that much progress will occur if we do not fulfill our leadership responsibility, rather than just invite others to come forward with their solutions and expect them to unconditionally surrender to our massive economic retaliation.

Second, it is important to keep our priorities straight. I believe that it is imperative that the United States differentiate between its viable short-term objectives which are on the point of being won, and longer-term objectives that will require protracted negotiations.

Over the short term, I believe the most immediate, most valuable and most promising area of reform lies in the monetary field. I believe our trading partners should realine their currencies against the dollar. As this is done we should move at once to negotiations which will allow wider permissible bands of currency fluctuations and greatly enlarge the reserve base for world currencies. In addition, we should get their agreement to a timetable to conduct negotiations on the basis of evolving toward a fairer trading system and a more equitable sharing of defense burdens.

I would classify longer-term objectives as a more equitable sharing of the defense burden and a reordering of the international trading system.

In this perspective, a change in the gold parity of the dollar and the sur-

charge take on a different character. I personally do not attach great importance to an upward change in the price of gold. I doubt that this would really achieve agreement on the necessary reform of the international system. It might be a mildly stimulating form of tokenism and probably would do no great damage since revaluation would be modest in any event. However, it would also have, somewhat, the effect of enthroning gold once again at the very time we are trying to develop complementary if not surrogate forms of international reserves.

Third, at the very minimum, we must begin to elaborate quite clearly what are the preconditions for lifting the surcharge. These should be kept simple and should not hinge on remote contingencies or unrealizable objectives.

I would myself be fully prepared for the United States unilaterally to lift at least one-half the surcharge at once as a good faith first move toward future negotiating and attempt to set a target for removal of the remainder by the end of the year. A halfway removal now would be realistic in view of the currency revaluations already made by Japan, Germany, and several other nations.

The longer the surcharge stays operative, the more it is likely to slam doors rather than open them. This is especially true for the lesser developed countries who do us no damage to either our trade or our balance-of-payments situation. Furthermore, the passage of time makes removal of the surcharge more and more difficult to remove. It must also be remembered that if the surcharge remains, the realinement of currencies will have a partially artificial character since our trading partners must hedge against the surcharge and the new buy America program when they revalue.

Fourth, the United States could ease passage of needed monetary and trade reform if the President would send to Congress a request for new trade legislation and negotiating authority. This would open doors for progress beyond monetary reform.

I would freely grant that chances for quick or automatic passage are not now favorable, but we cannot even begin negotiations until the President stakes new grounds and makes it clear to other nations that tools for negotiating are not held in long or permanent suspense.

At the moment, there is no room for maneuver and it makes it very difficult for us to get real concessions from others, for example, to mitigate the discriminatory features of the common agricultural policy of the European community.

Fifth, the time has come to better mesh our political and foreign economic objectives. Inherent in this is the need for closer cooperation between the State and Treasury Departments than has characterized our public statements since August 15.

It is dangerous to entrust the entire game plan to economic experts and improvisers who do not understand the intricacies of foreign policy. We are dealing in several instances with leaders who could well suffer, if not fall from U.S. political miscalculations, bringing on governments whose political complexion is much less welcome to us than those now in power. We need to take into account too the inevitable pull toward political and economic isolationism and retrenchment in this country.

There is no doubt that we can inflict serious wounds on our foreign policy if we become trigger happy and issue careless economic threats.

It is time, therefore, for the executive and congressional branches to focus on real solutions, on finding bridges for agreement, and place in the foreground our objectives as a responsible world power so that together with our major economic and political partners we can solve the current international crisis and build a more viable and fairer economic system for the 1970's and beyond.

## TEACHER SALARIES

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. DANIELS of New Jersey. Mr. Speaker, earlier this month, hundreds of thousands of teachers returned to their duties in schools across the country not knowing how much they were entitled to be paid. In spite of the fact that contracts had been signed and ratified prior to the initiation of the August 15 freeze on salaries and prices, the administration, the Cost of Living Council, and the Office of Emergency Preparedness first issued statements indicating that teachers could not receive either their annual increments or their negotiated increases of those annual increments. Thereafter, conflicting and contradictory statements were issued by all of these agencies resulting in confusion and anger on the part of many teachers.

After a great deal of effort I have been able to obtain from the Office of Emergency Preparedness a set of statements which, I have been advised, represent the position of the Cost of Living Council and the Office of Emergency Preparedness as of September 24, 1971.

In order to make these statements available to my colleagues who may also want to provide assistance to their own constituents, I am reprinting them in the CONGRESSIONAL RECORD. The statements from the Office of Emergency Preparedness follow:

OFFICE OF EMERGENCY PREPAREDNESS,
SUPPLEMENTAL GUIDANCE

(7108251400, 4.0504, Stabilization Program Guidelines, Category 4)

Topic: Determination of wage price freeze on teachers salaries.

The determining factor in establishing whether or not individual teacher system salaries are subject to the wage price freeze is the determination of the effective date of the system contract. The effective date of the teaching system contract is defined as having occurred whenever teachers either began to perform services under the system contract (which to be eligible for increase in pay must have been before August 15) or when they were eligible to receive increased payment under the contract (which must have been before August 15).

The freeze applies to system wide teachers contracts regardless of the date an individual may have signed his or her contract. In addition, a teacher whose system contract went into effect prior to August 15 and who was eligible to be paid from that date would receive the pay raise regardless whether or not he or she choose to wait until the beginning of school in the fall term to receive any pay under the contract.

Although longevity increases for teachers are frozen, a teacher who has been awarded a master's degree or completed other required or recommended advanced training can receive the increment normally given. However, if the system contract date is after August 14, the increment must be the amount that was granted last year.

OFFICE OF EMERGENCY PREPAREDNESS
SUPPLEMENTAL INFORMATION

(7108271100, 4.0506, Stabilization Program Guidelines, Category 4)

Cost of Living Council today issued the following summary of decisions on wage and salary contracts in the field of education.

If a teacher (or other educational personnel) in a school system has either performed work prior to August 15 under a new contract calling for a wage increase or if the teacher was eligible to have earned a salary at the new rate prior to August 15 the new rate is permissible. To be eligible means that the teacher in fact accrued earnings (at the new rate) which covered a period prior to August 15, although he or she may not have *actually* performed any work during that period.

In many cases a contract may read that its effective date is July 15 or some other day prior to August 15. The effective date of the pay increase for purposes of the wage-price freeze for individual contracts is determined by the two criteria—when the work is performed or when the individual is eligible to receive the new increase. Eligibility is proven by the period covered by and indicated on the pay check (which may be issued after August 15). As an example, if a college has five cafeterias, three of which close down for the summer, and if the cafeteria workers are employed under a wage scale and under individual contracts keyed to those scales, the increase applies only to the summer employee who performed work prior to August 15. Those returning in September who have not performed work under the new contract do not receive the increase. If, however, there was one uniform system contract for all, then those cafeteria workers returning in the fall also receive the increase.

In the case of school systems that have negotiated a system-wide contract which is applicable to all teachers in the system and which makes all teachers eligible to receive payment prior to August 15, all teachers may receive these increased payments if any one teacher either performed work or was accruing pay prior to August 15.

The question has arisen as to whether this applies to cafeteria workers and others. Where there is a system contract that meets the above criteria it applies. Otherwise the rule that applies is that before the increase is granted work must be performed under the new individual contract or the individual must have been eligible to accrue pay during a period prior to August 15.

A distinction is drawn between a systems contract negotiated for all teachers, or for other personnel, and a pay schedule on which individual contracts are based. Under the former, all teachers are eligible for increases if one teacher has performed under the contract prior to August 15 or was eligible to earn under it; under the uniform pay schedule each individual is dealt with individually; if he or she has performed work under a contract prior to August 15 or has been eligible to earn the new increase prior to that date the increase is allowed.

Another question involves multi-year contracts calling for annual increases on a date

after the August 15 freeze. The increases may not go into effect.

What about longevity increases due after August 15? The longevity increase is frozen even though the pay raise is approved under conditions described here.

Does a teacher who has completed courses and received additional degrees making her eligible for the higher pay rate get a new salary level? Yes. This is a promotion, not a pay raise.

Can a newly-hired teacher whose contract is signed after the freeze date collect the higher pay in a school system where all the wages are frozen under these rulings? No.

The question has been asked as to how this applies to college teachers. Where there is a system contract uniformly applying to college teachers in a college or university system, the same rule applies—if work was performed by any one faculty member under the new contract prior to August 15, or if any faculty member accrued the new salary prior to that date even if no work was performed, all faculty members affected by the contract are eligible for the increase. Where there are individual contracts, the two criteria of work performed or eligibility for accruing salary apply.

It is apparent that variations in contracts will continue to raise questions. School related organizations needing further information for their particular situations should wire Teacher Information at one of the 10 OEP regional centers (see list below), and state their specific questions or problems. A response will be made as soon as possible. Only requests from school related organizations will be honored.

Date: Augut 20, 1971.

Source: *Cost of Living Council News.*

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OFFICE OF EMERGENCY PREPAREDNESS
SUPPLEMENTAL INFORMATION

(7108281100, 4.0507, Stabilization Program Guidelines, Category 4)

At the request of Dr. Sidney P. Marland, U.S. Commissioner of Education of the Department of Health, Education, and Welfare, George A. Lincoln, Director of the Office of Emergency Preparedness, released today the supplementary guidance he is sending to field offices on teachers' salaries affected by the current stabilization program.

The guidance follows:

Since the issuance of the August 26 statement summarizing the decisions of the Cost of Living Council as regards increases in salaries to education personnel, several questions have arisen which suggest further explanation.

First, a newly hired teacher may be hired at the new salary rate if he or she comes to a school district operating with a master or system-wide contract which includes wage increases and is in effect because teachers have already performed work or accrued pay under it prior to August 15. If the contract providing for new increases is not in effect, the new teacher, regardless of whether he or she may have signed the contract before August 15, may not receive the new salary rate but must be employed at the rate existing prior to the freeze.

Where a newly hired teacher enters a school system governed by individual contract which has been signed prior to August 15, he or she may draw the new increased rate adopted for that school district only if he or she has performed work under the contract prior to August 15 or has accrued earnings prior to that date. If he or she signs the contract after August 15, the old rate applies.

Second, where a teacher has selected a 10-month contract in a school area where there was an option on a 12-month contract, the teacher will not be penalized for having selected a 10-month contract where the 12-month contract would have qualified for the increase. This applies only to situations where 10 months of work is involved but where there is the option to spread the payments over a 12-month period.

Third, even if in a system-wide contract situation some of the teachers had received longevity or merit increases prior to August 15 which were provided for under the new contract, other teachers eligible for such increases under the same contract after that date are subject to the freeze and their longevity and merit increases are specifically prohibited.

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OFFICE OF EMERGENCY PREPAREDNESS
SUPPLEMENTAL INFORMATION

(7109151100, 4.0510, Stabilization Program Guidelines, Category 4)

The following represents further specific guidance for use in answering inquiries on teacher salaries.

*Eligibility:* The previous guidance is contained in Annex 2 of OEP ES #5, which reads as follows:

"In the case of school systems that have negotiated a system-wide contract which is applicable to all teachers in the system *and which makes all teachers eligible to receive payments prior to August 15,* all teachers may receive these increased payments if any one teacher either performed work or was accruing pay prior to August 15."

The reference to "any one teacher" apparently has been misinterpreted to apply regardless of the individual eligibility of other teachers in the school system even in the absence of a system-wide contract. The CLC statement of September 3 carefully stresses that the eligibility of each individual teacher governs. This statement, therefore, is consistent with the above which refers to system-wide contracts, which, by their terms, make all teachers within a system eligible to receive payment prior to August 15. Such a system-wide contract would be a contractual agreement which covers all teachers in the system, includes uniform criteria for pay eligibility, and allows all to draw pay on 12-month basis, if they choose. If, in fact, such a contract makes all teachers eligible to accrue pay prior to August 15, it is irrelevant whether "any one teacher" performed work or accrued pay prior to August 15. If the employment arrangement requires that a teacher begin work to be eligible for pay, then the date of beginning work is the date the teacher is eligible to accrue pay.

Thus, the eligibility of any single teacher does not *per se* qualify everyone else. Each teacher's eligibility is determined individually on the basis of his or her terms of employment.

If a teacher had the option to take a 12-month contract under which he or she would have been eligible to accrue salary prior to August 15, but instead chose a 10-month contract, he or she is considered eligible.

*Definition of "Accrual."* The CLC statement of September 3 contains the following provisions:

"The eligibility of teachers for pay increases is determined by the date when the teacher became eligible to *accrue* wages at a higher rate."

* * * * *

"To be eligible means that the teacher in fact *accrued* earnings (at the new rate) which covered a period prior to August 15, although he or she may not have actually performing work during that period." (emphasis added).

A common definition of accrue: "to come into existence as a legally enforceable claim." Under this definition a teacher accrues for a specific period prior to August 15 once that teacher has a legal right to payment and the school district has a legal obligation to pay. Adoption of the foregoing definition gives the word "accrual" a precise legal definition.

An expanded operational definition is:

"Accrual of earnings is determined by the existence of a legal right (on the part of the teacher) and obligation (on the part of the employer) to pay a salary covering a period prior to August 15, 1971 (regardless of when actual payment is made)."

The crediting of a teacher's account on the books of the employer, clearly applicable to a period prior to August 15, or issuance of a check attributable to that period, shall be evidence of such a contractual right, but is not the only test of legal obligation and accrual. The substance of the terms of employment must be considered in each case.

Under this definition outlined above a teacher with a continuing individual employment arrangement commencing before August 15, would be entitled to an increase in pay if the following two conditions are met:

(1) Agreement with the individual teacher must have been reached before August 15, even though signing did not take place until later. This is the same as the principle approved by the Council for labor union contracts. Par. 502(b) of ES Circular No. 7. Records must be available to establish the existence of such an agreement.

(2) The pay schedule reflecting an increase rate of pay was established and effective before August 15.

If an agreement was made with the teacher before August 15, the fact that the teacher elected to take a ten-month pay rate effective September 1 would not invalidate the teacher's right to the agreed increases, *but only if the teacher had the option to be paid at the higher rate on a 12-month schedule and the 12-month schedule would have met the eligibility criteria.*

*Continuing Teacher Employment Arrangements.* In many school districts teachers have continuing employment arrangements that continue in effect until formal severance from the school district.

In such school districts a salary schedule is established and is published prior to the beginning of the school systems' fiscal year. At the time of publication teachers have an enforceable right to the salary indicated in the schedule and the school board has an obligation to pay, even though the teacher's right may be contingent on the teacher's reporting for duty on a specified date.

For purposes of the wage freeze under the principles outlined above, the critical factor is, once again, when each individual teacher is eligible to accrue pay under such an employment arrangement. If a teacher accrued pay for a period which commences prior to August 15, 1971 (regardless of when actual payment is made), the higher salary specified in the schedule may continue to be paid to that teacher.

*Salary Schedule.* Another common pattern exists whereby school districts mail to each teacher an annual offer of employment for the coming year, which must be accepted within a prescribed period. Acceptance of the offer constitutes a binding employment obligation for both parties. Each teacher then becomes eligible to be paid at rates in a salary schedule either in existence or to be established.

In this case the following guidance would usefully clarify existing problems:

If an agreement between a teacher and a school district were reached prior to August 15, 1971, and if the employment agreement provides that the teacher is eligible to accrue payment at the new rate for a period prior to the freeze, he or she may be paid at the higher rate published in the salary schedule.

Even if the individual contract were not signed prior to August 15, a teacher may be paid the higher salary indicated in the schedule if all the following conditions are met: (1) the teacher had accepted an offer of employment prior to August 15; (2) such acceptance created a binding obligation on both parties to enter into employment at the

published salary schedule rate; (3) the higher salary were adopted prior to August 15, 1971; *and* (4) the teacher were eligible to accrue salary for a period prior to August 15, 1971.

*Fringe Benefits.* A subsidiary question arises when a teacher accrues increased fringe benefits or an increased stipend other than salary (such as increased insurance coverage) effective at a specified time before August 15, 1971, but does not become eligible to accrue increased salary under the terms of his contract until a specified time after August 15, 1971.

In such cases, the benefits which were in effect prior to August 15, 1971, may be continued during the period of the wage freeze; the pay increase, however, may not be paid since it was not in effect prior to August 15.

## WEST VIRGINIA WELCOMES RALPH NADER

### HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. HECHLER of West Virginia. Mr. Speaker, Ralph Nader may not rank first in the hearts of those in the White House, but he certainly does in my hometown of Huntington, W. Va., where he spoke last Wednesday in the Marshall University Forum Series.

To say Mr. Nader was a smashing success would be putting it mildly. He cuts across party lines, and age and class differences in his crusade for the dignity of the individual consumer. I would like to include articles on his appearance, published in the Huntington Advertiser and the Herald-Dispatch along with a glowing editorial in the Herald-Dispatch, a Republican newspaper, which is the second largest paper in my home State.

Miss Becky Dial, who doubles as a correspondent for the Herald-Dispatch as well as being a student journalist at Marshall University wrote the following article:

[From the Herald-Dispatch, Sept. 23, 1971]

CRUSADER SAYS YOUTH VOTE WILL BRING CHANGE—STUDENT ROLE NADER TOPIC

(By Becky Dial)

"Power to the students."

That appeared a primary message delivered to a packed house at the Keith Albee Theatre Wednesday night by consumer advocate Ralph Nader, opening speaker for the Marshall University Community Forum Series.

He termed "sheer boredom the biggest obstacle to learning" and asked the audience of students, faculty and community members of recall the student nodding in the library over a book, "reading about eight pages an hour" while studying.

"But I have yet to see a student bored with work in a subject that challenges both his mind and value center," Mr. Nader said.

He said the 18-year-old vote law would "change the whole ballgame" of government when four million college students out of the 13 million young Americans granted suffrage by the law "organized, focused and learned about citizenship—taking a participatory role in government.

"And when they're committed to citizenship, their force will spill into the whole population —the students have a lot to contribute," Mr. Nader said.

But students weren't the only group Mr. Nader urged to organize. He suggested that "senior citizens" also combine their skills to "develop concrete thoughts about citizenship."

Mr. Nader cited efforts of West Virginia students to form a Student Public Interest Research Group to study problems in state organizations and encouraged its formation.

"No reading can quite compare with going out there and doing it."

Mr. Nader said students came upon the Phoenix in the 1960's, when they "lost their Ivory Tower innocence" and developed a sense of injustice—"without which there can be no justice."

At the end of the decade, students were despairing and had concluded it was impossible to change the situation.

"They couldn't see the changes they had already instigated," Mr. Nader said, including an awareness of ecology, war and the 18-year-old vote.

Mr. Nader said America had "hardly a problem without the technology and the economical resources to solve it."

He reminded his audience of the recent Federal warning concerning particular color television sets, which advised viewers to sit six to 10 feet away from the screen.

"Why do the people have to adjust to the television? Why not just recall the sets and adjust them?

He said the same thing had happened with Black Lung disease for years until there came a time when man could no longer adjust to the coal dust levels in mines.

He called the example of Black Lung "one of the greatest case studies I know, where a growing awareness of the plight of the miners, coupled with the leadership of skilled professionals, forced organizations to do something.

"There's still Black Lung in the mines, but we're at least aware of it and are doing something." He said "there are so many solutions to problems that we have, but just aren't using."

Mr. Nader said much of this is caused by the fact that the bureaucracy which has the power to invoke such controls is often a wealthy one which can manipulate its way out of laws.

"There's a disrespect for the law and its double standard. If the law is not for the wealthy, then we're proud when we can afford not to follow it.

"Our prisons are filled with minority group members, but there aren't too many from executive suites. But what's the difference between a man in Attica who forges a $113 money order and the company that systematically steals thousands of dollars by pumping water and fat into processed meat products? Instead of jail, they have higher revenues and profits," Mr. Nader said.

[From the Herald-Dispatch, Sept. 23, 1971]

NADER PREDICTION: DIRECTOR OF EPA "MAY WELL RESIGN"

Consumer advocate Ralph Nader, in Huntington on Wednesday, charged he was snubbed by President Nixon in regard to the national consumers conference this week because the Chief Executive didn't want any dissenting voices at the discussions.

Mr. Nader made his accusations at a news conference at the Hotel Frederick at 3:30 p.m. He is in Huntington as a lecturer at Marshall University. He spoke Wednesday night at 8 p.m. at the Keith-Albee Theater on the MU Community Forum.

(During his evening address, Mr. Nader challenged Marshall students to become involved in promoting reforms in government and business, saying "it's not enough to have the proper values without the dedication.")

Mr. Nader also predicted that Environmental Protection Agency Director William Ruckleshaus "may well resign" if subjected to continued "political overridings." He said Ruckleshaus had been overruled in the past by Secretary of Commerce Maurice Stans and other members of the Nixon administration on questions of environmental control.

He praised the EPA for "doing some surprisingly good things," but said the agency had not approached its potential.

The consumer conference was called to detail the current 90-day wage-price freeze ordered by the president and to outline the steps planned at the termination of the freeze.

But, he claimed, the President's move backfired and many of the consumer groups taking part in the meeting did lodge protests against the freeze because it wasn't controlling the profits and dividend portion of the economy.

Asked what he would do if he were the man to decide what is to follow the freeze he outlined a four-point program highlighted by a short-range wage-price-profit board.

This unit would concentrate on selected industries that have been highly inflationary in the past, he said.

To this he added tax cuts aimed at stimulating new jobs, a very strong anti-trust law and a new excess profits tax plan.

On a subject very familiar to West Virginia, Nader said the state must face up to an ultimate decision on strip mining and outlined two choices open to the state.

He said the practice should either be banned entirely or new legislation passed to demand strict reclamation processes.

If the latter is used, he called for huge bonds to be posted by the strip mine operators or else a requiremnt that they place millions of dollars in escrow from what he termed the operators "huge profits" to insure reclamation.

He said if stripping isn't curbed nationally it will ravage an area at least as large as Ohio in the next 10 years.

Nader said no state has ever been able to enforce the provisions of strip mining laws and any state that can't enforce them has a weak strip mining law and should ban stripping.

In the same field of interest, Nader termed the 1969 Coal Mine Health and Safety Act a good law, but said enforcement is not strong.

Commenting on claims by operators the law is crippling or closing many smaller mines, he said he did not feel the provisions of the act are unfair.

"The act must be enforced equally . . . all miners deserve the same level of protection regardless of the size of the mine," said Nader.

Asked about his movement's participation in West Virginia, Nader said two young lawyers associated with him have "been trying to toilet train Union Carbide" and referred to a study completed last year about the coal industry.

[From the Huntington Advertiser, Sept. 24, 1971]

ADJUST MACHINES TO MAN—NADER

(By Richard Carelli)

Consumer advocate Ralph Nader told an audience here Wednesday night machines need to be adjusted to man, not man to machines.

He also cited recent moves to bring about healthier conditions in coal mines and the fight against black lung disease as praiseworthy examples of technology having sooner or later to conform to men's needs.

He called such efforts "one of the greatest case studies I know where the growing awareness of the plight of miners coupled with the leadership of skilled professionals forced organizations to do something."

Nader was speaking at a Marshall University forum at the Keith-Albee theater.

Earlier in the day, at a news conference at the Hotel Frederick, he said he favored abolition of surface mining since he could see no adequate state plan for restoration enforcement.

"Stripping unabated could ravage a portion of this country at least as large as the state of Ohio in the next decade," he said. "Some fundamental damage will never be corrected."

He said, "West Virginia must face up to the fact that if it can't enforce restoration it must consider banning strip mining."

Nader accused the U.S. Bureau of Mines of being controlled by coal operators and by a United Mine Workers union leadership which had abdicated its responsibilities to union membership.

**Turning to a discussion** of a Consumer Protection Agency bill presently before Congress, Nader called the proposed measure one of the most important pieces of legislation in consumer history. He said it was, however, receiving strong opposition from various lobbies.

He said the bill would create a general structure for future consumer action in the nation.

As to his movement, Nader said, "We haven't begun to open up the way citizen action groups can have an impact on their communities."

"We have so many more solutions in this country than we use," he added.

Nader predicted Federal Environmental Protection Agency head William Ruckelshaus "may well resign" if subjected to continued "political over-ridings."

Nader said Ruckelshaus had been overruled in the past by Nixon administration officials on questions of environmental control.

He praised the EPA for "doing some surprisingly good things," but said the agency had not approached its potential.

He again lashed out against what he sees as the unsafe structure of Volkswagens and predicted Japanese imports would soon outsell the German-made auto.

Asked about his movement's activities in West Virginia, Nader said two young lawyers associated with him have "been trying to toilet train Union Carbide" and referred to a study completed last year on the coal industry.

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[From the Herald-Dispatcher, Sept. 24, 1971]

NADER CONSUMER ACTIVISM POWERFUL FORCE

You had a feeling a crusade was forming.

The speaker, low-key, articulate, disdaining exercises in forensic agility, and almost unconsciously evoking a ripple of laughter, held the rapt attention of his audience.

The speaker was Ralph Nader, and his appearance in Huntington Wednesday night added stature to an already growing awareness of his role as the consumer's advocate.

And, well we might greet such a champion of consumer protectionism. The response to his nearly two hours of declamation underpinned the main thrust of his presentation, that citizen power must overcome victimization.

Mr. Nader demonstrated what many have known all along—his approach is a potentially powerful political force. By his championing of causes in the fields of consumerism and the environment, he is appealing to the aspirations of the young, the senior citizens, those from labor.

The Huntington audience crossed all age brackets; if a head count had been made, youth would have prevailed. But, Nader had comments of importance for all, be it on consumer or governmental levels.

He dealt with manipulation of government, noting the dominance of the executive branch over the legislative branch, wherein the people's representation is diluted. He found that great wealth brings great problems, as he ticked off concern areas in automobile safety, mass transit, hospitals, food, housing, pollution, medical care and government corruption.

He exhorted, without being strident, the assumption of citizen power to guarantee quality, rather than quantity, in the consumer's economic future. And, we felt he demonstrated what he asked his followers to delineate:

A stamina of organization.

This can be achieved, Mr. Nader believes through the aforementioned citizenship role, which he equated with patriotism. The consumer activist feels that the involvement of an individual citizen in problems within his own community is basic form of patriotism, which is generally reserved for devotion to country as its involvement outside its borders rallies support for a cause.

The speaker, the first of the Marshall University Forum series, alluded to the citizenship roles of Thomas Paine, Thomas Jefferson and Benjamin Franklin, which were achieved long before their rise to national leadership.

The efforts of a small group of West Virginia physicians to unmask a reluctance to admit the inherent, and lasting, dangers of black lung disease drew attention from the speaker. By inference, his comments on this state crusade, which had grown into the coalfields of the nation and the world struck at another conclusion:

Present and past administrations have been woefully lax in their attention to the problems of the "little guy," who becomes the "second-class citizen" when he seeks recourse for an obvious "skinning" in the marketplace.

And, individuals are long past accepting the delays and procrastination of industry when environmental cleanup is demanded.

Mr. Nader, in acquitting his case for the young, pointed to students who "lost their innocence and plunged forth into involvement in citizenship, turning despair and discouragement into changing things." These included new attitudes on the Vietnam war, preservation of the ecology, achievement of the 18-year-old vote, and investigations of companies, said to be ignoring the consumers, through task forces.

Ralph Nader, before and since his visit to Huntington, presents a strong and able case for consumer protectionism. He has said what many of us have muttered to ourselves, that inimical forces, straining at their corporate bonds, have bestowed the "sucker" label on the consumers.

And, the individual is getting sick and tired of it.

The Nader approach is not tilting at windmills. It is an articulate exposure of the problems. He has rallied many to this consumer cause through "citizen power."

And, his Huntington audience was listening attentively. It will be interesting to see how many sparks he generated here this week.

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## MORE ON PRAYER AMENDMENT

### HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. SCHWENGEL. Mr. Speaker, the Evening Star published Friday, September 24, 1971, contains an excellent editorial on the proposed constitutional amendment regarding prayers in our schools. The editorial hits the nail on the head, and I concur wholeheartedly with the sentiments which it expresses.

The editorial follows:

[From the Evening Star, Sept. 24, 1971]

RELIGION AND THE SCHOOLS

New life has suddenly been breathed into a proposed constitutional amendment to allow prayer in the public schools, and we can only view this development with misgivings. Congress has too many ponderous matters on its hands and the country has too many volatile divisions to undertake an emotional debate over religion in the schools.

Nonetheless, that now seems ordained, at least in the House. The senators should leave well enough alone and thereby embalm the proposition if it reaches their domain.

That's what the House has wisely done until recently. For eight years Representative Emanuel Celler of New York has kept a parcel of school-prayer proposals bottled up in his Judiciary Committee. But the other day he was overruled by a majority of House members, whose signatures on a discharge petition took the matter away from his committee. A House vote is probable in November on a First Amendment alteration permitting "nondenominational prayer" in schools.

The amendment is aimed at nullifying Supreme Court decrees of 1962–63 that prohibited organized prayers in public schools, and its proponents think they can muster the required two-thirds majority in the House. In the Senate, the resistance would be stiffer, for that body never was cordial to a similar proposal advanced with evangelistic passion by the late Everett Dirksen.

But House members shouldn't burden the Senate with that decision. They should summon the courage to reject the measure, as an affirmation of the founding principle that religion and the state must be separate. Any amending of the Constitution is a serious matter, to be approached with great caution. But to set in motion history's first revision of the Bill of Rights would be an act of the profoundest gravity, fraught with peril. It could be the precedent for making the charter a patchwork in which basic rights would be diluted.

Not only would the amendment intrude into the area of religious-state separation, it also promises to create more confusion than currently exists on the subject. For, as 38 religious leaders and organizations pointed out in opposing the measure, it is impossible for the major faiths to agree on what constitutes "nondenominational prayers." Hence that task would fall to school boards, and government would be into religion, establishing forms of worship. That's no way to protect religious beliefs, which is the business of government, or to spread religion around, which is not the business of government.

Religion in all its diversity is a vital element of strength in American life, and its erosion is a cause for deep concern. But it is folly to expect the schools to transmit it to the young, when many homes and churches are failing in that task, and to propose writing that desperate wish into the Constitution. Religious enrichment must flow from the family and the church; it cannot be legislated into being.

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## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 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?

ELLSBERG, THE JUDAS PATRIOT, HONORED BY FCC MEMBER AND OTHERS

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. RARICK. Mr. Speaker, it is small wonder that our Government is no longer able to conduct business as usual. More than 900 Government employees, whose average salary is more than $13,000 a year, gathered recently here in Washington to honor Daniel Ellsberg, a member of the CFR and admitted thief of the Pentagon papers. A spokesman for the group said:

We believe that people should do this sort of thing.

Included in the group was Nicholas Johnson, member of the FCC who told the group:

I have a different problem than Dan's. I've been looking for some classified documents over at the FCC, but the problem there is that they just keep doing it out in the open.

When treason prospers, traitors become heroes.

I insert a related news article in the RECORD at this point:

[From the Washington Post, Sept. 24, 1971]

SECRET PAPERS FIGURE FETED BY U.S. WORKERS

(By J. Y. Smith)

More than 900 persons, most of them government employees and one a member of the Federal Communications Commission, turned out last night to pay homage to Daniel Ellsberg, the man who made public the Pentagon papers.

Said Ellsberg: "I admire you for being here. I made notes for a very depressed crowd, but I have had the feeling since I first stepped into this room that this is a celebration.

"You've certainly given me something to be happy about."

The tribute was organized by a group called Federal Employees for Peace. According to Susan Strauss, chairman of the group's coordinating committee, FEP has no membership lists, no dues, no newsletter and no office.

Miss Strauss, an employee of the U.S. Commission on Civil Rights, said the idea of honoring Ellsberg has been in the works since June. Regarding the release of the Pentagon papers concerning the history of U.S. decision-making in Vietnam by Ellsberg, she said:

"We believe that people should do this kind of thing. We are also against secrecy and believe that policy decisions should not be made in secrecy."

Miss Strauss said 920 persons had paid $5.50 for dinner at the La Gemma restaurant, 1320 G St. NW., to show that they agreed with her.

Prominent among them was Nicholas Johnson, outspoken member of the FCC.

"I have a different problem from Dan's," Johnson told the audience. "I've been looking for some classified documents over at the FCC, but the problem there is that they just keep doing it out in the open."

In a more serious vein, he urged his listeners to make their own "moral decisions" as Ellsberg had in regard to the publication of the classified material.

Sen. ——— was to have been there but had a prior engagement in New York. He sent a telegram saying that Ellsberg's actions "have been in the highest tradition of American patriotism."

Ellsberg has been indicted by the federal government on charges of unlawful possession of the Pentagon study and of converting the study to his own use by giving it to the press. He has pleaded innocent and a hearing in federal court in Los Angeles has been set for Jan. 4.

Ellsberg told reporters that his last visit to Washington was July 28, when he met with 17 congressmen. The time before that, he said, was during the Mayday demonstrations, when antiwar groups tried to paralyze Washington by tying up traffic.

Organizers of the dinner presented Ellsberg with a large papier mache model of a rubber stamp with the word "declassified" printed on the side. They also gave him a scroll which had printed on it a statement that is tacked up in all government buildings. It reads in part: "Put loyalty to the highest moral principles and to country above loyalty to persons, party or government department."

Then Ellsberg, a former employee of the Defense Department and the Rand Corp., began to describe why he had made the war study public.

Decisions on matters of war and peace should not be made in secrecy, he said. "The Pentagon papers do show that this is a criminal war."

He compared the Pentagon papers to the Nuremburg war criminal documents of World War II.

"It is intolerable and outrageous," he said, that draft resisters and other persons who have resisted the war in a nonviolent way should be in prison while the war goes on.

Ellsberg said that his usual remarks on Vietnam were aimed at "a very depressed crowd." He said he had a set of such notes for last night's talk, but that he had discarded them because of the good mood of the audience.

Miss Strauss said the tribute, like other FEP activities, was organized largely through volunteers who passed out leaflets to government workers.

She said that the average government grade of those at the meeting was probably GS–12, meaning that those in attendance make more than $13,000 a year.

Miss Strauss said the audience was drawn from the full spectrum of government departments and agencies.

She said that the peace movement seemed to find support in agencies such as the Department of Health, Education, and Welfare, the Labor Department and the National Institutes of Health.

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WILL THE U.N. BLUNDER ON SOUTH-WEST AFRICA?

## HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. SIKES. Mr. Speaker, we in America are a long way from South-West Africa. Not all of us are even certain where it lies and few of us know about its past, present, or future. There are some among us who have been disturbed by what appears to be the machinations of the United Nations in attempting to determine the future of South-West Africa. Let it be said that what has transpired there thus far indicates that august body is as ignorant about the subject as the most misinformed among Americans.

One of the few logical, down-to-earth statements on this subject that I have seen is by James J. Kilpatrick. It appeared in the Washington Sunday Star of September 26. Mr. Kilpatrick seems to know the facts about his subject, and this has been a rare thing in the commentaries which I have noted previously. It is to be hoped that the membership of Congress will study his comments, and even more it is to be hoped that the U.S. Government will see the importance of a sound program for South-West Africa. We have made ourselves look ridiculous on too many occasions by attempting to follow the tortuous maneuvering of the U.N. It is time for the United States to adopt and stand by a commonsense policy on matters of this importance.

I submit Mr. Kilpatrick's comments for the RECORD:

WILL THE U.N. BLUNDER ON SOUTH-WEST AFRICA?

(By James J. Kilpatrick)

PRETORIA, SOUTH AFRICA.—In undertaking to identify the greatest blunder in the history of the United Nations, one ought to take pause for reflection. A dozen incidents compete for the nomination. But every dismal failure of the past will be eclipsed in the next few weeks if the Security Council pursues a suicidal course in the matter of South West Africa.

The impending crisis is not of large interest to Americans. Few persons know the background; few are concerned with the fate of a large primitive land, thousands of miles away. Yet the implications are fateful; and the explosive consequences of folly could undo the work of generations and see Africa in flames.

South West Africa is twice the size of California, but its population probably numbers no more than 750,000. It lies south of Angola on the west coast of Africa. A former German colony, it became a mandated territory under the League of Nations after World War I. For the past 50 years it has been administered by South Africa; for all practical purposes, it has been a part of South Africa; but for the past 15 years the Afro-Asian bloc in the United Nations, egged on by the Communists, have been trying vainly to snatch it away. Now that unlawful and irresponsible effort is coming to a head.

The matter cries out for understanding. Most of us tend loosely to think of the U.N. as "the successor to the League." Historically this is true enough. As a matter of law, it simply is not so. The very charter of the U.N. makes this clear. Yet for the purposes of punishing South Africa for its internal racial policies, both the General Assembly and the World Court (in an outrageous advisory opinion last June) have chosen recklessly to ignore the law.

Under the charter, the General Assembly has no substantive powers whatever. It can discuss and recommend—that is all. This provision of law has been equally disdained. On its own arrogant motion, the Assembly has undertaken to revoke South Africa's mandate over the territory; the Assembly has in fact given the territory a new name of "Namibia," and created a paper commission to run it. The Assembly has ordered South Africa to get out—and South Africa, for excellent reasons, has paid no attention whatever to these toothless assaults.

Now the Afro-Asian bloc, with Somalia as front man, is demanding action by the Security Council leading to "Namibian independence." This could mean sanctions and ostracism, in the futile fashion of Rhodesia; it could see South Africa expelled from the U.N.; conceivably, it could mean U.N. troops as a peacekeeping force—in one of the most peaceful areas of the world! Under the bogus fiction of "self-defense," some of the Com-

munist-backed African nations could embark upon naked aggression.

These are the grim prospects. What of the facts? South West Africa is not a "nation" in any conceivable sense of the word. A part of it—the part inhabited by the seven Ovambo tribes—might possibly make it with massive help from South Africa. As for the rest? The rest embraces 19 tribes, among them Bushmen and Hottentots still clinging to a Stone Age civilization. The land has come a long way under South Africa's patient mandate—a long way in terms of roads, water supplies, sanitation, medical care—but persons who have not visited this wild corner of the dark continent cannot fathom the darkness there.

To South Africa, the territory is a mixed burden and asset. Mostly it is burden. All the revenues produced by South West Africa are ploughed back into its development, plus heavy infusions of capital from South Africa itself. There is some diamond mining, some commercial fisheries, almost no industry. The asset is strategic: South Africa could not possibly permit this vast coastal area to pass into Communist control. South Africa will fight for its rights—and God help Africa, and the U.N., if this is not understood.

The Nixon administration can prevent this catastrophe. The United States can, and should, veto any extreme resolution presented to the Security Council; and the United States ought then to extend a friendly and helping hand to South Africa—a great and greatly troubled nation seeking earnestly to solve what may be insoluble problems.

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## SANITY IN THE AIR AN IMPOSSIBLE DREAM?

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## HON. GEORGE P. MILLER

OF CALIFORNIA


IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. MILLER of California. Mr. Speaker, Mr. Edward J. Driscoll, president of the National Air Carrier Association recently addressed the International Aviation Club on the subject, "Sanity in the Air—an Impossible Dream?"

Mr. Driscoll is eminently well qualified to discuss the matter of air transportation; he is quite knowledgeable with the problems confronting it today, and I commend his remarks to my colleagues:

"SANITY IN THE AIR—AN IMPOSSIBLE DREAM?"

(By Edward J. Driscoll)

In looking at the title I selected for this talk several weeks ago, I begin to wonder if I might not have the gift of ESP.

For the events and actions of recent days could make one believe that "Sanity in the Air" is truly an impossible dream.

It is really ironic that an industry like ours, so advanced in technology, could have become so irrational and self-destructive.

All of us associated with the International Aviation Club can be proud of the role we play in a 20th century industry that has become the keystone of the world's transport system. We are proud to play a socially significant role in bringing the people of the world closer together and in transporting the products of industry and agriculture to every corner of the globe. But I dare say that we are not equally proud of the evolving practices which make us appear like peddlers in a Casbah bazaar, apparently with little worry as to the morrow.

Let me make it clear from the outset that when I chose the title for my talk, I did not anticipate the so-called "transatlantic rate war." I say "so-called" deliberately because to my mind the situation that some of my scheduled airline friends consider "fun and games" is nothing more than an outright plan to eliminate effective competition in air transportation. This was made clear when Lufthansa admitted that it would lose money during the first year of operation under its recently announced new fare structure.

The charter airlines favor low fares. We introduced them. We promoted them. We built our success on the conviction that the consumer has the right to the lowest cost of air transportation that could be provided by the carrier—without burdening other classes of passengers, without government subsidy—while still earning a fair and reasonable profit. It's history. It's a fact.

The latest fare announcements are merely outward symptoms of a much deeper problem. Even without them, we still feel that psychiatric advice is needed by an industry that refuses to take rational actions to cure its ills.

Perhaps we were so successful in riding the crest of a new and booming business that we never took the time to learn how one operates a public service business; how new markets are developed; and how one must operate within a budget. Isn't it time to forget the "glamor" of aviation, to put aside the notion that we're in show business, to stop dealing in such irrelevancies as live entertainment in 747 lounges, gourmet meals, exotic wines, and get about the business of air transportation? Isn't it about time that we thought less about pirating the other guy's customers and thought more about that vast and untapped market of Americans who have not yet been exposed to the advantages of safe, dependable and low-cost air transportation?

Let me cite some examples of the kind of irrational behavior that we accept as normal in the air transportation industry.

Is it rational that a youth or student pay less than another passenger for his transportation? Does he take less room? Does he eat less? Does it really cost less to furnish him air transportation or is the adult in the next seat paying an unnecessary premium to make this bargain possible? Think for a minute. Does he pay for his typewriter, or his clothes, or his records? Are his tuition fees lower than those of an adult who goes to night school? The answers are no. Now it can be argued—with justification—that it is socially desirable for young people to have the educational experience of international travel. But we all know that these opportunities are already available, through student charters pioneered by the supplemental carriers. Each student pays his pro-rata share of the cost for such flights. These types of charters are available to students through their schools and through other arrangements, by scheduled and supplemental carriers. If we are going to furnish below-cost fares as a social service, why not provide them to our senior citizens? Why not increase rates again so that discounts can be given to low-income workers?

If students and youth fares are to be allowed, shouldn't we at the same time adopt the regulations which are followed in Europe, where all students are able to participate in charters without the necessity of adhering to any affinity regulations.

Is it rational behavior to create a fare structure that tells consumers that the longer they stay abroad the cheaper the fare, while at the same time announcing that they can secure reduced rates on domestic transcontinental travel of four days or less? It's Alice in Wonderland for the travel agent who tries to explain this to one of his customers. If it costs the airline less to carry the passenger who goes abroad for 14 to 28 days, and even less for those who have 29 to 45 days to spend abroad, a reasonable person would expect to travel free if he spends a year abroad. And if he is informed about our dollar drain and the Visit USA program, how can he understand a policy that encourages longer trips abroad but penalizes him if he wishes to take more than a four-day trip across his own country?

Is it rational to tell the customer who wishes to purchase a fixed price Inclusive Tour to a particular vacation spot that government regulations require a minimum stay of 7 days, 3 overnight stops—50 miles apart even though he wishes to visit one particular vacation area. Yet that is what is required if he is to be eligible for the savings of an ITC—an inclusive tour charter. With our holidays now falling on Monday, these archaic rules make it impossible for us to exploit the vast potential of three-day holiday trips. We pride ourselves in the United States in being a progressive industry, yet in Europe a gigantic inclusive tour industry has been built on the ability of charter carriers there to offer short tour packages to a single destination.

Is it rational for U.S. charter carriers to be subject to daily bureaucratic whims of foreign civil aviation authorities concerning landing and uplift rights when governments protect the rights of scheduled carriers through bilateral agreements? Why isn't the American citizen who carries a valid passport and visa and who chooses to travel on a charter flight given the same government protection as his neighbor who travels on an individually ticketed basis on a route carrier?

Look at the situation that exists in so many foreign countries with regard to landing uplift rights for U.S. supplemental air carriers. Now, I ask you, is there really any rational basis for giving preferential treatment to a charter operated by a scheduled carrier over one operated by a supplemental airline?

Neither are covered by any inter-governmental agreement. But, in most cases, a scheduled carrier can fly a charter between points A and B merely by filing notice, whereas the charter carrier must obtain prior approval for each and every flight—with no guarantee that approval will be granted in any given instance. How long can the United States go on being "Mr. Nice Guy," handing out licenses and permits on a non-reciprocal basis—providing foreign carriers with five year operating permits for charters, while U.S. carriers must ask permission for each and every flight to those same countries. Where is the reciprocity? By what stretch of the imagination can this be considered good for the United States, or even good for world aviation?

We must, therefore, come up with a system whereby permits for charter services, whether performed by independents, IATA carriers, or their charter subsidiaries, are provided for in bilateral agreements covering air transport services between respective countries.

Is it rational for our government to allow foreign charter carriers the right to carry transatlantic cargo to or from the United States, while at the same time prohibiting its own charter carriers—the U.S. supplemental airlines—from transporting a single pound of commercial cargo on transatlantic flights? Why can't we develop a cargo industry that will be truly responsive to the needs and cost requirements of American shippers?

Let's not take piecemeal action such as restricting the right of air freight forwarders to charter. Before we take precipitous action, let's analyze the whole structure and system and develop a program for expanding the cargo market—for I believe a balanced system requires not only an individually way-billed system but equally an efficient cargo charter system.

Is it rational to have non-IATA charter subsidiaries of IATA airlines? Lufthansa, BOAC, KLM, and others have formed such

companies. What kind of relationship can we expect to see between these non-IATA "daughter" carriers and their IATA fathers. I have chosen the father-daughter analogy carefully, because I have the feeling that these young things are going to be well-protected and well-cared-for by their doting parents. Will these "subsidiary" charter carriers be permitted to operate without restriction in the United States while the governments that spawned them practice an exclusionary policy against the U.S. charter airlines that have Presidential approval to operate internationally.

I am not in any way opposed to scheduled carriers operating charter flights, and governments certainly should not try to dictate to any country what type of carrier should be used to perform its transportation services.

Just who is going to get reciprocal rights when these non-IATA daughter carriers start operating in and out of the U.S.? Certainly not Pan Am and TWA. They are expressly prevented by law from establishing any kind of non-scheduled subsidary. And you can rest assured that foreign governments aren't planning to voluntarily grant reciprocal rights to the U.S. supplementals. Reciprocity must be obtained if these carriers are to be permitted to operate into the United States.

One of the things that troubles me most is that in any given situation, more often than not, it's the U.S. carriers—and I'm talking about scheduled airlines as well as supplementals—who come out with the short end of the stick.

Is it rational to force consumers to join an organization before they can secure the benefits of low-cost charter travel? Would it not make more sense to allow any group of individuals to band together to buy bulk transportation at plane load rates? The CAB has moved in this direction in its nonaffinity charter proposal, which we hope soon will be adopted.

Is it any wonder then that I question whether sanity in the air is an impossible dream?

The latest thrust, and I am sure that we may be in for more of the same, is that of the comic strip's Red Baron who advertises his "Everybody's Fares." If it is truly everybody's fare, why does the businessman or government traveler who cannot stay abroad for 14 days or more have to pay double the price for the same transportation?

I might remind the U.S. scheduled carriers who will have to match this fare that the Red Baron is eligible for a subsidy from his government . . . and when the damage has been done, and they count their losses for '72, it will do them no good to run around like Snoopy, shouting, "Curse you, Red Baron!"

Our industry's basic problem is that it still does not understand that the consumer will support an everybody's fare that really *is fair* to all; that does not discriminate on the basis of length of stay, time of year, day of week, time of day, and age of passenger. Once the scheduled airline industry recognizes this and comes up with a low-cost, across-the-board rate structure in which the cost of service is borne equitably among all the passengers, I believe that regularly scheduled service will again begin to prosper.

The Department of Transportation recognized this principle in its recent opposition to youth fares. It said, in essence, that if the youth fare is not discriminatory, then it must be predicated upon reasonable cost. If it is, why not make it available to everybody? You can bet that if they did make it available to everybody, the airlines would accelerate their losses. You can't continue to amass the kind of losses that they have been suffering in recent years—and which some are going to experience in 1971—and then expect that a lower yield per passenger will put you in the black.

The IATA carriers apparently do not recognize what was so well stated in the President's International Air Transportation Policy, namely that there is a need for two separate and distinct types of air services to move goods and passengers. These are the scheduled and the charter services. There is a need for both in a properly balanced system of air transportation.

Ladies and Gentlemen:

It is time for a return to reason.

It is time to forget the past, to dispense with "traditional" solutions to our problems, and to start finding answers that do more than shuffle passengers back and forth from one class of service to another, or from one class of carrier to another. We are just kidding ourselves if we think that is any way to fill the empty seats that have resulted from the vastly increased capacity of the past few years.

It is time for action.

As you know, Senators Magnuson and Cannon have announced that hearings on international air fares and other matters will be held on October 19, 20 and 21. In thirty days, the Senate Commerce Committee will hear the views of government, industry and the public.

In the past, the divergent views of every special interest have often side-tracked vital legislation. In the present crises, I believe that all of us have a higher duty. We have the duty to come to some consensus on what is best for all elements of the industry and the American public. More of the same old claims and counterclaims will only serve to prevent constructive action.

Therefore, I respectfully request that responsible government leadership bring all parties to the conference table. Let's make the maximum use of the next thirty days to assess the views of government—the CAB, the Department of Transportation and the Department of State; the industry—both scheduled and supplemental carriers; and the consumer of our services—the traveling public.

First, let's get an overview of our problems and the proposed solutions. Let's stop taking piecemeal action.

Then, let's see if we can agree on a plan, a program, and what needs to be done by Congress, the executive branch and the industry.

I'm not talking about another study designed to gather dust in government archives. I believe a properly designated representative group given a mandate for action, and irrevocable deadlines, can overcome parochialism and bring back some sanity in our air transportation system. We will all have to make some concessions if we are to right our ailing industry and restore it to its proper role in world aviation.

All of us will have our own ideas for consideration by this blue-ribbon panel. For my part, I would suggest that it consider the following five-point program.

First, broaden the base of air travel for both the scheduled and supplemental transportation systems. For example, this can be accomplished by the introduction of one-stop inclusive tour charters, non-affinity charters, and properly structured individually-ticketed promotional systems designed to reach the untapped markets which now exist. Markets such as low-income groups, the weekend holiday set, ski charters within the U.S. and the like. Let's make the three-day weekend really mean something. Let's develop two vacations a year rather than one. Let's not only make the people air-minded, let's make them air travelers.

Second, create a balanced air transport system which recognizes retail and wholesale concept of air transportation, and that individually ticketed and charter—or bulk—services are complimentary. Basic to the establishment of such a system would be a greatly simplified and rational fare structure. Adoption of two basic elements, cost and service, should be the guiding criteria in setting figures that benefit both the public and the airline industry.

Third, safeguard the U.S. market, which is the largest air transport market in the world into which all countries enjoy traffic-generating operations. Give the Civil Aeronautics Board adequate authority to deal with complex and destructive loss leader fares proposed or filed as tariffs by international scheduled carriers. Foreign scheduled carriers, of course, are protected by their governments and are subsidy eligible.

Fourth, recognize that landing rights are government rights, not carrier rights. Each government has the right to designate and certificate the carriers which will provide the services for its country. Once designated and certificated by the President, attempts to frustrate these rights must be vigorously opposed.

Rights into this country should not be granted under the bilateral agreement or pursuant to a permit, except on a satisfactory record that insures reciprocal rights to U.S. designated and certificated interests.

Permits must be conditioned to terminate rights granted by the U.S. should reciprocal rights be withdrawn!

And fifth, protect the consumer's right to reasonably priced air transportation and guarantee that his rights to free movement are not inhibited or abridged by reason of arbitrary and anticompetitive rules or regulations rifled against a particular class of carrier. Insure that the consumer is adequately represented in fare-setting and other regulatory proceedings.

I make no claim that these five points offer an all-inclusive cure to the current problems of the aviation industry. They merely represent my perspective. The blue-ribbon panel I have proposed should examine and assess everyone's ideas, for there are no pat solutions. All of us must recognize the claims of others. But above all, we must realize that our first priority is the perfection of a sound and balanced air transportation system that meets the needs of all travelers and all shippers.

I know the thirty day time-limit I have suggested may sound like an unrealistic deadline. But we are faced with a rate war in which there can be no victors. We are in a crisis situation that calls for emergency measures.

I think we owe it to the future of world aviation to make this effort.

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## SPEECH BY COLIN G. CAMPBELL, PRESIDENT OF WESLEYAN UNIVERSITY

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## HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. STEELE. Mr. Speaker, ignorance is our common enemy. Against it we, as a nation, must muster our common purpose if we are to succeed in the search for truth and the advancement of human understanding. This quest can neither approve nor abide any generation gap. Therefore, Mr. Speaker, it gives me great pleasure to present the following installation address by the youngest president in the history of renowned Wesleyan University of Middletown, Conn. President Colin G. Campbell, 35, accepts the challenge of today's rapidly changing world as a beginning of a new era that will require boldness, generosity of spirit and breath of vision. His remarks concern all of us. Therefore, Mr.

Speaker, under the leave to extend my remarks in the RECORD. I include the installation address of President Colin G. Campbell:

INSTALLATION ADDRESS BY COLIN G. CAMPBELL

At a ceremony which marks a beginning such as this, most who are part of a university, or are touched by it, or simply care about it, look to the future with hope. For all of us, I am sure, hope is tempered with feelings of apprehension and sober concern. Yet hope persists. For a university is almost by definition the collective embodiment of our hope for the future.

We cannot know the future—of the university or of the world. But certainly is not essential. However tentative our assumptions, we can face the future with well-founded confidence if we examine the past and the present with clear and comprehending eyes.

Much of the human race suffers today, as it always has, from the indignities and horrors of war, disease, injustice, poverty, oppression, and casual inhumanity. All of us, no matter how favored, lie under the threat of nuclear catastrophe. Even this planet we inhabit is endangered as we waste its resources and upset its vital balance. The alienation from society of many of those who could best contribute to its improvement simply echoes the apparent discord between man and nature.

Where, then, do we derive the hope that we share today? We draw it from our stubborn belief that these evils—war, poverty, injustice and the rest—need not exist; and that man himself need not be any less than he can be.

The celebration of continuity we observe today is no evasion of the cheerless realities. It is our recognition of our involvement in the world and our commitment to its service in all ways appropriate for a community of scholars. The university, however imperfect, is an instrument—and perhaps the best that man has devised—for bringing wisdom into human affairs.

Yet our own affairs do not suggest that wisdom is easily attained. Campuses, including this one, have been in turmoil for at least some part of the past decade. Faculties have been split, students have been diverted from their studies, administrators have been baffled and frustrated, tolerance and civility have been abused, precious freedoms have been endangered. Often the university has appeared more a center of confusion than a source of clarity. Efforts to make sense out of turmoil have been hampered by staggering financial pressures, inadequate and sometimes unresponsive governing structures, and the distraction of dealing with constant crises.

Understandably, then, we have found little opportunity for reflection on the full meaning of change. But change—uncomfortable and disorienting yet alive with opportunity—is the modern condition of life. Individuals, institutions, and society itself will thrive to the extent that they are willing to understand, to accept and, in fact, to engineer change.

We of the university are fortunate in many ways. We enjoy unusual freedom. But we are not exempted from the reality of change.

It has been said that the "object of the university . . . is understanding. Its organizing principle is that everything must be seen in the light of everything else."

Yet such is the pace of life today that even as we strive for understanding we are forced to act. We do not have the luxury of sufficient time for detached and perfect contemplation.

Today, amidst the change, we mark a beginning. It comes in the early days of a new era in the evolution of all of higher education and of this university. Wesleyan's fourteen decades are a heartening chronicle of dedication, self-sacrifice, persistence and imaginative innovation. The era we are now entering will continue to demand all these qualities and more.

It will demand of us the boldness to plunge ahead despite the inevitable doubts. It will demand a generosity of spirit and breadth of vision:

That recognizes knowledge to be indivisible;

That perceives structures as flexible instruments rather than rigid enclosures;

That views other programs within the university not as competitors but as elements of a total process on whose vitality our own depends;

That values cooperation over competition; and

That welcomes other institutions as allies and potential partners in the complex enterprise of learning.

Anything less than this measure of boldness, and generosity of spirit, and breadth of vision, would be a disservice to Wesleyan's heritage. That change of which we have been speaking is so compelling a force that no longer may one man or one group work patiently for careful improvement, with time as an ally. Today, a community effort, a commitment to employ all our wit and all our resources, for the sake of the university as a whole, is required to achieve understanding.

During the past year we have devoted considerable attention to putting our house in order, to ensuring that our fiscal situation is such that our future is not imperiled. This has been a difficult and painful exercise, diverting untold hours of effort away from our central purpose. But necessity is an uncompromising taskmaster, and if we consider it important that there be in this country independent universities free to set their own educational courses, then we have no choice but to continue our vigilance in the coming year, and in the years ahead.

Yet fiscal responsibility, effective management, and efficient use of our resources are only means to an end, not ends in themselves. Our mission is education. It is a mission which is not postponable or subject to expediency. It is the sole reason for this university's existence. We are here to teach and to learn.

Wesleyan today has an uncommon opportunity to concentrate on education. The generosity of alumni and friends and the wise management of our endowment by the Board of Trustees have provided us with a substantial, though clearly limited, financial base. We require many millions of additional dollars to implement already-identified educational needs in the coming decade. Still to be identified needs are likely to call for even further financial support. Raising such sums will not be easy. Yet we are not dismayed. Our strength enables us to seek this support with confidence.

We can be certain that whatever the demands and pressures we face, we can, by working together, resist those that must be resisted, ignore those that may be ignored, and—using our own judgment as to what is fitting for this institution, meet those that may properly be met.

Thanks to the solid groundwork of Wesleyan leaders through the years, we have the mechanisms to discover and develop the best ideas emanating from any source in this community. We need not spend precious hours assuring legitimately concerned constituencies that their voices will be heard. Involvement and participation are the processes of this institution.

Financial crisis and marathon debates about power and procedure need not sidetrack us. And fortunately so. For, if ever liberal education needed new definition, new impetus, new energy, it is now. Liberal education is ours to define. That impetus is ours to give. That energy is ours to release.

Despite our differences—of political belief and social outlook, of intellectual style, of cultural tradition and academic discipline—we have a common purpose. Our overriding responsibility is to provide society with men and women of developed intellectual capacity, moral sensitivity, and commitment to a humane social order.

We cannot presume to take on the burden of saving the world. History reminds us that human institutions are not infallible, however noble their aims; that efforts to heal the ills of the world have mixed and unforeseen results; that today's stirring crusade may become tomorrow's sad memory. What the liberal university can do, and what it has always done at its best, is:

To awaken individual men and women to the mystery of life.

To introduce them to the victories and defeats of the human spirit.

To help them escape from the confinement of self and the artificial restrictions of caste and category.

To introduce them to paradox and variety and to the enduring simplicities that lie beyond complexity.

To help them discover for themselves the extraordinary accomplishments of the creative imagination in all the diverse areas of man's endeavor.

To afford them the opportunity to know the deep satisfaction of achievement.

At the turn of the century, the psychologist William James noted that "as a rule men habitually use only a small part of the powers which they actually possess and which they might use under appropriate conditions." Does this not suggest our fundamental task? To move young men and women to discover the untested range of their individual powers. To prod them, to awaken them, to encourage them, to stimulate and to challenge them to exercise these powers of intellect, imagination and character to the fullest. It is our unusual opportunity—with the aid of all the scholarly resources available to us—to do just that. And to advance man's knowledge of himself, his capacities, and his world as an essential part of the process.

Even if we all subscribed without reservation to everything that has been said thus far, there would remain many vexing questions. Among them are the deceptively simple appearing trio: Whom do we teach? What do we teach? How do we teach?

These questions will always occupy much of our attention. So will any number of other concerns. The list is inevitably long in an institution which cannot do everything but which aspires to do so much.

To achieve even a tentative resolution of our problems will require clarity of purpose and confidence in ourselves.

Two immediate questions before us cannot be effectively resolved if approaches in an atmosphere of imprecision and self-doubt. The first is the thorny subject of academic standards, a topic capable of polarizing and perhaps immobilizing this community if not approached with imagination and generosity. One polar position might be characterized as sloppily permissive and its opposite as rigidly orthodox. But such a characterization misses the point. For we must be clear about what we mean by learning and how we measure performance in widely differing systems of knowledge and modes of experience. This is no mere administrative matter of tests, grades, and standing. This is the substantive problem of what constitutes respectable intellectual and aesthetic achievement in a rich curriculum that includes the physical, behavioral and social sciences, the humanities and the arts. Our concern must be for serious work seriously pursued, and for meaning assessment of that achivement.

No less thorny and no less demanding of scholarly humility and tolerance toward intellectual differences, will be the question of curricular change. New times demand new programs. Both from within and from outside the academy there will be pressures for new subject matter, new teaching approaches, new combinations and groupings

of skill and interest. How successful we will be depends on how innovative we are, how responsive to new ideas, how broadly we conceive our role and how modestly we each regard our sphere of expertise.

Every man speaks from his own experience and learns according to his own nature. Knowledge has come to be so vast that we are necessarily dependent on one another. All of us bring to this community specialized disciplines and unique personalities, highly individual talents and varying levels of education and breadth of experience. However sophisticated we may be in particular fields, we are naive in others. But our limitations as individuals decline to the degree that we accept our need for one another; our strength increases insofar as we are able to draw from one another. Ignorance is our common enemy. Against it we muster our certainties, our humility in the face of uncertainties, our mutual interdependence, and our common purpose as a community.

That common purpose can best be served if we are clear in our definition of problems, clear in our enunciation of philosophical differences, clear in our consideration of practical alternatives. It requires that we be painstaking in our planning, our performance and our evaluation. In the absence of clarity and diligence, there is drift and confusion, to the jeopardy of all we would undertake.

In The American Scholar Emerson said, "If there is any period one would desire to be born in—is it not the age of revolution when the old and the new stand side by side and admit of being compared; when the energies of all men are searched by fear and hope; when the historic glories of the old can be compensated by the rich possibilities of the new era; This time like all times is a very good one if one but knows what to do with it."

For Wesleyan this is a very good time if we but know what to do with it. At a beginning, when the spirit of renewal can be persuasive, it is particularly appropriate to remind ourselves that we are wealthy beyond measure in human resources; there is no institution of comparable size with such a gathering of talent. That we have students who are eager to learn, and eager to commit themselves in a world that needs them. That we are solidly though not extravagantly endowed. That we have a research tradition that makes the discovery and creation of knowledge a prime concern. That we have a national reputation for teaching excellence and innovative education. And, above all, that we have the spirit of this place which calls on each of us to welcome the new day, to be steadfast in what we profess, to be bold in our understanding, to be humble in our learning, to be always inquiring, to be generous in our differences, and to commit ourselves without reservation—as we do this university—to the search for truth and the advancement of human understanding.

## RESOLUTION AGAINST USE OF SPECIAL POWERS ACT IN NORTHERN IRELAND

### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. BIAGGI. Mr. Speaker, the United Irish Counties Association of New York has passed a strong resolution condemning the use of the Special Powers Act in Northern Ireland. For those who have been noting my special series on the situation there, the revolting nature of this act is clear.

It is ironic that this body has just passed legislation repealing the Emergency Detention Act in this country. Yet in Northern Ireland a similar affront to humanity and human rights continues with the implementation of the Special Powers Act.

For the benefit of my colleagues and others, I am inserting the resolution at this point in the CONGRESSIONAL RECORD:

RESOLUTION

At the September meeting of the United Irish Counties Association of New York, Inc., the delegates assembled voted unanimously to protest the cruel and inhuman treatment of our Irish people in Northern Ireland.

The idea of the Stormont Government invoking the Special Powers Act, which allows arrest and internment, without trial, in the year of 1971 we find particularly revolting. We call on the British Government and the Stormont Government to take steps to correct this shameful situation and remove the British Occupying Forces before it is too late.

PETER J. O'NEILL,
*President.*
M. P. HIGGINS,
*Resolutions Committee.*

## THE OLD: DOES ANYBODY CARE?

### HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. SPRINGER. Mr. Speaker, the following is the final of a series of eight articles on the problems of elderly people by Carol Ann Smith in the Champaign, Ill., News-Gazette. This article was published on September 5, 1971.

A "CONSPIRACY OF SILENCE" ABOUT THE OLD

(By Carol Ann Smith)

"Something has to be done . . ." is the comment one hears time and again from those who work with the problems of the aged. You hear it from the aged themselves, although it is rarely stated so explicitly.

The picture for "doing things" at the local level is not exactly pleasing: There are predictions of the demise of Telecare for financial reasons, the Committee on Aging goes without a sponsor to provide funds for even study of problems, and a study which was to have begun in the fall at the University of Illinois has not been funded.

The Illinois study, under the direction of Dr. Queenie Mills of the department of child development, is currently "up in the air" according to William Delaney, who is working with Dr. Mills.

Its approach is basically anthropological, a study of individuals who are aged to determine how those individuals have "made it" through old age, how they have adjusted, if they have.

"The study is about how human decline comes about," Delaney said. "I've been doing preliminary work this summer, getting the feel of the institutional framework, but we don't know what's going to happen in the fall."

There is someone else interested in "human decline," decline in physical terms. As early as 1969, Cong. William L. Springer of Champaign, United States Representative from the 22nd Congressional District, had proposed a National Institute of Gerontology.

In February, 1971, Springer introduced a bill in the House of Representatives authorizing the creation of such an institute for the purpose of "conducting and supporting (1) research of treatments and cures for the diseases of the aged and (2) training related to such diseases and other special health problems and requirements of the aged. . . ."

It would be on a par with other national research institutes.

"I don't think," Springer said, "that you can do anything adequately in this area until you know more about what aging is.

"How much of it is hereditary? How much of it is good care over a lifetime? We just know next to nothing about the process of aging."

There are other factors about the aged Springer has also considered.

"I've advocated for years that the earnings test be eliminated altogether from the Social Security Act," he said.

"I can't for the life of me see why a man or woman shouldn't work if he wants to," Springer continued. "It makes no sense to say that you can earn up to $1,680 and then your benefits will be cut.

"After all, Social Security was enacted during the Depression when the labor market situation was severe. We're hardly at a depression level now," he commented.

"I can't seem to get anywhere with the removal of the earnings test," he went on, and intimated that his suggestions to raise the permissible earnings limit run straight into Wilbur Mills, chairman of the House Ways and Means Committee, who hardly looks with favor on them.

"I'm convinced I have the public with me on this," Springer said. "A survey we did indicates that 8 out of 10 persons favor the removal of the earnings limit."

Springer also favors a system of phased retirement, which has been adopted in many of Great Britain's industry: the program had been urged by the British government.

Under the program, retirement actually begins three years before retirement occurs. The first year, for example, the person approaching retirement works only nine months of the year, the second less than the first and is retired during the third.

"It's just too much to pull out all at once, the way I see it," Springer said. "The mental factors are just as important as the medical factors, and this is one area where the effect can be seen clearly."

Nor does Springer believe that the aged are receiving their fair share of the public budget, no matter how that share of the budget is ultimately used.

"All of the other groups which want a share of the public funds are exerting pressure for the money," he said, "and priorities are being given to other programs rather than for those of the aged.

"Even welfare groups are organized today," he noted.

Springer was saying what others have said in different ways: the aged are an unorganized, dispersed, virtually unrepresented when it comes time to hand out money.

Springer himself put it this way in a 1969 newsletter: "We hear a lot these days about the problems of our young people, of our urban poor . . . of our minorities. But not so much attention is paid to the problems of another large group of citizens. In fact, there seems to be a conspiracy of silence about the problems of our old people."

In 1969, President Nixon issued his "formal call" for the second White House Conference on Aging to meeting in Washington, D.C., in November, 1971.

"With careful advance planning and with broad, representative participation, this Conference can help develop a more adequate national policy for older Americans.

"I hope," the President said, "that it will fully consider the many factors which have a special influence on the lives of the aging and that it will address precise recommendations, not only to the Federal government, but also to government at other levels and to the private and voluntary sectors as well."

The problems, some of them set out in the

"First Reader" on the Conference on Aging, sound achingly familiar:

"The older people met together and they talked about not being wanted.

"We've always had problems but it seems like the problems get worse the older you get.

"They said an elderly person living on insufficient income simply had to let some things go. They said often these were medications, visits to doctors or hospitals, home repairs and balanced diets.

"It is very difficult to have nutritious meals on $30 a month.

"They said that, lacking transportation, they could not go to the doctor, buy food, visit friends.

"And in many places they were afraid, afraid to leave their homes, afraid of what might happen to them tomorrow, next week, next year—not afraid of death, but of what might happen to them in life."

## THE NEED FOR AN INTEGRATED APPROACH TO CANCER RESEARCH

### HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. KASTENMEIER. Mr. Speaker, the question of how this country shall proceed in its efforts to conquer cancer is now before this body. On September 16, Senator GAYLORD NELSON of Wisconsin appeared before the House Subcommittee on Public Health and Environment, which was holding hearings on cancer legislation. The following is a detailed argument by Senator NELSON against the establishment of a "separate" Conquest of Cancer Agency. I commend the Senator's testimony to all of my colleagues who wish to understand more fully the issues involved in this important and far reaching question.

The article follows:

TESTIMONY OF SENATOR NELSON ON CANCER LEGISLATION, S. 1828, BEFORE HOUSE SUBCOMMITTEE ON PUBLIC HEALTH AND ENVIRONMENT, SEPTEMBER 16, 1971

I appreciate the opportunity to appear before this Committee to comment on the Senate-passed measure, S. 1828, sometimes called, inappropriately I think, the Conquest of Cancer Bill.

This Committee and its chairman, Mr. Rogers, have a well deserved reputation for knowledgeability in the health field. I am moved to hope that this Committee would preserve and even enhance its reputation and distinction in affairs of health by saving the country from the folly of the Senate bill. One of the fundamental strengths of the bicameral system is the opportunity afforded one body to correct the errors of the other. I think it is fair to say that not more than a handful of Senators addressed themselves to the implications of that provision of S. 1828 which creates an independent Cancer Authority outside of the jurisdiction of the National Institutes of Health. Declaratory language in the bill attempts, without success, to paper over this fundamental if not fatal assault on the organizational structure of NIH.

There should be no misunderstanding on this critical point. If the Congress adopts the language of the Senate bill it is the first giant step in the dismantling of the National Institutes of Health. Next will follow the National Heart and Lung Institute with a political case for independent status equally as compelling as the political case for cancer. I emphasize the word political as contrasted with scientific because no scientific case whatsoever has been made for separatism. In fact, the scientific case is overwhelmingly against it.

What we are dealing with in S. 1828 is a mischievous political compromise of a very important scientific matter. I do not in any way question the good intentions of those who support an independent Cancer Authority, but I do question their judgment. The independent authority concept originated with the Panel of Consultants, half of whom were laymen and half scientists. Some of the Panel's most distinguished scientists have now publicly stated their opposition to this provision of the bill.

S. 1828

S. 1828 as passed by the Senate sets up a Conquest of Cancer Agency which the bill says is "within NIH", but in fact the Agency has independent status. Its Director would report directly to the President and the Office of Management and Budget.

The only statutory ties with the NIH—where the present National Cancer Institute is the largest and central Institute—is a requirement for the Cancer Agency Director to "take necessary action together with the Director of the NIH so that all channels for the dissemination and cross-fertilization of scientific knowledge and information existing prior to the effective date of this act between the National Cancer Institute and the other Institutes of Health shall be maintained between the (Cancer) Agency and the Institutes of Health to insure free communication between cancer and the other scientific, medical and biomedical disciplines." (Sec. 407 E(a) (11).

This language will have only whatever meaning the Director of the Cancer Institute wishes to give it. The Cancer Agency Director would, in fact, be at the same grade level as the NIH Director. He would statutorily *bypass* the NIH Director in all matters pertaining to cancer budget and program plans.

The Cancer Agency Director *AND* the Deputy Director would be politically appointed by the President, by and with the consent of the Senate. This in itself is an unprecedented situation as regards the head of any federal biomedical activities. Not even the Director of NIH is politically appointed; he is a career public servant.

The bill, therefore, sets several precedents: it calls for politically appointed heads of one phase of federally-supported research; and it opens the door for other research areas to seek comparable status, thereby spelling the future demise of the cohesive agency known as the National Institutes of Health. I believe this would be counter-productive to cancer research in particular, and to biomedical research in general. The NIH is a unique arrangement, and probably the finest institution of its kind in the world, and certainly is the undisputed leader in the field of biomedical research.

The Senate-passed bill, then, presents a number of problems.

It doesn't make clear exactly what is meant by "within NIH".

It presents enormous operational problems as regards the role of the NIH Director in Cancer plans and budget formulations, and in management of NIH facilities which will be used by the Cancer Agency.

It portends even worse management problems for the Executive Branch. Once two or more Institutes report directly to the President, then what? He will have to delegate the responsibility to some qualified scientist. Who will he be and what will be gained by such a procedure? It will soon become obvious the logical next step would be to return the Institutes back to the jurisdiction of NIH.

This bill is a bad approach for furthering cancer research. The effort can best be advanced through utilization of the NIH facilities, expertise and peer review system as devised and refined through the years for coordinating all biomedical research.

Testimony on the cancer legislation before the Senate Health Subcommittee overwhelmingly opposes a separate agency approach.

There *are* areas within NIH and the National Cancer Institute where change is warranted to expedite decision-making, funding of grants and contracts, and other things. As you yourself have stated, Rep. Rogers, a look at the entire NIH is a good idea; Director Marston says he welcomes this.

As you know, I proposed, along with Senators Cranston and Schweiker, that NIH be established as an independent agency. It may be that a separate Department of Health is a better step, as you have indicated.

However, after reviewing the Panel's recommendations and the Senate-passed bill, it is my opinion that many of the recommendations have been in effect for a long time, already have been implemented, or can be brought about without dismantling NIH, or creating a new bureaucracy.

Each of the Panel's arguments should be carefully examined.

ADMINISTRATION POSITION

First of all, the Administration's position has been one of about-face.

A separate Cancer Agency is not what the President originally wanted, not what the President's Science Advisor, the Secretary of HEW or the scientific community wanted.

HEW Secretary Richardson testified before the Senate Health Subcommittee June 10: "The Administration regards it as vitally important that the cancer conquest effort go forward within the framework of the National Institutes of Health."

He testified strongly in favor of such an integrated effort, despite the fact that the "compromise" had been worked out at staff levels with tacit high-level approval prior to his testimony.

It is quite clear that the Administration changed its position on the separate agency concept as a face saving political compromise when it became obvious that S. 34 was going to be adopted despite Administration objections. A compromise was reached which simply changed the bill number from S. 34 to S. 1828, changed some language without changing the substance and substituted Republican primary sponsorship for Democratic primary sponsorship. It as an unfortunate and mistaken compromise of a fundamental principle. The President and his administration were right in the first place and their position against independent status should be supported.

Proponents of a separate agency argue that the Panel of scientific and lay experts unanimously recommended a separate Cancer Authority.

In the early deliberations of the 26-member Panel, many in the scientific half strongly opposed a separate cancer research effort, and, at one point, we are told, the concensus was 60% in favor, 40% against a separate Authority. That represents a 16–10 vote. Eventually, of course, the Panel endorsed the separate Authority unanimously. Since that time, however, three representatives of the scientific group have changed their minds and oppose a separate Authority.

Thus, the image of a unanimous panel of scientists is erroneous.

In addition, it is clear that the Panel did not interview Secretary Richardson or Dr. Marston until after the Panel's decisions had been made, and that they did not talk in depth to the top administrative officials of NIH or HEW about cancer research and what is currently being done at the federal level.

In response to Sen. Dominick's request that the hearing record "reflect to what extent

members of the Panel consulted with officials within the Department of HEW and the NIH regarding the scientific and managerial aspects of cancer research during the course of their study," Secretary Richardson wrote Sen. Dominick on April 5:

"The Panel staff was quartered within the Office of the Director of the National Cancer Institute during the time of the study (May 1970 to mid-February 1971). Officials and employees of the NCI, the Panel of Consultants and their staff did not interview Department and NIH top management officials during the study. Specifically, the Director of NIH received courtesy calls from the staff at the beginning and the end of the study, but no substantive discussions on either scientific or management questions were held with him. The Deputy Director, the Deputy Director for Science, the Associate Director for Program Planning and the Associate Director for Administration are key officials within the Office of the NIH Director, and each is particularly well qualified to comment knowledgeably upon the questions of administrative overlap, duplication and delay, and the problem of competition for funds. None of these officials was interviewed during the study by the Panel staff.

"The Office of the Secretary did not participate in the conduct of the study either. . . .

"It is thus clear that, with the exception of the officials and employees of the NCI, members of the Panel did not consult with top management officials either of the Department or NIH with regard to the scientific and managerial aspects of cancer research."

NIH CAPABILITIES

The enormous irony of proposing a moonshot-type agency for cancer is that the breakthroughs to date have occurred *because of the capabilities of* the National Institutes of Health and its National Cancer Institute, *not in spite of them.*

All of the major discoveries, including numerous ones which fell out inadvertently from non-cancer research, have occurred largely because of the present broad-based multi-disciplinary system of federally-supported research embodied in the NIH.

Secretary Richardson testified June 10:

"It is the existence of these capabilities, the research accomplishments to date, and the vigor and vitality of present programs that makes it possible to consider launching an expanded effort of the kind now proposed."

He further stated:

"From a scientific point of view, . . . the work done during the past 15 years—not merely under the aegis of the Cancer Institute but of the National Institutes of Health as a whole—has created the opportunities that now exist for the further expansion and acceleration of cancer research. There is a solid foundation on which to build an enlarged program."

PLAN

Dr. Carl Baker, National Cancer Institute Director, and Secretary Richardson, have outlined in several hearings the plans for cancer research.

The National Cancer Institute has a comprehensive and complex plan for long-range research. The plans involves all research areas that touch on cancer, including chemotherapy and viral oncology. Extramural panels of experts are presently being appointed to draw up plans for other cancer research areas.

Therefore, the charge by the Panel that "At the present time there is no coordinated national program or program plan" is simply incorrect. The Panel further asserts, "the overall research effort (in the NCI) is fragmented and, for the most part, uncoordinated."

Where can such plans be better coordinated—given the basic nature of the research—than by the Institutes which conduct all forms of research touching on cancer?

The Panel also urged greater cooperation on an international level in cancer research. The NCI is heavily involved with the activities of the International Agency for Research on Cancer, a body associated with the World Health Organization, in coordinating such research world wide. In fact, it is probably safe to say that NCI is the fulcrum of such international efforts.

PERSONNEL

The separate agency proponents also argue that better personnel will be attracted to a Cancer Agency. Given the accomplishments of the NIH-NCI to date, are we to say that the men who directed these efforts were not of the highest quality? It would seem that these accomplishments were effected because of the wisdom and leadership of such men as Dr. Shannon, former and long-time NIH Director, Dr. Baker, and now Dr. Marston, and their predecessors.

It occurs to me that a real danger lies in making these scientific leadership positions into political appointments, as the Panel recommends and the Senate bill proposes. Under the Senate bill, the two top persons in charge of cancer research would be the only politically appointed directors of a segment of federally-supported biomedical research. This raises enormous questions about the potential pork-barreling of federal scientific research. Such a situation is not possible under the present NIH setup with its careful peer review of funding applications.

It must also be remembered that scientists are not attracted by a managerial approach to research. The best scientists are turned off by being told that they must limit themselves to one direction.

BIOMEDICAL OPPOSITION

The biomedical community almost unanimously opposes such a separate Agency. Thirteen noted scientists—including five Nobel Prize winners—in a letter to the New York Times July 29 stated:

"Senator Javits (in his July 24 rebuttal to the Times' cancer editorial) implied that there is widespread scientific support for this legislation. There is not." Their letter concluded: "The bill passed by the Senate does not offer a rational approach to the conquest of cancer because it narrows the scientific focus."

The list of opponents to the separate Agency approach is impressive, and the impact of such an effort on the morale of the nation's and the world's best scientists must be considered by Congress in passing any legislation. These are the men and women who are doing the research.

The only major organization that testified in favor of a separate Agency was the American Church Society. The American Heart Association testified in favor of S. 34, but only if heart research could be given the same status as cancer research.

Scientific organizations which oppose the separate Agency bill include: The Federation of American Societies for Experimental Biology, representing six scientific societies and 11,000 scientists; the Association of American Medical Colleges, representing 103 medical schools and 401 major teaching hospitals; the American Medical Association; the National Tuberculosis and Respiratory Disease Association; the American College of Physicians; the American Association of Pathologists; and Bacteriologists; the American Physiological Society; the Federation of Associations of the Schools of the Health Professions; the American Hospital Association; the American Society of Biological Chemists; and the Chairman of Departments of Biochemistry at American Medical Schools. The Association of Professors of Medicine, representing 77 heads of departments of medicine, unanimously opposed the idea of a separate cancer agency at their meeting in Atlantic City last May.

The President of the American Society of Biological Chemists, Dr. Eugene P. Kennedy, in prepared testimony, stated:

"It would seem highly desirable to incorporate the new program into NIH. In this way, wasteful duplication of programs, competition of two separate agencies for limited funds, and the expenses of two separate administrative structures would be avoided."

Dr. Philip Handler, President of the National Academy of Sciences, in a letter to Senator Kennedy March 15, wrote:

"It is my view, and that of all knowledgeable colleagues with whom I have discussed this matter, that the public purpose would be best served by utilizing this opportunity to strengthen the National Institutes of Health in a variety of ways most particularly the National Cancer Institute, rather than create a National Cancer Authority. I know this view to be shared essentially unanimously by the membership of the Institute of Medicine of the National Academy of Sciences and by the membership of the President's Science Advisory Committee."

Handler went on to say that: "Those responsible for the proposed National Cancer Authority will find it necessary to re-invent virtually all of the National Institutes of Health within the Authority if the actual charge to the Authority is ultimately to be successful."

OTHER RESEARCH

The promoters of the separate authority argue that "cancer is the no. 1 health concern of the American people." Indeed, it is, and no one argues that the public fears this disease more than any other. The fact remains, however, that heart disease is the world's number one killer. Of course, we recognize that eventually, everyone's heart must give out with age. But, the case can be made for independent status for the National Heart and Lung Institute equally as strongly as the case for cancer research. Advocates of heart research already have asked for status comparable to cancer's.

Tens of thousands of Americans suffer from arthritis, a crippling disease. The case can just as strongly be made for independent status for the National Institute of Arthritis and Metabolic Diseases.

While the Panel argued that, for every person in the United States, only 89 cents was spent on cancer research in 1969, it is important to note that—while the sum is small compared to $410 per person spent for national defense—cancer received more money than any other federally-supported research area.

Seventy-nine cents per person went for heart and lung research; 55 cents for mental health; 50 cents for neurological diseases and stroke; 50 cents for allergy and infectious diseases; 14 cents for dental research; 68 cents for research on arthritis and metabolic diseases.

STATE OF THE ART

As for the state-of-the-art, proponents of a separate agency argue that "a national program for the conquest of cancer is now essential if we are to exploit effectively the great opportunities which are presented as a result of recent advances in our knowledge" and a "moonshot"-type agency is warranted "whose mission is defined by statute to be the conquest of cancer at the earliest possible time." (from Panel report)

The overwhelming opinion of the biomedical community disputes this view of the state-of-the-art in cancer research. Most scientists believe that cancer research is not at the "moonshot" stage, not far enough advanced to establish which areas should be the target of concentrated efforts.

Dr. Philip R. Lee, former assistant for Health and Scientific Affairs in HEW, testified in the Senate: "Cancer is not simply an island waiting in isolation for a crash program to wipe it out. It is in no way comparable to a moon shot . . . which requires mainly the mobilization of money, men and facilities to put together in one imposing package the scientific know-how we already possess. Instead, the problem of cancer—or rather the problem of the various cancers—represents a complex, mutifaceted challenge at least as perplexing as the problem of the various infectious diseases. We do not know where the breakthroughs will come and I think it would be a great mistake to begin to dismantle NIH in favor of an untested approach."

Even the Panel acknowledged that "the nature of cancer is not yet fully known. It is erroneous to think of cancer as a single disease with a single cause. Cancer comprises many diseases and results from a variety of causes that will have to be dealt with in a variety of ways."

The view of the biomedical community may be best summed up by the statement of Dr. Sol Spiegelman of Columbia University: "An all-out effort to cure cancer at this time would be like trying to land a man on the moon without knowing Newton's laws of motion."

BUDGET PROCESS

The Panel argues that a major reason for setting up a separate agency is to give cancer more budget visibility.

No one opposes giving cancer research more money. In fact, the President has already requested $100 million on top of the cancer budget, the Congress has already appropriated it, and part of the money has been made immediately available by the Budget Bureau, in a unique demonstration of funding for a priority.

The argument for separate budget authority is based on the assumption that without it government officials will keep cancer budgets low because they want (1) to keep federal expenditures down, and (2) to give all research a fair share of available funds. Thus cancer would suffer as one of the many areas competing for funds.

The fact remains that the budget people are responsible for keeping all federal expenditures within a budget, and will consider the cancer budget accordingly, REGARDLESS OF whether it is independent or not.

It is important to remember that the budget process does not start at the bottom program level. It starts at the top, with the setting of fiscal policies and prorities and dollar ceilings.

These priorities will affect the cancer budget, regardless of its independence. A separate Cancer Agency, like NASA and the National Science Foundation, would be subject to overall fiscal policies established in the Executive Office of the President, and would be obliged to defend the President's decisions before Congress.

It is clearly demonstrated, by the actions of the Administration and Congress, that cancer has a high priority as regards its budget, and is getting the money without delay.

It is the commitment and the national climate surrounding an issue that gives it real priority, not independent budget status in the organizational framework. Broad public support, and the commitments of the President and Congress, will insure ample funding, whatever the organizational setting.

FUNDING DELAYS

The Panel recommended that several specific administrative powers be given the cancer authority to expedite contract and grant-making approval.

Most of the recommendations have already been implemented or have been recommended in a report by the Comptroller General's Office on the "Administration of Contracts and Grants for Cancer Research," made at the request of the Senate Labor and Public Welfare Committee (reported March 5, 1971).

Specifically, one recommendation was to grant the Cancer Agency the power to enter into prime contracts. HEW already has granted the National Cancer Institute this power.

Another recommendation—to enable the Cancer Agency to commit available funds until expended rather than on a year-to-year basis—must be acted upon by Congress in terms of advance funding. Congress could appropriate funds for the Cancer Institute to be available for succeeding fiscal years. Thus, cancer projects, which often extend for 3 to 5 years, would be funded in advance, rather than on a yearly basis.

This type of advance funding has been authorized for certain other programs, including aid to educationally deprived children under Title I of the Elementary and Secondary Education Act of 1965.

Another cause for delay in funding is the recent practice followed by both Congress and the Executive Branch of setting annual spending ceilings. Such ceilings might be eliminated for cancer budgets.

Again, the fault is not with the NIH–NCI structure. Establishing a separate Cancer Agency would not correct these problems without attending action by Congress and the Executive Branch—and the problems can be corrected without establishing a new agency.

DELAYS IN GRANTS, CONTRACTS APPROVAL

As for the length of time presently allotted for approval of grant applications and contract proposals, I have several observations to counter the Panel's objections to these time periods.

*Grants:* Grants during the calendar year 1970 required an average of 6 to 8 months for review and approval.

In fiscal year 1971, NCI awarded 354 research grants amounting to $23 million dollars. Grants considered totalled 903, of which 688 were approved for funding, and 354 were funded. Study sections consider some 80–100 at each session. The National Advisory Cancer Council considers 400–500 applications at each meeting.

It is evident from the GAO report that some may be eliminated from the 6 to 8 month review process, particularly in waiting periods between review steps. Most of the grant applications reach the first review step, the study section, within 3 months. It then may take 6–10 weeks after consideration by the Advisory Council.

Part of the delay is caused by the fact that the study sections and the Advisory Council meet only three times a year. It is difficult, however, to require the members of these bodies who are eminent scientists engaged in other work in laboratories and schools—to meet much more often than that.

They might meet four times a year. Furthermore, the review process no doubt, could be expedited at the administrative levels.

However, it is the opinion of distinguished scientists that the peer review system as now structured is one of the best ever devised, and should not be tampered with at the expense of its merits.

Grants are reviewed first for scientific merit by the study sections, then for relevance and priority by the Advisory Council. The reviewers are non-federal and eminently qualified in their respective fields. The system has a built-in check and balance to preclude the funding of poorly-qualified projects, or duplication of projects.

Any time-saving improvements would be worthwhile, but it is questionable whether the system should be dropped or significantly modified simply to expedite the handing out of federal research money.

The GAO recommended that one way to expedite the grant review process would be to award grants up to a specified dollar amount without review by study sections but with review and recommendations of the Cancer Advisory Council.

This suggestion seems to have merit, in light of the fact that 45% of the 1,182 grants funded in 1970, representing 12% of the total dollar amount (12% of $71.4 million), were for grants of under $30,000 each.

*Contracts:* As for the Panel's recommendation that more use be made of the contract mechanism in funding cancer projects, it should be noted that NCI in recent years has made extensive use of contracts for collaborative research programs. Of the Institute's $181 million in fiscal 1970 obligations, NCI awarded 333 research contracts for $49.7 million (more than one-fourth the total obligation.)

In addition, as previously noted, the Cancer Institute has been given the legal authority to enter into prime and sub-contracts, as recommended by the Panel.

The contracts require an average time of 7 months for review and approval. The GAO found that about 1½ months of that time was the result of unnecessary duplicative reviews by both NIH and NCI.

Contract awards are not subject to the same peer review system as grant applications. There is a problem in recruiting outside peer consultants with no conflict of interest. Contracts are reviewed by standing in-house NCI program committees and then by the Scientific Directorate, an in-house body unique to the Cancer Institute, because of the number and various types of contracts which the Institute lets out. (The Directorate is composed of 5 members: the NCI Director, the Director of Laboratories and Clinics, the Scientific Director for Chemotherapy, the Scientific Director for Etiology, and the Associate Director for extra mural programs.) The Cancer Advisory Council periodically reviews plans and status of the contract program. A report in 1966 (known as the Ruina Report) recommended against a project-by-project review by the Advisory Council of contracts like that done for grants.

The GAO recommended dividing the process of contract development and award into two phases. No doubt the contract review process, like the grant review process, can be speeded up, but this can be accomplished administratively, also. The duplication of review by both NIH and NCI can be eliminated, if the total contract award process is concentrated in the Cancer Institute.

STRAIGHT LINE OF AUTHORITY

Now we come to the most crucial part of the problem, as I see it, in the Senate-passed bill—the concept of bypassing the Director of NIH in formulating cancer budgets and programs. This is anomalous, if the intention of an expanded cancer effort is to work closely with NIH and to "maintain the existing balance between fundamental and targeted research," as Dr. H. Marvin Pollard, President of the American Cancer Society, stated in a letter to the editor of the New York Times, July 28.

Secretary Richardson testified before the Senate Health Subcommittee, June 10:

"The primary purpose (of a cancer program) is to keep cancer research in close and constant contact with the mainstream of biomedical research of which it is an integral part. Such contact is, in fact, essential. Cancer research has in the past profited greatly from work done in other fields, and, as you know, some of the most promising leads in the search for the causes and the cellular mechanics of cancer have come from work done in other fields. . . .

"To create the optimum conditions for a major attack on cancer, the relationships that have been so productive in the past must be maintained. Moreover, the indivisibility of knowledge and understanding in the life sciences is such that research on other diseases will also have much to gain

from close contact with a greatly expanded cancer research effort," Richardson said.

This is sound advice, but in order to accomplish such a cohesiveness among the biomedical sciences, it is necessary to have the heads of all areas of research share information and funnel it through a single source. The NIH Director is the most logical person through which to funnel and coordinate such information regarding programs and budget. The NIH Director is in the most logical position to know what programs are being conducted throughout the biomedical community, where duplication might occur, and to adjudge priorities.

The argument is made that lines of command must be direct between the cancer agency Director and the President and OMB, that the bureaucratic layers in HEW must be eliminated in order to facilitate the cancer program.

The Panel argued that 6 layers of bureaucracy above the National Cancer Institute slowed decision-making for cancer activities. Three of the layers which the Panel cited are not even involved in cancer decision-making. Those involved under the present arrangement are the Director of NIH, the Assistant HEW Secretary for Health and Scientific Affairs, and the Secretary of HEW. The Deputy Director of NIH, the Under Secretary of HEW and the Surgeon General—whom the Panel cited—are not involved in cancer program decision-making.

Two of these channels can be eliminated by having the Cancer Director report directly to the NIH Director, who then reports directly to the President.

Without some overall direction on the part of the NIH Director, unnecessary and competitive lines of communication and command will be set up between the Cancer Director and the NIH Director, who then reports directly to the President.

The thirteen scientists who wrote the New York Times, July 29, stated: "It is hard to imagine a scheme with more potential for undermining the scientific integrity of the NIH and the authority of its Director."

There is even the danger that a separate research entity will create its own bureaucracy. It would seem better to eliminate those now in existence, than to create potential new ones.

The major argument in favor of involving the NIH Director lies in the fact that little evidence, if any, exists to support the conclusion that progress in cancer research has been significantly impeded by administrative problems, and that existing inadequacies are not correctable within the organizational framework of NIH.

OTHER POINTS IN PANEL REPORT

No one quarrels with the recommendation of the Panel that more manpower be trained to conduct cancer research. There appears to be a clear need for this. At the present time, there is not enough manpower to fill a large number of cancer research centers. The Panel would like to see more such centers built, but more manpower is the first necessity. There is also a need for more demonstration treatment centers, where new forms of treatment can be tried on larger populations than at present.

These recommendations of the Panel can be fulfilled with a substantial monetary support.

The Panel also recommended a central data bank and information retrieval center. This is also a good idea, but, I am told, difficult to accomplish. The NIH presently has a computerized data bank listing grants by type of project, and a list of contracts is being added to the information. The Smithsonian Institution maintains a general Scientific Information Exchange.

However, it is evident that progress in cancer research is not held up for want of an easy information system.

*Serendipity, and the Relationship to NIH Broad-based Research*

Cancer research has produced some very heartening steps in recent years, particularly in controlling some forms of the disease such as leukemia and Hodgkin's disease. Many of the breakthroughs were the outgrowth of basic research, which was not cancer-targeted.

The discovery of the cancer-uses for several drugs—including methotrexate and prednisone—fell out of basic research in other areas.

These drugs are now used to treat various leukemias and lymphomas.

There are many examples like these of how basic research turns into applied research.

This kind of basic research must be continued. I believe that the present NIH structure is the best source of support for such basic, multiphase research.

The Panel, in its "afterword", agreed that, "Concerted, large, broadly-based research efforts are required" to facilitate cancer research, stating further: "It is the Panel's opinion that a large and essential component of any future effort must be the continued accumulation of fundamental information, in order to provide the rational basis on which to build better methods of prevention, diagnosis and treatment."

It is my belief that such an effort can best be moved forward through the NIH.

## REDUCE CONGRESS SPENDING NEED TO HALT INFLATION

### HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. COLLINS of Texas. Mr. Speaker, time and time again I have spoken on the importance of Congress reducing Federal spending. The most active fuel to our national inflation spiral is the deficit overspending here in Congress. Year by year we ignore this money crisis. The present fiscal year will produce the largest negative overspent budget in America's history. The deficit will be over $30 billion and some estimates are as high as $40 billion. I just picked up the daily statement of the U.S. Treasury dated September 21. Fiscal year beginning July 1 for less than 3 months showed a U.S. debt increase of $16,600,000,000.

Congress must accept the blame as the authorizing legislative body. This deficit is not the responsibility of the President or any Member of the Cabinet.

In Congress, we pass bills. The press statements made are that we are giving more money for a needed project. We are not giving away anything—we are just borrowing more money.

Spending and borrowing with a heavier and heavier deficit budget is the cause of this inflation headache. Spending more will only accentuate it, so let's cut all nonessential spending.

Yesterday's Dallas Times Herald had a clear-cut appraisal of this budget deficit. The economic consultant for the Herald is Dr. Arthur A. Smith. Dr. Smith was chairman of the economics department at Southern Methodist University. Then he moved into private business serving as the senior vice president and economist for the First National Bank in Dallas. Smith's analysis reflects the political pressures for spending and how Congress has overlooked its opportunity for fiscal balance in prosperous years.

Here is the economist report of September 26, 1971, Dallas Times Herald by Dr. Arthur A. Smith.

Stripped of all its veneer, the basic cause of U.S. monetary troubles and, hence, of inflation is the perennial deficit in the federal budget.

To now, there has been no indication whatsoever that authorities in Washington propose to do anything about it. In fact, there is not much evidence that they are the least concerned. In the fiscal year which ended June 30, 1971, Uncle Sam ran a deficit of $23.2 billion. This brought the total deficits of the past five years to $56.7 billion.

Is there any improvement in sight? None. Treasury Secretary Connally told the Ways and Means Committee recently that the current fiscal year budget would end in the red by as much as $27- or $28 billion.

There is little hope of stopping inflation and stabilizing the dollar as long as such fiscal irresponsibility continues. Wage, price and rent controls, devaluation, the import surcharge, and all the other moves of the new economic game plan will prove to be only temporary expedients at best. They are futile and ineffective because the floodgates of inflation remain open.

A friend of mine was in Washington recently in a two-day conference with a group of economists who work with the Treasury Department and the Joint Committee on Internal Revenue Taxation.

He raised the question of how we can "continue operating at a deficit without heading into disaster."

The substance of the economists' reply was that "disaster would result if we tried to operate on a balanced budget at the present time."

The main implication of the reply is that the current economic situation requires deficit financing in order to stimulate the economy; in other words, to pump life into the economy so as to revive it.

This is a faulty doctrine for the simple reason that, coming at this time, such stimulation will make the dollar even weaker and will accelerate inflation, both of which are likely to nullify the intended effects of the stimulation; or even worsen the economy's condition.

Inflation has long since reached a point where it contributes nothing at all toward full employment, if it ever really did. In fact, at this stage inflation causes unemployment.

But another implication of the economists' reply is that after the economy is revived and we attain full employment we can balance the budget.

This is dreaming. It has been said before, but we still do not get around to a balanced budget, let alone reduce the federal debt, even in the most prosperous of times.

A good example is what Congress did in 1964 and 1965 when the nation's economy was at the highest level in history up to that time. Taxes were cut and federal spending actually increased. This was done despite the fact that competent analysts warned that the action was inflationary.

Some observers asked: If the government cannot put its financial house in order in the most prosperous of times, when will it? The question went unanswered.

Those who defend deficit fiscal policy seem to overlook the basic truth that the net economic effect of the policy is to substitute high prices (inflation) for taxes. But since this is subtle and not well understood by the electorate, Congress, mostly for political reasons, regards deficit financing as the easier way to support the kind and magnitude of federal spending that the people might not

approve if they had to pay enough taxes to equal the spending.

I think it is an even bet that Congress will cut taxes this fiscal year without reducing spending and that Secretary Connally's estimates of a deficit of $27- or $28 billion will be way too low.

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## CLIFF CARTER: THE MAN WHO MADE THE PEOPLE FEEL CLOSER TO THEIR PRESIDENT

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### HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. PICKLE. Mr. Speaker, last Wednesday signaled the end of an era in campaigning and in many fields of civic concern. On that day Cliff Carter died, and Cliff Carter was one of a kind.

As Liz Carpenter put it so well in an article in the Austin, Tex., paper:

Cliff Carter was the kind of guy you always sent in first—because he made the going easier.

He had that unique ability to listen and a soft-spoken concern for all around him which endeared him to the big and the small he worked with across this land. And the numbers who knew him are vast, because for 34 years he gave of these natural talents to our former President, Lyndon B. Johnson.

Cliff Carter came from the heartland of this country. Down in Smithville, Tex., the "heart of the megapolis" of the 10th Congressional District of Texas, he learned early the basics of life that he was to apply to his work throughout the world.

Public service came easy to Cliff Carter. It ran in his family. Just a few weeks ago, I was in Smithville to help dedicate the new Smithville Public Library, a civic triumph dedicated in the memory of Cliff Carter's mother, Zetta Crawford Carter. The dedication was in every sense a tribute to this outstanding family.

Around every national or State leader there must be a group of dedicated men and women who do the heavy lifting. These are the people who listen patiently, who get things done, who wade through the mountains of correspondence and regulations, who soften the criticism and inspire enthusiasm. These are the "wood and water men," who burn the midnight oil to get every task done in a commendable manner.

Such a man was Cliff Carter, for he gave the attention and the dedication to make his man always look good.

I was privileged to know Cliff Carter from his first days of association with Mr. Johnson. Indeed some of us in the early days were able to talk Cliff Carter into joining forces with Mr. Johnson. We recognized in him a leader who could lead others for a national leader. It was a great and good day in the life of our former President and for the country that Cliff Carter chose to render service through the eyes and person of Lyndon B. Johnson. Hundreds and hundreds have been helped because of this man who would give this type of special service.

This kind of granite dedication takes long hours from a man and from his family. Yet through it all, Cliff Carter remained one of the finest family men in America. He was gracious, thoughtful, and intensely proud of his children. If Cliff Carter had a fault, it was a spontaneous willingness to tell you about his children. And this he did with good reason, for his fine wife Mary Jane and his four children are all in the Carter tradition.

Liz Carpenter gives us some insight into just what it was like to be around Cliff Carter. Mr. Speaker, I'd like to reprint her article in the RECORD at this time:

CLIFF CARTER RECALLED AS GREAT CAMPAIGNER

(By Liz Carpenter)

WASHINGTON.—Cliff Carter was the kind of guy you always sent in first—because he made the going easier. . . . whether it was a beachhead in Sicily with the 36th Division or a political meeting for "the man," Lyndon B. Johnson, whom he served for 34 years. He always called LBJ "the man."

I never saw him in action in World War II. But those who did gave him the Bronze Star and the Legion of Merit and the Croix de Guerre.

But I have watched him a hundred times on campaign trips, move into a town two days before a political speech, and produce a political success out of the inevitable confusion and local jealousies that always accompany campaign gatherings. Somehow he made every volunteer feel like the most vital ingredient in the whole show.

Smoke filled rooms were home to him but he was always their master, never their victim.

If you love politics, and I do, watching Cliff was sheer pleasure. Half a dozen local people would have accompanied him in from the airport bending his ear with complaints: "You have to pad in more time for this"—"He's gonna be spending too much time doing this"—on the arrangements. And Cliff would calmly listen and nod, and smile and pat them on the hand.

Then, he would locate a telephone in a corner, out of ear-range. His hand would reach into the coat pocket. Out came the little telephone book jammed with names and numbers collected through the years.

His whole frame enveloped the phone, shoulders hunched over it for hours, listening, talking softly, and then always the inevitable sign-off, "We sure do appreciate everything you're doing."

Each phone call producing the trappings that go into the hurly-burly of a campaign; The bunting, the balloons, the bodies—crowds and enthusiasm, and the volunteers. Once, he had the national president of Coca-Cola Co. paintings signs all night before a Johnson arrival in Miami. "Most fun I've ever had," the Coca-Cola man told me.

How did he do it—town after town, state after state?

"The key is listening," Cliff confided. "When you get to a town, everyone has his mind made up on the way the meeting should be. So you listen a while, and then you move in with a suggestion here or there. First thing you know, they think they changed the whole thing."

When it was set, he was back on the phone to Washington for hours, filling in the minute by minute details from the time "the man" steps off the plane, through the speech, to his exit, filling in on names and reminding him of old associations for conversation purposes.

Then, back to the room of volunteers to pass on a personal message from "the man." In contrast to other political camps, Cliff and the Johnson people said their thankyou's for him. No worker was too big or too small to be remembered.

Now the big and the small remember him, the smooth and soft-spoken man who made the people feel closer to their president.

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## THE SHARPSTOWN FOLLIES-XXXIX

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### HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. GONZALEZ. Mr. Speaker, if the enterprises of Frank Sharp had any hallmark, it was the inside deal. When Sharp got hold of a company, it instantly became the source of new loans to Sharp's other companies. Then too, Sharp and his pals took every advantage of their positions of privilege and responsibility to enrich themselves. As far as those who were in the know were concerned, there was no such thing as a losing deal; insiders never made a bad deal.

Will Wilson was among the insiders, and he was not immune to placing a few side bets based on his inside knowledge of Sharp's companies. If anybody was going to make money by trading in Sharp stocks, Will Wilson was not about to be left out, and he acted with alacrity when he foresaw a good thing.

For instance, on August 19, 1968, Wilson wrote a letter to the president of National Bankers Life Insurance Co., giving his opinion of the legality of a proposed selloff of NBL stock and assets. Wilson was counsel for the insurance company, and so his letter was a report to his boss. The company buying up NBL stock and other assets was of course the good old reliable Sharpstown Realty, which had been the conduit for so many of Sharp's great deals.

After giving his opinion of the legality of the proposed transaction, Wilson noted, and I quote—

All of the shareholders will benefit proportionately from the increased earnings made possible by this transaction.

He reiterated this point by concluding his letter—

I see nothing illegal about the proposed transaction and, all things considered, it seems to me to be a very beneficial contract to the National Bankers Life Insurance Co.

Armed with the knowledge of this deal, and in the belief that it would enhance the earnings of NBL, and thereby increase its market price, Wilson went into the market and bought up considerable chunks of NBL stock. The better part of all the NBL stock Wilson ever bought was purchased in the 3-month period after he wrote that letter.

Wilson wrote the letter on August 19, 1968. On August 30 and September 3, he sold 200 shares of NBL, and then started buying great chunks: 200 shares on September 13, 2,500 shares on September 20, 300 shares on September 23, 1,000 shares on October 7 and 200 shares on November 28. Altogether, Wilson bought a net total of 3,800 shares of NBL in the period immediately following his letter to Osorio, in which he confidently predicted brighter days for NBL, and richer portfolios for all who owned its stock.

When Wilson bought that stock, he had access to information that ordinary buyers did not. He, and all insiders, could make a quick profit. And he certainly wasted no time in buying up all the stock he could lay his hands on. Wilson's trading pattern never looked so frantic as in that period.

Just why Wilson sold out his NBL stock before its price peaked—it eventually leaped from $8 a share to $29—I cannot say. He says that he sold it all before that peak. Maybe he had overextended himself in speculating on that stock, and needed cash to help him out of the throes of the recession and bear market. One thing is for sure: he never quit dealing in stock after he became Assistant Attorney General, and he did not sell his NBL just because of that appointment. He bought it because he knew, based on an insiders knowledge, that he had a good thing. He probably sold it only because he had to.

Well, there's another reason to wonder why Will Wilson is still Assistant Attorney General. Lesser lights have been known to have incurred the wrath of the SEC—not to mention stockholders—for insider trading. Wilson was just about as opportunistic as any other member of the Sharp gang; he was no saint then, and he is not one now. All that shiny armor he likes to display to the public is somehow becoming rusty and ugly, and the old sheriff might be better off leading a posse in a rodeo parade than sitting in his deep leather chair down at the Department of Justice, if they are still calling it the Department of Justice.

## IMF DEMANDS RAPID DEPRECIATION OF U.S. DOLLAR

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. RARICK. Mr. Speaker, the IMF is in Washington and presumes not only to tell us how to run our financial business but demands that we do it hastily.

The big-hearted American people have become so used to giving their money like so much charity for world welfare, through such as foreign aid, the United Nations, and no-win wars, that they have become too weary to say "No." Now our once impoverished cousins have become so affluent and powerful that they invade our shores and would dictate the value of our money.

Pierre-Paul Schweitzer, managing director of the International Monetary Fund, has called for direct devaluation of the dollar through an increase in the price of gold. Although Schweitzer did not state the amount of devaluation, a devaluation percentage of 7 percent or 8 percent has been mentioned in the press frequently. If the United States is to devalue by any percentage, the devaluation must be against gold and the United States would have to renew the convertibility of dollars for gold. Assuming a devaluation of 10 percent, then gold would have to be convertible into U.S. dollars at $38.50 per ounce of gold. If the United States did this, the in excess of 30 billion U.S. dollars held by foreigners would more than empty our U.S. Treasury gold holdings. But as usual the American people and their elected representatives in Congress have no voice or vote in the rape of our money. We have surrendered the value-fixing of the U.S. dollar to "experts"—and international bankers at that; who by the way are the same international "whiz kids" who got us into this mess.

If past performance of American negotiators can be relied on, one thing can be certain about the present goings-on called "negotiations" by the International Monetary Fund here in Washington—the American people will lose.

Negotiations to American leaders have deteriorated to where they only mean "How much more of what we have do we have to give?"

I include a related newsclipping and a part of an article "And Now Comes the Dollar Freeze" by the eminent columnist, Don Bell, follow:

[From the Evening Star, Sept. 27, 1971]

FAST ACTION DEMANDED ON DOLLAR—CHIEF OF IMF FEARS DELAY PERILS TRADE

(By Lee M. Cohn)

The dollar crisis must be settled quickly to prevent a breakdown of world commerce, Pierre-Paul Schweitzer, managing director of the International Monetary Fund, warned today.

If the crisis drags on, he said, there will be "real dangers . . . of serious disarray in international monetary and trade affairs, and . . . abandonment of rules by law providing for orderly and just international economic relations.

"The longer necessary international action is delayed, the greater becomes the prospect of serious disorder and discrimination in currency and trade relationships, with a consequent impact on the economic well-being of our members," he said.

As Schweitzer addressed the opening session of the annual joint meeting of the 118-nation IMF and the World Bank, the United States was showing a little more flexibility about bargaining on trade barriers and the price of gold, in exchange for foreign concessions in negotiations to settle the crisis.

AGREED ON AGENDA

With both sides bending a bit finance ministers and central bankers of the 10 leading non-Communist nations agreed yesterday on the agenda for negotiations.

This broke the initial procedural deadlock and created the bare possibility of a settlement by late November. But American and foreign sources said it probably will take longer because they are nowhere near agreement on the subtance of the issues that have shaken the world monetary and trade system.

Robert S. McNamara, president of the World Bank, appealed in his speech to today's meeting for protection of the interests of underdeveloped countries in negotiations to settle the monetary crisis.

McNamara, former U.S. secretary of defense, said the rich nations must make sure that their reform of the monetary and trade system will permit the poor countries to increase their exports and receive adequate amounts of aid and capital.

Schweitzer said the "first priority" is to agree on new currency values, with simultaneous removal of the surcharge—additional tariffs—imposed on imports by President Nixon.

"The surcharge can be justified as a means of improving the U.S. balance of payments only until it is possible to supplant it by effective action in the exchange rate field," Schweitzer said.

He renewed his call for direct devaluation of the dollar through an increase in the price of gold, along with upward revaluations of major foreign currencies.

NEED IS URGENT

While urging concessions by the United States, Schweitzer also called on other countries to "cooperate with the United States in the task of achieving a fundamental improvement in its balance of payments."

This amounted to endorsement of American demands for reduction of foreign trade barriers and increased foreign contributions to mutual defense costs.

But Schweitzer said a realignment of currency values and removal of the U.S. import surcharge "can and should be dealt with urgently," while other issues "may require intensive work and negotiation before decisions are feasible."

The crisis has led to a variety of monetary and trade restrictions by many nations, including the U.S. surcharge, Schweitzer said. He said, "The protective measures that are being taken may become progressively harder to dismantle."

TEST OF COOPERATION

These measures and uncertainty about currency values are particularly harmful to smaller and poorer countries, he said. "All this is not an auspicious beginning for the second development decade."

Karl A. Schiller, West Germany's economic and finance minister, co-chairman of the meeting, agreed in his opening speech that "we have first to deal . . . with the immediate danger of avoiding international conflict in trade and payments and an escalation of restrictive and protectionist policies."

"We have to demonstrate to the world that international cooperation will stand the most difficult test the world monetary system has undergone since the creation of the Bretton Woods institutions," he said, referring to the agreement at the end of World War II establishing the IMF and the World Bank.

The "major jolt" dealt to the system by President Nixon's actions Aug. 15 "can act as a powerful catalyst for comprehensive reform," Schiller said.

He joined Schweitzer in calling for U.S. participation in a realignment of currencies through direct devaluation of the dollar.

Until the compromise reached at yesterday's meeting of the finance ministers and central bankers of the Group of 10, the foreign nations had insisted on removal of the 10 percent import surcharge in exchange for a realignment of currency values to give U.S. industry a competitive advantage in world trade.

In addition to upward revaluations of their currencies, they wanted the United States to devalue the dollar directly by raising the $35-an-ounce official price of gold. Other issues would be negotiated at later stages.

The United States had refused to consider raising the price of gold and had insisted on keeping the surcharge until there was agreement on reduction of foreign trade barriers and increased foreign contributions to mutual defense costs, in addition to higher values for major currencies.

Resolving the impasse and opening the way to substantive negotiations, Treasury Secretary John B. Connally and the finance ministers of the nine other nations issued a communique agreeing on "a work program for the more immediate issues," including:

"The magnitude and the method of a realignment of currencies, the temporary adoption of somewhat wider margins around par, the abolition of the surcharge and some other measures, outside the exchange rate field, designed to improve the U.S. balance of payments."

Measures to improve the U.S. balance of payments could include reduction of foreign trade barriers against American goods, and

increased foreign contributions to defense costs.

Thus, the nine other countries agreed at least to discuss these U.S. demands in the first stage, instead of postponing the trade and defense issues until after removal of the import surcharge.

Connally indicated at a news conference later that he might settle initially for smaller foreign concessions in the trade and defense areas than he had been demanding.

His agreement to a listing of issues, including the surcharge, was another American concession. A more vaguely worded alternative communique was rejected.

The communique's reference to the "method" of currency realignment kept the issue of a gold price increase alive. Connally told the news conference the United States still does not intend to raise the gold price, but he did not foreclose the possibility. His agreement to the communique assured that the issue will be considered in negotiations.

The ministers directed their deputies to work on the prescribed agenda in October. If the deputies progress, the ministers probably will meet again in November.

Apart from agreement on an agenda, the main achievement of yesterday's meeting was its cordial atmosphere, in contrast to the acrimonious Group of 10 meeting in London earlier this month.

Connally contended that "the position of the United States has not changed at all," but his remarks on the trade and gold issues suggest more flexibility.

OPEN TO NEGOTIATIONS

Asked if reduced foreign trade barriers and increased contributions to defense costs still are preconditions to removal of the import surcharge, he said the trade and defense questions will be resolved in large part through bilateral rather than multilateral negotiations.

But he maintained that the Group of 10 also has a role in these areas. If this is not a proper forum for trade bargaining, he said, then the communique should not have mentioned the surcharge.

Other American sources said the United States will not insist on complete settlement of trade and defense issues before removing the surcharge. They said it may be enough to obtain assurances of future progress, along with some initial specific action.

"We've never said it had to be all at once," an official said, "but we do want some real movement."

The amount of progress on trade and defense required as a condition for removing the surcharge is open to negotiation, officials said. If not much is done in those areas, they said, needed increases in foreign currency values will be that much bigger.

What the United States wants, Connally said, is "a formula and a procedure agreed to that will indeed rectify the balance of payments situation." He emphasized that he does not expect to eliminate the payments deficit within one year, but only over a "reasonably short period of time" which he refused to define.

On gold, Connally said there has been no change in the position that the United States does not "anticipate" any price change.

But, he said, the United States recognizes that the gold price is "a political problem" for some other countries. He added, "To the extent that we can contribute to solution of other countries' political problems, we're going to be as helpful and as cooperative as we can."

BIRTH RATE REDUCTION

Besides urging rich nations to protect the interests of the poor countries in reforming the monetary and trade system, McNamara in his speech emphasized the dangers of rapid population growth in the underdeveloped world.

Even if these countries were to reduce the birth rate to an average two children per couple by the year 2040, he said, "their present population of 2.6 billion will increase more than five-fold to nearly 14 billion."

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[From Don Bell Reports, Sept. 24, 1971]

THE INTERNATIONAL MONETARY SYSTEM

There is one area over which Nixon and his White House aides will have no further control; the establishing of the new international monetary system. The European Common Market Countries and the other countries with favorable export trade balances, will never again bow to the power of the dollar. The Nations of Europe now speak of the United States as a "banana republic," in that its sole important export now is the airplane (which helps to explain the Lockheed and the super-passenger-carrier controversies).

As a matter of fact, the other Central Bank Nations of the world are so fed up with so-called American monetary leadership, that there is talk of firing Robert Strange McNamara as head of the World Bank, and putting in a better qualified European Bankers' agent.

An excellent description of what is likely to be set up as the new international monetary systm appeared in the Paris-published *International Herald Tribune* of Aug. 30, 1971. Your editor feels that this article is of sufficient importance to deserve reprinting. Therefore:—

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A EUROPEAN VIEW: END OF A MONETARY SYSTEM

(This is a translation of an article which will appear today in the French newsmagazine L'Express. Mr. Servan-Schreiber, publisher of L'Express, is the author of "The American Challenge," and a deputy in the French National Assembly from Nancy).

(By Jean-Jacques Servan-Schreiber)

Paris—The current general disorder came as no surprise; nor for the moment is it any cause for concern.

The end of the monetary system in force for the last generation is the most important event that could take place, except for war. The construction of a new system is a challenge which is political in the extreme. Thus, it is only normal that the public debate should be animated.

If, as Clemenceau said, "War is too serious a matter to be left to the generals," there can be no question of allowing monetary experts alone to negotiate a solution to the present problem. The solution will be found only after collective consideration.

And within the last few days, two men, among others, have added the weight of their experience to the question. Ralf Dahrendorf, who, at the GATT meeting, replied in the name of the European Commission to Nathaniel Samuels, the American delegate, put things very clearly: The monetary problem of the dollar (and, thus of the whole system) is not due to "an unfavorable American balance of payments, but to the constant increase of American investment throughout the world."

He described this increase with just a few figures: American investments in the Common Market came to $2 billion in 1958, they were $10 billion in 1969 and $13 billion last year. This phenomenon has grown so fast that the U.S. government itself is unable to cope with it. The "American Challenge" also defies the United States.

Pierre-Paul Schweitzer, the head of the International Monetary Fund, has created a bit of a fuss by revealing, unofficially, the real value of the various currencies, which are hidden under artificial parities. He was, thus, able to give an idea of the market value of each national currency. Through this, we learned that the major currencies should be allowed to float up to their true levels: the Japanese yen should be revalued by 15 percent compared to the dollar; the West German mark by 14 percent; the Canadian dollar by 10 percent and the pound sterling and French franc by about 7 percent.

This fascinating revelation by the IMF will probably be considered to be the harbinger of the new economic system. And this new system will be a universal stock exchange—an adjunct to the international market place—where the economies of nations will have to agree to be quoted at their real value, much as commercial firms are on the stock exchange. This is precisely what West German Economic Minister Karl Schiller is aiming at—although he hasn't said so explicitly—when he proposes that all currencies be allowed to float.

The Economist, of London, has come out for the Schiller system: "We are fully in favor of allowing currencies to float. This system will produce many fewer shocks to the economy than the frequent crises which resulted from the vain pretense of trying to maintain fixed parities."

There will, of course, be many reflex reactions, uncounted ancient customs, as well as national pride and ideological barriers to reject, and to reject violently, the idea of rating national economies—and consequently the management of government and their policies—in a world market.

But a light is shining through the dark cloud of nationalism. And this light is beginning to give shape to the new economic system. The value of a currency will no longer be quoted in relation to gold, but in relation to the management of a nation's economy. Economic experts will decide—as speculators now do—on the rating of a currency by basing their opinions on the current situation and forecasts of future management. The study of a nation's economy will have a direct effect on the credit given to the nation's credit. Currency will bear the value of the credit allotted to it and credit will depend on management. That will be the new system.

But what sort of management can there be? This is where the revolutionary ideas which overthrew the ancient economic regime (and which will help to establish the next one) become clear. Let us say, for a start, that management will be a question of the use made of public funds.

The main question that will be asked on the universal stock exchange, the one asked by investors as well as speculators, will be: "Is each dollar of public funds, each mark of public funds, each franc being properly employed (that is, to facilitate expansion) or is it being squandered?

It is obvious that each dollar of public funds which for so many years has been earmarked for the Vietnam war cannot be considered as a productively employed dollar. The same is true for the Lockheed subsidy as well as the upkeep of military bases. It is just as clear that the management of public funds in Britain has been unwise in many ways; the too-extended upkeep of military forces in the Far East, annual expenditures for nuclear weapons, public subsidies for Concorde and to Rolls-Royce.

The West German "miracle" as well as that of Japan were based on the diametrically opposite notion, that is, on the idea that all public expenditures must be productive.

This new standard helps to shape the form of the future system. It will be a combination of good management and floating currencies. It will be the opening of a world market without national barriers, but where public funds will be used to further the state's only productive goal: to fill the needs of society. . . . Let us look and look very cautiously all around before we leap. The revolution which began with a loud clap of thunder is not that of a technical reform of the monetary system but that of the political system. (End of article).

* * * * *

So here we have a form of world dictatorship wherein monetary "experts" control

governments by telling the governments how they may spend the taxpayers' money (public funds), a "reform of the political system" that will complete the building of a Socialist World Government—and here again, Nixon might be called the illegitimate father.

## WHO WANTS TO BE THE LAST AMERICAN KILLED IN VIETNAM?

**HON. WILLIAM F. RYAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. RYAN. Mr. Speaker, the tragedy of Southeast Asia continues. The statistics of American deaths have improved, and that is all to the good. But meanwhile, the peoples of Southeast Asia still suffer the burdens of war, including American bombing.

For so many years, this Nation has, save for a few, chosen to ignore the devastation wreaked upon these hapless people. For so many years, the catalog of slain civilians, destroyed villages, ravaged fields, and disrupted cultures has been completely obliterated under the zealous concern of successive administrations to sustain this war.

I cannot condone this. But if the argument of self-interest will get us out of the war, I will make it. In the September 19, 1971, issue of the New York Times Magazine, Donald Kirk has written a devastating article, entitled "Who Wants To Be the Last American Killed in Vietnam?" Mr. Kirk writes of the total loss of morale of those American troops still assigned to South Vietnam—the fodder being used to sustain the administration's position of refusal to announce a specific date for withdrawal.

As Mr. Kirk writes:

It is a limbo between victory and defeat, a period of lull before the North Vietnamese again seriously challenge allied control over the coastal plain, as they did for the last time in the Tet, May and September offensives of 1968.

And Mr. Kirk describes the bleak situation of the American men still caught in the war:

For the average "grunt," or infantryman, the war is not so much a test of strength under pressure, as it often was a few years ago, as a daily hassle to avoid patrols, avoid the enemy, avoid contact—keep out of trouble and not be "the last American killed in Vietnam."

Mr. Kirk quotes a captain:

"I mean, what does it accomplish—what does it gain," asks our forward observer, a captain who attended Officer Candidates' School after having graduated from the University of Southern California in Los Angeles. "Even if we kill 500 dinks, to me it's not worth it." The F.O. calls in artillery strikes on suspected targets in the nearby hills, but he does so with notable lack of relish. "I just saw three dinks down in that rice field," he says. "One of them was carrying a shiny tube. They were probably V.C., but maybe they were civilians with an old shell. I don't think it's right to look for some excuse for shooting at them.

Mr. Kirk also quotes some of the GI's in the captain's patrol unit:

"The dinks are just playin' with us, waitin' for us to go home, then they'll beat the ——— out of the ARVN (Army of the Republic of Vietnam)," says the rifleman in front of me, reiterating a view held by many of his superiors. "It's a lifer's playground, a chance for the generals to test their strategies," the G.I. enlarges, in thick Georgian tones, as we scramble up from the steam bed. . . .

Mr. Kirk makes this devastating report:

In a month visiting units in the field and rear areas around Military Region One, I found literally no young G.I.'s in favor of the war, none who didn't think we should "get out," few who didn't hate the "lifers" almost as such as the "dinks".

Mr. Kirk writes of the drugs rife in South Vietnam, the fragging of officers, the racial conflict, observing that the "talk of fragging, of hard drugs, of racial conflict, seems bitter, desperate, often dangerous" in the rear areas.

I commend this article to my colleagues. It is penetrating and devastating. It is mandate, without any caveat, for an end to this tragic, immoral conflict.

Donald Kirk's article, entitled "Who Wants To Be the Last American Killed in Vietnam?" follows:

[From the New York Times magazine, Sept. 19, 1971]

### WHO WANTS TO BE THE LAST AMERICAN KILLED IN VIETNAM?

(By Donald Kirk)

MILITARY REGION ONE, SOUTH VIETNAM.—If there is any war, that is, an American war, involving American troops and costing American lives, it is mainly here in Military Region One, once known as "I Corps," whose mountains and rice fields have absorbed more American blood in the past six years than South Vietnam's other three regions combined.

"We lost 18 men in our company last month to booby traps," says a platoon sergeant encamped on one of the outcroppings of Charlie Ridge, a forbidding dark rise on the skyline some 10 miles west of here. "All we get out of it was killing two dinks in an ambush." Just two nights before I spoke with the sergeant, down the same ridge, he and his men heard the whine of Soviet-made 122-millimeter rockets whistling overheard—aimed not at them but at a South Vietnamese firebase in the lowlands. "They was shootin' from the rocket belt behind us," says one of the G.I.'s, pulling out his canteen during a break on a patrol through thick underbrush toward a small stream hidden at the base of the slope. "There was nothin' we could do but call in artillery. That was some hilarious fight, listening to them rounds goin' back and forth above us."

The morning after the rocket attack half a dozen of the G.I.'s were sitting around an old shell-hole eating C-rations when one of them tripped a hidden wire, setting off a booby trap concealed in the hole. Three men were wounded—two of them partially blinded, one with possible brain damage. "There all night and nothing happens," says a rifleman, recounting the incident as we pause by the stream. "Sit here and watch a buddy get blown away. The whole thing's pointless. We'll never win."

It is, in reality, a desultory kind of struggle, punctuated by occasional explosions and tragedy, for the last Americans in combat in Vietnam. It is a limbo between victory and defeat, a period of lull before the North Vietnamese again seriously challenge allied control over the coastal plain, as they did for the last time in the Tet, May and September offensives of 1968. For the average "grunt," or infantryman, the war is not so much a test of strength under pressure, as it often was a few years ago, as a daily hassle to avoid patrols, avoid the enemy, avoid contact—keep out of trouble and not be "the last American killed in Vietnam."

"I mean, what does it accomplish—what does it gain," asks our forward observer, a captain who attended Officer Candidates' School after having graduated from the University of Southern California in Los Angeles. "Even if we kill 500 dinks, to me it's not worth it." The F.O. calls in artillery strikes on suspected targets in the nearby hills, but he does so with notable lack of relish. "I just saw three dinks down in that rice field," he says. "One of them was carrying a shiny tube. They were probably V.C., but maybe they were civilians with an old shell. I don't think it's right to look for some excuse for shooting at them." Although the F.O. is a captain, he articulates the views of the G.I.'s with whom I go on patrol down the ridge.

"The dinks are just playin' with us, waitin' for us to go home, then they'll beat the — out of the ARVN [Army of the Republic of Vietnam]," says the rifleman in front of me, reiterating a view held by many of his superiors. "It's a lifer's playground, a chance for the generals to test their strategies," the G.I. enlarges, in thick Georgian tones, as we scramble up from the stream bed—only to stop again a minute later so our "pigman" can test-fire his machine-gun. "Git them cows down there," another G.I. yells, grinning while the M–60 spews a torrent of bullets into the bushes in front of us. The cows, grazing on a rise half a mile away, amble off at the urging of a boy who hears the shots. A couple of the grunts idly curse all the "lifers"—the C.O., the N.C.O.'s, anyone vaguely responsible for issuing them orders and threats. "If the lifers don't get you," says one, explaining why we don't radio a false location and rest instead of walk, "then the V.C. will."

Their chatter is hardly unique. In a month visiting units in the field and rear areas around Military Region One, I found literally no young G.I.'s in favor of the war, none who didn't think we should "get out," few who didn't hate the "lifers" almost as much as the "dinks"—a term sometimes used to describe ARVN as well as enemy forces. For all the complaints, though, cases of refusal to fight or go to the field are quite rare—perhaps an average of two or three per battalion per month. Virtually every G.I. in the bush theoretically yearns for a softer job somewhere else, but almost all of them admit that time slips by faster here, that "lifers don't hassle you so much" over petty matters of haircut and dress, that drugs are less available and duty not so dull as in the rear.

Nor are there more than slim odds these days that a combat G.I. will die despite the danger of mines set and re-set daily by V.C. sympathizers—often farmers or small boys selling PX cokes by the road at 50 cents a can. Casualty figures in July receded to the lowest ebb in six years, 11 killed one week, 29 another, about 70 for the month—the first since 1965 in which the number of American "K.I.A.'s" (killed in action) was below 100. (The U.S. command now emphasizes low American casualties with the same enthusiasm that it once accorded such statistics as enemy "body counts." At a briefing in the middle of August, for instance, a military spokesman proudly disclosed a weekly average of 19 American K.I.A.'s for the previous two and a half months, "exactly half the average of 38 K.I.A.'s for the year to date." These figures, he noted happily, compared with an average of 81 killed each week of last year.) Specifically ordered to hold down casualties, commanders rarely invade traditional enemy base areas among shadowy crags and valleys to the west—and carefully disengage from battles in the lowlands if heavy losses seem inevitable or even conceivable.

Only occasional incidents or intelligence reports still remind G.I.'s—and command-

ers—that "a war's going on here, y'know." On the "Arizona Territory," a shell-pocketed stretch of abandoned rice fields southwest of Danang, Vietcong guerrillas intermittently fire on armored personnel carriers and tanks rumbling through land that Marines failed to secure in six years before the last of them pulled out of here several months ago. One night at the end of August, for instance, the V.C. killed five and wounded seven G.I.'s sitting behind their vehicles in a circular night defensive position. Commanders put all 70,000 U.S. troops remaining in Military Region One on special alert in anticipation of small-scale attacks by North Vietnamese regulars and local terrorists bent on exploiting Vietnam's unending political problems.

But the American military posture remains basically defensive and low-keyed. No more than 8,000 U.S. troops are "beating the bush" in Military Region One these days—and they rarely pursue the enemy beyond the first few ridgelines.

"There's no longer that intense aggressiveness," laments Lieut. Col. Lee Roberts, who enlisted in 1948 at the age of 19, attended O.C.S. after having been turned down for West Point—and now commands a battalion from a mountain firebase 20 miles southwest of Danang. "Instead of going on lengthy sweeps, our companies set up defensive positions from which they send out patrols," he explains, sipping coffee from a paper cup in front of his sandbagged command bunker, overlooking an undulating velvet-green valley. "If they get into contact," he says, surveying his A.O.—area of operations—through baleful, slate-gray eyes, "they back off and call in air and artillery."

"What we're performing is defense-in-depth," summarizes the information officer at the headquarters of the Americal division, which totals some 20,000 troops south and west of Danang, including those patrolling Charlie Ridge and the Arizona territory. "We're interdicting enemy supply routes and infiltration of troops to the lowlands." Off-duty, in the officers' club behind the headquarters, built on rolling sand dunes at Chulai, for which marines fought bunker to bunker in 1965, a couple of R.O.T.C. lieutenants joke about the Americal's notorious past. First there was exposure of the massacres at Mylai, a few miles to the south, followed by the case of a former brigade commander charged with mowing down civilians from his helicopter and, late last year, revelation of the use of a chemical defoliant capable of inducing cancer. Then, in June, the commanding general was relieved in the aftermath of an attack on a firebase in which 33 G.I.'s were killed.

"I'm afraid to tell anyone back in the world I'm with the Americal," says one of the lieutenants, laughing sardonically. "No one has much pride in the division. That's one reason morale is so bad."

Despite the image, however, this mission of the Americal—and the attitude of its men—is no different from those of the only other full-strength U.S. division in Vietnam, the 101st Airborne, based at Camp Eagle, midway between Danang and the DMZ. Just as the Americal defends Danang and the coast to the south, so the 101st patrols the lowlands and hills beyond the one-time imperial capital of Hue, for political and cultural reasons South Vietnam's most important city after Saigon. Once regarded as the toughest of U.S. divisions, the 101st now appears as wary of combat, as reluctant to fight, as lax in discipline, as the Americal. Commanders proudly evoke its traditional nickname "Screaming Eagles," but G.I.'s these days prefer to call it, not without a certain touch of reverse pride, "the one-oh-worst."

"I have seen the Screaming Eagles in action—in the jungles and air and assisting the people of northern Military Region One— and can testify that the outstanding reputation enjoyed by the 101st is completely justified." brags the division commander, Maj. Gen. Thomas M. Tarpley, somewhat defensively, perhaps, in a letter on the inside front cover of the division's slick-paper magazine, Rendezvous With Destiny. The cover itself, however, testifies to the war-weariness of the men whom Tarpley tries to praise. In a water-color sketch of defoliated trees etched against glowering gray clouds, three G.I.'s are standing on a truck, reaching toward a crane helicopter hovering above them. Black peace symbols adorn drab army-green cannisters containing 155-millimeter artillery shells, and the twisted limbs of three leafless trees form the initials F.T.A., —the Army.

Already a legend around the 101st, the cover evokes the mood of the grunts whom I accompany on a couple of patrols by a stream along which the V. C. slip men and supplies into the lowlands. The platoon leader is a gungho career soldier, a first lieutenant out of O. C. S., airborne, ranger and jungle schools, who inwardly regrets he's arrived in Vietnam a couple of years too late for "the real war." He has been here only three weeks, and he wants to play by the rules. Maybe, if he succeeds, there's still enough time for him to get a regular—as opposed to a reserve—commission, a promotion to captain and command of a company in the field, if not exactly in full-fledged combat.

"Shoot to capture, not to kill," the lieutenant, an athletic, lifeguard type with close cropped hair and finely chiseled features that remind me of a carving of a Roman centurion, earnestly abjures his troops, in an upstate New York twang. The men, saddled up for a RIF (reconnance in force) through abandoned rice fields and one-time hamlets, erased except for occasional cement foundations by air and artillery strikes, grin and snicker. "I shoot for K. I. A.'s, not P. O. W.'s," retorts Specialist 4 Robert Latchaw, a wiry Pole from South River, N.J., laughing at the lieutenant's naiveté. "Whaddya want us to do, shoot an ear off?" jibes Doc, the medic. The lieutenant, unfazed, insists he's following policy set down by "higher higher" headquarters. "We're not after body counts anymore," he says. "We'd prefer information. K. I. A.'s don't talk." With that, we sally forth through tall grass toward a stream near which our platoon sergeant, remaining behind with a squad, swears he saw "two dinks running that way."

It is clear to everyone but the lieutenant, though, that we're not seriously pursuing "the dinks," who were fleeing a fight with some South Vietnamese near the ruins of an old French fort, first boobytrapped by the V.C. and then leveled by American bombs, dropped to set off the booby traps. "Just walkin' around don't accomplish nothin'," says Latchaw, church-going Catholic with a wife "back in the world" who sends him weekly packages of "world food," good canned stuff to supplement the boring, bland diet of C-rations. "I been here nine months, and I ain't been in no firefight yet. Most I did was spend 100 days in the mountains during the monsoon without changing my clothes once." We are, by this time, beside the stream, filling canteens, after an hour-long stroll broken by frequent halts for rest and talk. If there are any V. C. in the area, they are as eager to keep out of our way as we are to keep out of theirs.

All of us, that is, except for the lieutenant: next morning, around 10, he leads another RIF toward the stream, this time aiming for the "draw," the ravine down which the water tumbles from the last ridgeline into the lowlands. It seems like another easy walk in the sun before we begin, but our point man is still hacking away with his machete several hours later. (Murmurs from the grunts behind me: "I want to be back in Kentucky rabbit-huntin'." "When I get back to the world I don't even care if I see another forest. I'm stayin' in the city.") The lieutenant sends a couple of riflemen—a bull-necked Chicano named Quito and the Kentuckian—into the brush in hopes of finding an easier route. They return a few minutes later. "Gettin' too theek," says Quito. "Might see some dinks we don't want to see." We plunge straight ahead, find a trickle of flowing water, fill canteens, keep going another hour until we stumble on the same stream we reached, lower down, on yesterday's patrol. Some of the men flop in, lying on their backs in the fast-running water, cleansing bodies, fatigues and socks. We would be easy marks for an ambush. No one is standing guard.

Across the stream we see clear signs of V.C. movement—little footpaths leading across open clearings. For the first time we spread apart, a routine precaution. Behind us rises the slope of the ridgeline, burned off by a fire ignited by one of the Delta Tangos—"Defense Target" artillery rounds—called in by the lieutenant a couple of nights ago. we follow the path along the stream, wade in the water for a while, then emerge about where we'd been the day before. A couple of hundred yards from the bank a neat path cuts a straight line through the brush—the kind of trail along which guerrilla soldiers could run full-speed if necessary, dropping for cover at the sound of approaching helicopters.

"We're going to work this area really well," the lieutenant advises his men, who remain sullenly silent. "We're gonna set up ambush positions in here and set out a couple of claymore mines—get them as they fall back from fighting the ARVN." As soon as we return to our original position, the lieutenant announces his plan to our platoon sergeant, a hard-talking Midwesterner who's been with the unit only a couple of days, but knows how to handle eager young officers.

The sergeant reminds the lieutenant a resupply helicopter is about to arrive, that it'll take a while sorting out the stuff, burning off the waste. He says he's found a "beautiful N.D.P."—night defensive position—"over there by the trees." The lieutenant hesitates, wavers. He senses that his men, from the new sergeant on down, are against him. "We don't have enough men for an ambush," the sergeant argues. "We get into a fight, we'll get waxed." The lieutenant finally settles for setting a single claymore on the trail this side of the stream.

That night we hear the crackle of small arms from over near the ARVN positions, a mile or so away. Helicopters circle overhead, muttering machinegun fire, and artillery and mortar rounds thud across the fields. Next morning, the lieutenant is beside himself with anger and frustration. "Should have sent out that goddam ambush," he says, not looking at the sergeant. "Could have gotten them running away. Goddammit, we gotta get moving. It's late already. This happens again, I'm gettin' everyone up at 5 o'clock."

It is 10:30 before the men are ready. Then the lieutenant gets more bad news, this time over the radio. The battalion commander, on a firebase a couple of miles away, is ordering the entire company in to guard the base perimeter. "Just routine rotation." In vain the lieutenant pleads that he needs "a couple more days to work the area by the stream." His men curse him silently. "Goddammit, if no one was looking, I'd frag the sonuvabitch," says one of them.

The threat of a fragging—explosion of a fragmentation or hand grenade—in this case is probably not serious. The G. I. who makes it not only walked point the morning before but willingly went on patrol again in the evening to plant the mine. An Iowa farm boy, he criticizes the war on the grounds that "we're not fightin' it like we should." Since we failed to invade North Vietnam, H-bomb Hanoi and Haiphong and declare "free fire zones" of V.C. hamlets, he says "we oughta quit wastin' time and go home." Like most of the grunts in the field, he may lack motivation but he's not really bored—an in-

trinsic factor in turning casual threats into deeds.

It is mainly in the rear, among the troops whom the grunts disdainfully call the REMF's, for Rear Echelon Mother ———, that talk of fragging, of hard drugs, of racial conflict, seems bitter, desperate, often dangerous. At the combat base at Quangtri, the last provincial capital below the DMZ, I walk into a dimly lit single-story barracks one afternoon hoping to find perhaps a couple of G. I.'s with whom I can talk—and count 16 of them reclined in the shadows of a lounge shielded by blankets and curtains hanging from the windows. "Welcome to the head hootch," says a thin, hollow-cheeked private first class of 18 or 20, waving me to a spot on the couch after I convince him I'm a reporter, not a criminal investigator. The G. I.'s proudly explain that their hootch is a meeting place for potheads from all over the base, but I don't smell any marijuana in the air. "How many of you smoke scag [heroin]," I asked. They all raised their hands.

Who are the heads in the hootch—and why have they "graduated" from pot to heroin? They are, for the most part, white, with 10 to 12 years of education, a few with records of juvenile delinquency or petty crime in civilian life. While some might not perform well under any circumstances, all of them seem hopelessly demoralized both by the war and by their immediate surroundings. "I was supposed to be a heavy-equipment operator but all I do is pick up beer cans," says one. "They haven't got anything for us to do," says another. "They just want to keep us busy." Several are aimless drifters, too strung out for work, awaiting courts-martial or undesirable discharges, demotions and restrictions. Many, if they report for duty at all, put in only a few hours a day before finding some excuse to return to the hootch—or else they just go back with no excuse at all.

It's far from clear whether the men are more at odds with their commanders and sergeants or the war in general. "They tell you to do something, then they yell at you for doing it," says the equipment operator. "They harass you about haircuts and beards and burn you for sleeping on guard when you've been working all day." Most of the complaints are petty, often unjustified, but they also suffer from the same sense of futility, of pointlessness, that affects thousands of other G.I.'s in the midst of withdrawal of American troops. "The gooks are winning this war," says one. "The ARVN are afraid to fight. They run away. The gooks can have the place when we leave."

While we are talking one of the heads slowly stirs a plate of "hard times," all but powerless marijuana seeds and stems. "It's what I got left," he says. "It's gettin' so hard to score marijuana around here, guys have to turn to scag"—which doesn't smell, comes in much smaller quantities and is easier to hide. Another G.I. idly tells a story, verified by his friends, of ordering more than 300 vials of heroin at $2 a vial from a Vietnamese "cowboy" on a motorcycle by the gate of the base. "I gave him $200 for a hundred and robbed the rest and ran," says the G.I. "He drove away grinning, and I knew I was the one that was ripped off. It was all salt and sodium acid." The next day the G.I. armed with his M-16, bought 200 vials from a trusted pusher in a nearby village. "I sell it here for $5 a vial," says the G.I., a personable, fair-haired Midwesterner who served six months of a five-year term "back in the world" before enlisting in the Army.

That night a couple of the G. I.'s—a black and a Chicano—invite me to a pot party at a helicopter hangar on the other side of the runway. The air in the little room in the back of hanger is heavy with the sweet smell of "dew." A helicopter pilot tells me he's been "stoned ever since getting to Vietnam"—that he performs better that way but is "scared ——— of scag." Beside him is a doctor, an army captain, silently smoking pot in a corncob pipe. Some of the helicopter crewmen pass freshly rolled cigarettes around. A couple of other G. I.'s stand lookout, glancing from time to time over the walls to see if M. P.'s are coming. One of the chopper pilots argues convincingly for legalization of pot—says it's not habit-forming, is no more harmful than beer. He doesn't know it, but several of the enlisted men in the room have laced their marijana with heroin. Some of them plan to go to "the party after the party"—an all-night get-together in one of the perimeter bunkers for speed freaks, pill-poppers who get the pills by mail from home or buy them on the local market, often at ordinary pharmacies.

It is difficult to quantify the use of drugs in the rear. It is obvious though, that a relatively high proportion of the REMF's, perhaps 20 per cent, is on the hard stuff, as opposed merely to marijuana, while only a marginal few indulge in the bush. ("We see a guy using it out here, we take care of him, or the C. O. sends him back to the rear," one of the men on Charlie Ridge tells me. "Otherwise he'll be high some time when we're under attack. You can't hardly walk if you're high all the time.") The use of drugs in base camps accounts for widespread thefts—and also is a major factor in fraggings. G. I.'s on drugs will steal almost anything, ranging from stereo sets to food from the mess hall, to sell in exchange for heroin, peddled by small boys and women, cowboys on Hondas, even South Vietnamese soldiers operating near Americans.

Addicts resort to fraggings—or threats and intimidation—whenever commanders order shakedown searches, restrict them to quarters or otherwise attempt seriously to cut down the flow. At each camp I visit there are tales of incidents in which G. I.'s have blown up orderly rooms, sometimes wounding or killing the wrong man, or have merely exploded grenades outside windows for shock effect. One of the favorite techniques is to set off a tear-gas canister—a harmless antic that creates momentary chaos and serves a warning of more violence later. At the rear headquarters of one of the battalions of the 196th Brigade, on a road leading to Freedom Hill outside Danang, the battalion's new executive officer, in the midst of a crusade against drugs, walks into his quarters one day and finds a grenade pin on his pillow—a symbol of what may happen to him if he keeps up his campaign.

"Its like war: you take chances," says the exec. Maj. John O'Brien, a bluff, outspoken man with a strong Massachusetts edge to his voice, who served 10 years in the enlisted ranks before attending O. C. S. The major, on his second tour in Vietnam, arrived here in June totally unprepared for the new mood among G. I.'s in the rear. He found heroin vials, empty, discarded around battalion headquarters, in the latrines, under barracks. At least 20 of more than 100 men assigned to his battalion "rear" were perpetually too high and too weak to perform. At the same time, a number of others were not only opposed to the use of drugs but willing to work with him to prevent it. "We had a couple of meetings just brainstorming," says O'Brien, who, unlike many career officers, seems capable of talking with young G. I.'s on an informal basis. "We were receptive to any ideas anyone wanted to offer. The situation was so desperate, we had to be open to everything." The result was a well-balanced combination of force and propaganda.

"As of this date I'm declaring war on drug abuse in this battalion," begins the mimeographed "Open Letter to All Drug Users," posted on bulletin boards around the battalion area. "I will seek out and find every drug user and pusher" in the battalion. The letter recounts what many of the G. I.'s already known—that the major, assisted by a special "drug squad" of half a dozen men, has already confiscated more than 100 vials filled with heroin. "Things are going to get a hell of a lot tighter before the problem is satisfactorily resolved," the letter promises. "There will be more shakedowns and inspections. The flow of traffic in and out of the compound is going to be dramatically reduced. My officers and senior N. C. O.'s are now authorized to conduct unannounced search of any man on this compound." The letter invites addicts to turn themselves in voluntarily to the army's amnesty program, under which they can spend several days in a special ward getting over the immediate physical effects of the habit—or else face prosecution and court-martial.

Major O'Brien has no real illusions, however, about the long-range efficacy of his program. He thinks he's drastically reduced the use of heroin in his own compound but points out a couple of cases in which addicts went through amnesty withdrawal, only to pick up the habit again a few days later. He doesn't like to talk about the grenade pin left on his pillow—fears that publicity might encourage a fragging—but points with a grin at a copy of his "open letter," scrawled with defiant notations. "Happiness is a Vial of Smack," says one of them. "Major O'Brien is a Smack Freak," says another. "Stay A Head." Perhaps overoptimistically, the major views the comments as a good sign. "It shows they're worried," he says. "At least I'm getting a response."

Major O'Brien's program, I discover, is the exception, not the rule. By far the majority of the commanders and executive officers whom I meet are simply not aware of the scope of the problem in their own units. They tend, in many cases, to rely on the word of their N.C.O.'s—most of whom are so conservative, not to mention so hooked on alcohol, as to distort their whole attitude toward the drug problem. Another complication is that officers and N.C.O.'s also must cope with racial conflict—protests against authority by young blacks who claim the army discriminates against them. Racial tension, like drugs, is of secondary importance in the field, but it threatens to explode in base camps where blacks have time to form their own Panther or antiwar "liberation" organizations—and chafe under petty harassment by lifers who often, in fact, do reveal instinctive, subconscious, if not explicit, forms of prejudice.

The racial question is so sensitive at Camp Baxter, on a road lined with military installations and Vietnamese refugee shanties near Marble Mountain, just south of Danang, that military officers don't want me on the base. Finally the camp commander, Col. Joseph Otto Meerboth, a graying West Pointer, agrees to let me talk to G.I.'s—but asks me to "come back tomorrow" when I show up for my appointment. As I am escorted toward the gate, he orders military policemen to seal off the post to intruders and search the barracks for half a dozen blacks, whom he's convinced are plotting a major racial disturbance. The next day, Colonel Meerboth explains that the blacks, transferred four days ago to another base, returned without warning to pick up their possessions—and that one of them, at least, is "extremely dangerous."

"He's organized an extra-legal confederacy," says the colonel, who admits having had little experience with either drug or racial problems before his assignment to Camp Baxter last fall. "The traditional method for rendering extralegal confederacies ineffective is to dismember them. Last night I brought in three of these men one by one, talked to them and told them they had to leave. They have been escorted elsewhere." Colonel Meerboth's decision, however, has not necessarily conquered the problem, characterized by intermittent demonstrations, a couple of killings, secret meetings and threats, spread over the past 8 or 10 months. At the service club, where he reluctantly permits me to interview G.I.'s, both blacks and whites criticize the transfer of trouble-

makers—and claim the one singled out by the colonel as the "ringleader" was actually instrumental in keeping the blacks from staging an armed, open revolt.

"A white man just don't understand the problem," says Sgt. Clarence Chisholm, a graduate of the Tuskegee Institute who was drafted into the Army and works as a communications specialist. "Whenever you try to explain what's happening, you're branded as a 'militant'." Chisholm, due to rotate home from Vietnam in a couple of days, charges the white officers and N. C. O.'s with practicing *de facto* segregation by recommending transfers mainly for blacks and leaving the camp, once 20 per cent black, almost entirely white. Some of the whites whom I meet agree with Chisholm's interpretation. "Our sergeant told me it's 'open season on blacks,'" says one of them. "The thing is this Colonel Meerboth cannot control this compound," says another, shouting excitedly in the middle of a circle of white soldiers who rush to the service club to talk to me when word gets around "there's a reporter there."

The G.I.'s charge all the "undesirables"—Black Panthers, drug addicts, whatever—were transferred to three or four nearby units reputed as dumping grounds for those not wanted elsewhere. The black "ringleader," I learn, has gone to Chulai, where he's now on permanent guard duty with the 277th Supply and Service Battalion. "I'm scared to go there," says another G.I., a Chicano, who's also been transferred to the 277th but has returned to Camp Baxter to pick up his stuff—and has somehow escaped the colonel's notice. "I hear they're *all* scag freaks down there." Intrigued, I go to Chulai the next day to meet the colonel's nemesis, Specialist 4 Loyle Green Jr., a tall, polite one-time student at Malcolm X University in Chicago, who once had visions of attending O. C. S. and making a career in the Army but has since decided "to help the brothers back in the world."

"They gave us five hours to pack our bags and leave after they notified us to our transfers," says Green, whom I meet in battalion headquarters. "We started to protest, but there was nothing we could do. We were railroaded to Chulai. The majority of the transfers were from minority groups—blacks, Spanish, Indians." Green attributes his transfer to his role in leading a sit-in outside Colonel Meerboth's headquarters in protest against the pretrial confinement of a black G. I. charged with assaulting a white. "It was so tense that a lot of blacks had gotten weapons," Green recalls, "but it was going to be a peaceful protest." The blacks, he notes with pride, simply turned their backs, got up and left when Colonel Meerboth emerged to order them to disperse. "Then there was the plan to destroy the entire compound," large enough for several thousand men, says Green. "I talked to a couple of the blacks and told them there was no way. We were already infiltrated by informants. We had the weapons, grenades to do it, but we would have lost in the end."

Green, acknowledged by Colonel Meerboth as a "persuasive speaker" and a "natural leader," appears less than militant in his outlook. Rather, he displays a sensitive judgment of power realities, an understanding of the limits to which the blacks can go—and determined, passive defiance of white authority. One factor that may have cast him as a sinister figure, in Meerboth's mind, was the funeral service in March for a black killed by a white in a brawl in the middle of the camp. "The blacks didn't want the chaplain to speak," says Green. "We had 200 or 300 there. We just turned our backs to the chaplain while he kept rattling on. We chanted, 'Black Power!' and put up a liberation flag—it had a black fist in the middle with the words 'Black Unity' in black letters on top, with a red background. The colonel stood there shaking his head. I told him we didn't want any American flag there. No blacks are American. I don't consider myself an American. I consider myself a black."

Green, like many of the black G.I.'s, wears the black-power band, made of black shoelaces, around his wrist. A black-power ring, in the form of a clenched fist, gleams from the index finger of his right hand. In defiance of authority, he is growing a full-scale beard, in addition to the regulation mustache. Ironically, in view of his antiwhite, antiwar outlook, he has never been disciplined, court-martialed or reduced in rank. He does not refuse to work, as do many blacks, particularly those on drugs. "I was a clerk-typist and a driver," he says. "It was challenging at first, but there wasn't enough to do"—an explanation, combined with opposition to the war, that may account for most of the Army's problems in the rear.

Unlike Green, however, black G.I.'s whom I meet at the 277th headquarters in Chulai seem not only depressed but openly, dangerously rebellious, possibly on the verge of armed revolt. One of them, interviewed in the presence of the battalion executive officer, tells me the blacks have a "secret arms cache" and plan to start using it "if things don't let up around here." The exec, Maj. Robert DeBiasio, who has been trying to work with the blacks to find the causes of their problems, listens without interrupting. Later he tells me he doesn't think the black is kidding. "We've searched those barracks time and again and found nothing much," he says. "I think they have the arms underground somewhere. The only way we could find them would be to order everyone out of the barracks early in the morning, keep them under guard and go over the whole area with a mine detector."

Major De Biasio may face a tougher problem than does Major O'Brien at Freedom Hill. At the 661st, one of four companies in his battalion, G.I.'s estimate that 20 per cent of more than 100 troops don't work at all. The company commander, a pleasant, open man with eight years' enlisted time behind him before he went to O.C.S., may be afraid to impose tight discipline. He arrived several months ago—after the fraging of the quarters of his predecessor, who escaped unharmed but severely shaken. "We have some outstanding young men here," the C.O. blandly observes, venturing that only a dozen men in the entire battalion "use drugs on a somewhat irregular basis." In view of the C.O.'s easy-going tolerance, if not essential blindness to reality, it is not surprising that many of the troops whom I meet at the 661st focus their complaints on their sergeants rather than on the officers. Ironically, the most feared of the N.C.O.'s is a black, a 33-year-old Georgian known for his skill as a boxer and judo expert and nicknamed, as a token of both respect and dislike, "Karate Joe."

Karate is sipping beer with another N.C.O., a white sergeant from Tennessee, when I see him in his hootch. He's afraid to go to the enlisted men's club—doesn't want the men thinking he's trying to harass them off-duty. He's stopped counting the times he's found grenade pins on his pillow or been threatened verbally. "It doesn't even bother me any more," he says, but it is clear he is intensely unhappy. "My first tour here, we were all together," he says. "We worked as a team. I was doing the same thing then, running the ammo supply point, humping ammo into helicopters to take to the field. I never had no problems with the men. This time they don't really care no more."

Karate shouts and curses at the troops to get them to work, but he's beginning to feel he's engaged in a lost cause. "You discipline them so much and eventually the C.O. gets started on getting them 212's"—discharges on grounds of unsuitability or unfitness for service. "I just don't know what the answer is," he says, clenching his beer can. "It's not the same Army any more."

The only real answer, as far as *this* war is concerned, may be to keep withdrawing the men on an accelerated timetable and send only volunteers over here for the remaining advisory and rear-area jobs. Wherever I go in the northern provinces, whether in the field or in rear areas, I find the problem of motivation so overwhelming as to defy rational "solutions" and "programs" other than withdrawal. Below Charlie Ridge, on the Arizona Territory, I talk with a young captain on his first tour. He is a West Point graduate, in command of a troop of armored personnel carriers—an ideal position for a career-minded military man. He has been here only one week, but already he is filled with doubts and questions.

"They train you, send you to schools," says the captain, as we begin a bumpy ride through fields planted with mines and booby traps, "but nobody's prepared to see a guy killed or wounded. I had the most sobering experience of my life yesterday—I saw one of my men wounded with shrapnel. He's the first guy I've ever seen wounded. Once we've decided to get out, and then keep fighting, it seems kind of worthless. Nobody wants to be the last guy to die in Vietnam." That night, after the A.P.C.'s—or "tracks"—have formed a defensive circle in a small river, a lone guerrilla fires an AK–47 rifle from a couple hundred meters in front of us, sending bright red tracers over our position. The G.I.'s leap onto the tracks, answering with machine guns and M–16's. Helicopter gunships arrive, spraying the bushes with bullets. It is an eerie late show, played against the black backdrop of the sky and mountains, and it lasts for an hour.

"They got some nerve opening up against all our firepower like that," says one of the G.I.'s as the guns falls silent and we stretch out to sleep on cots unfolded behind our track. "Far as I'm concerned, they can have this whole country. There ain't no reason for us bein' here. We was fightin' to win, that'd be one thing, but we're just wastin' time." It is a typical G.I. commentary—one I hear countless times around Military Region One—at the butt end of a bad war.

## THE LATE GEORGE HUDDLESTON, JR.

### HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. FISHER. Mr. Speaker, the late George Huddleston, of Alabama, served with much distinction in the House of Representatives. It was my pleasure to serve with him on the Armed Services Committee. There he displayed extraordinary ability in promoting legislation to strengthen our armed forces. Having been a naval officer himself, he made good use of his knowledge and understanding of our defense problems. There he was honored and respected by his colleagues.

As a Member of the House, George Huddleston was at all times alert,

courageous, and statesman-like. A great patriot, he always placed the welfare of the country ahead of petty partisanship. To me he was a personal friend. His outstanding legislative achievements are a matter of record. He gave an excellent account of his stewardship.

To Mrs. Huddleston and other members of the family I extend my deepest sympathy in their bereavement.

## SOCIAL SECURITY AND MEDICARE IMPROVEMENT ACT OF 1971

### HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. YOUNG of Florida. Mr. Speaker, it appears that the millions of senior citizens who were gravely disappointed when the 91st Congress failed to complete action on the Social Security Amendments of 1970 will be forced to continue doing without many of the necessities of life unless immediate action is taken to update the social security system during this session of the 92d Congress.

While H.R. 1—the Social Security and Welfare Reform Amendments of 1971—has been passed by the House, it has been "tucked away" in the Senate Finance Committee until completion of the necessary economic and tax reform legislation. Couple with this President Nixon's recent decision to delay action on the welfare reform program for a year, not to mention the amount of time which will surely be expended in committee debating the controversial welfare reform aspect of H.R. 1, and the elderly must accept the fact that improvements in the social security system will be stalled for yet another year.

Most of us readily admit that inflation hits hardest those senior citizens living on fixed incomes. However, as the Representatives from a district which embraces a large percentage of senior citizens, I am compelled to point out the fact that we have not met our obligations to the elderly.

As I see it, one of the major reasons the Congress has failed to assure these Americans the full benefits they rightly deserve is the practice by some of my colleagues to continually tie social security legislation in which legislation of a totally different nature. For example, last year's social security bill contained provisions relating to international trade. This year, the Ways and Means Committee decided to lump social security and welfare recipients in the same category. Lumping these two issues together is fair to neither, for social security recipients are not, and must not be branded, welfare cases. Therefore, both issues must be considered on their individual merits.

Mr. Speaker, we can no longer ignore those older Americans who have contributed so much of their lives toward the betterment of our great Nation. We can no longer conceal the vital need to update the social security and medicare systems by using this issue as a vehicle to carry unrelated and less popular issues.

Therefore, as an alternative to H.R. 1, I am today introducing a comprehensive bill which deals solely with social security and medicare reform. This legislation has been introduced in the other body by my colleague, Senator EDWARD J. GURNEY, the senior Senator from the State of Florida. The following is a brief description of the major provisions of this bill:

Title I calls for: First, a 5-percent across-the-board increase in social security benefits; second, an automatic increase—tied to the rising cost-of-living—in benefits, wage base, taxable rate, and the earnings test; third, a raise in the maximum outside earnings limitation allowed to $3,000 a year; fourth, an increase in the widow's and widower's insurance benefits so that a widow—or widower—would be entitled to receive an amount equal to 100-percent of her deceased husband's social security benefits; fifth, a reduction in the age when men may receive full social security benefits to age 62 and reduced benefits to age 60; sixth, a reduction in the waiting period for disability benefits from 6 months to 4 months; and seventh, the inclusion of disability insurance benefits for the blind.

Title II calls for: First, medicare coverage for the disabled; second, an improvement in the operating effectiveness of medicare-medicaid by giving the Secretary of Health, Education, and Welfare the authority to terminate payment for services by a supplier of health and medical services found to be guilty of abuse; third, the establishment of a provider reimbursement review board to rule on appropriateness of payments by State medicare providers; fourth, public access to records concerning an institution's qualificatitons, particularly nursing homes which fail to meet qualifications for medicare; and fifth, the treatment of children under 21 years of age in mental hospitals.

Title III calls for: First, an increase in the standard of need for aged, blind, and disabled recipients; and second, some fiscal relief for the States through increased Federal funds for State assistance programs for the aged, blind, and disabled.

The time has long past for us to recognize the plight of the elderly living on fixed incomes and, in doing so, provide them with the drastically needed relief through strong and effective legislation. In this regard, I believe the Gurney-Young bill merits your close consideration and is worthy of your strong support.

## SELLING THE PUBLIC TRANSIT SYSTEM—A STEP IN THE RIGHT DIRECTION

### HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following speech of Messrs. Robert W. Lang and Robert W. Nightengale on behalf of Greater Wilmington, Del., Development Council, delivered September 8, 1971, at the Fifth International Conference on Urban Transportation, Pittsburgh, Pa.:

SELLING THE PUBLIC TRANSIT SYSTEM—A STEP IN THE RIGHT DIRECTION

(Speech of Messers Robert W. Lang and Robert W. Nightengale)

A little less than a year ago Wilmington, Delaware's Public Transit System was struggling to reestablish itself as a healthy and progressive public service to its community. Its efforts to overcome a negative image, however, were not meeting with success. For the past few years a number of factors had combined to place a cloud of suspicion, doubt and disdain upon the role and the future of Public Transit in the Wilmington area. These factors included a disinterested absentee owner, a crippling five month strike, numerous severe cuts in service accompanied by increases in fares, a lack of positive, public identification with a new public authority and limited support from the Legislature, especially from representatives of districts not served by the system. It became painfully apparent that if public transportation was to survive, some immediate steps were necessary to reverse this negativism in the public domain. A three-pronged attack on the problem was decided upon by a number of key transportation people at the State and local levels. First of all, a sound financial base must be established for public transportation throughout the State, as well as the development of a long range capital improvement program. Secondly, a comprehensive study must be taken of operations, routes and fares and modifications instituted to update the system. Thirdly, and probably most important was the development of a *new public image*.

Since the situation was considered critical it was decided that the "new image" could and should be created as soon as possible otherwise there might be no need for the other two parts of the program. Since the Authority had neither the staff nor the funds to undertake such a project and, had no active public relations or advertising program in existence, a citizens steering committee was immediately formed to begin developing the program. Our job was to create public awareness of the existing service and to dramatize the value of the transit system to the community. The new image program would have to generate immediate positive public response. It must be exciting, innovative, and most importantly, inexpensive. It must reach every segment of the community in a positive manner so as to gain instant acceptance.

The results of this citizen effort are known today. The new image program received widespread public acclaim. It generated a broad base of community support, opened lines of communication with the Legislature, helping to ensure desparately needed financial assistance in the form of the first operating subsidy to mass transit in the history of the state. Best of all, ridership over the past four months has been steadily climbing in spite of the traditional summer slump. While all of these factors are not fully attributable to the new image program, we believe that *without it, none* of these things would have been possible, in fact, today we might not even have a transit system.

Let me indicate to you how we went about developing and presenting this program. A key factor was the early involvement of expert public relations guidance provided by Mr. Robert Nightengale and his dedicated staff at Communications Consultants. This involvement helped produce the ultimate

size and scope of the program which included the following elements; the new name "DART" which stands for Delaware Authority for Regional Transit; a new symbol to go with the name; a new slogan; a new format for the route schedules; a new bus stop sign; and on-vehicle advertising program; new radio and newspaper advertising; an ongoing public relations program and; lastly a gala kickoff celebration, known as "DART Day", which was scheduled for May 17, the first day of National Transportation week.

After the program was defined we then had to convince the Board of Authority that this new image was essential now, that it could succeed and that it could be done with a *minimum* of dollar outlay by the Authority. We received their permission to proceed a scant two months prior to the planned date of presentation to the public, which meant a lot of hard work was ahead if the program was to succeed.

The key to implementing our program had to come from voluntary citizen participation. To this end we called together leaders of many local civic organizations such as the League of Women Voters, American Association of University Women, the Chamber of Commerce, the Civic League of New Castle County, the Model Cities Organization, and the Local Transit Union. Their response to this program was overwhelming and was evidenced by their willingness to participate voluntarily in any way in the promotion of public transportation in the Wilmington area. Whether motivated by concern for the ecology or a simple dislike of the ever-increasing numbers of highways and parking lots—citizens in Wilmington used this opportunity to band together to actually *work* for an improved public transit program.

The total program was divided into two segments: (1) the kick-off celebration, DART Day, plus other special events following it; (2) the development of publicity, advertising, public relations materials and their distribution. I coordinated the DART Day festivities subcommittees and Mr. Nightengale headed up the subcommittees on advertising, public relations and distribution. With our goals and time known, and time of the utmost importance, we set about the task of reserving the public square in Wilmington for the formal program, arranging for two local high school bands, (one to lead a procession and one to entertain in the public square). We contacted all our local, county, state and national public figures to solicit their active support. We arranged for an open air bus to transport the dignitaries in the procession to the public square. Hostesses were selected to distribute the new route schedules, DART stickers, balloons, questionnaires, and balloting information on the new signs. We arranged for static displays of different kinds of vehicles, shelters and signs. May 17, our Dart Day, brought fair, sunny weather and a large enthusiastic crowd which more than satisfied our expectations.

Following speeches by the Governor. the County Executive, the Mayors of Wilmington and Newark, and our State Director of Transportation, a luncheon was held at the DART headquarters for local public officials and legislators. We also arranged for hostesses to be in Center City for a week, during the noon and evening rush hours, to dispense information about new schedules and to answer questions and promote ridership. As further follow-up, a special Express Schedule was developed and is being distributed throughout the major office buildings and public places in the downtown area.

You have witnessed a sample of our approach to the public by the DART girls here at the Conference. We hope you will get your sample copy of our Express Schedule. And now for further information about the specifics of the publicity program and the promotional material, here is Mr. Robert Nightengale.

Is it possible to convert habitual automobile users to mass transportation believers? This is the problem we in Delaware face and so does every other mass transit company in the United States. It has proven in our State to be an interesting problem.

Yes . . . no problem converting our car pool rider, even our chronic "I intend to have the freedom to go whenever I want to" driver . . . If we will provide service that is convenient to everyone. Naturally, with few dollars, just the bare beginnings of governmental support and a long history of declining service and ridership . . . and we knew we could far from turn the old "traction" company into the answer to all our transportation problems.

This premise, then, led us to our theme: A Step in The Right Direction. We believed that the best approach to the public was a straightforward and honest one . . . appealing as best we can on their instincts and desire to help. We hear so much these days about our younger people wanting to become involved, wanting to make a contribution, we decided to give everyone the opportunity to help . . . simply by riding Dart.

An image change was necessary . . . in fact vital. Few Delawareans knew precisely what to call the "Bus Company": it had been Delaware Coach, then The Greater Wilmington Transportation Authority. We selected DART as its new name for many reasons . . . obviously, we arrived at DART and then defined each letter, Dart gives us action, it enables us to expand the feeling of the organization from Wilmington City to Delaware State—and it is a State Agency . . . and it has the feeling of newness.

It was this feeling of newness we strived for in all elements of the program: name, logo, new schedule format, letterhead—all designed to be simple . . . appealing . . . colorful . . . and memorable. And at the same time not to seem as if thousands of dollars were being poured into promotion. It was ticklish . . . we had to effect an image change and at the same time not hurt the effort to gain a State subsidy so that operations could continue.

As a businessman the answer was heartbreaking to me . . . even if dollars had been available they should not be spent. The involvement of the public was and remains vital to the success of DART. We structured every aspect of the kick-off promotion so that volunteers could be used not only for implementation but for planning and ideas as well. We involved young and old, black and white alike for we immediately found every individual has different feelings toward bus riding: not different needs, different feelings.

Our appeal for riders brought immediate division of these feelings. We appealed to some to help reduce traffic conjection, others to take a step toward reducing air pollution . . . diesel buses not only eliminate approximately 30 cars on the road but we discovered that all DART buses emit less carbon dioxide than *one* car. Our major approach, however, is to the commuter . . . that's where the bulk of riders are and where the dollars are very frankly.

Have we succeeded? Not yet . . . and we knew we couldn't in any short time period . . . especially with limited funds. Yes we have made an impact. Delawareans are aware of DART. We find most are sympathetic, most are considering riding . . . but it is not as convenient. A bus is not necessarily available at the very minute any of us are ready to be transported. And it's ironic. I believe firmly that the changeover from auto riding—commuting let's say—to bus commuting will be a greater change than back 20 years ago from bus to auto. When we all changed to autos the major problem was expense of buying a car—even a second car. But once you have that car, bus riding is an additional expense, plus probably not as convenient. It will take time in any suburban locale such as Wilmington.

Will we ever succeed totally? Can DART or any other transportation system operate profitably? It would seem to us that the answer to this question lies in the overall approach. Do we believe in mass transportation? Do our governments believe mass transit should be a service or a profitable operation. One quick thought in closing. DART could be operated profitably if only profitable service were provided. This would mean eliminating all non-commuting service, all weekend service . . . it would mean concentrating strictly on putting the buses where the most people are. Is this the answer? I don't believe so.

Public education, to me, is the answer. Our efforts at DART are just beginning. We now have a full time Public Relations staff member at DART, we have an ongoing program to insure that the public will remain constantly aware of DART and how and when they can—and more importantly should use DART. Our approach for the future is beginning now with new kinds of bus service . . . subscription service for companies and organization, park and ride service. Our goal is a positive image for DART. We've taken a step in the right direction—now Delawareans you take a step: Ride DART.

Now, Bob and I would like to see you visu ally the impact our new DART image has had on our State.

A STEP IN THE RIGHT DIRECTION—10 MINUTE SLIDE PRESENTATION

| Left screen camera I | Right screen camera II | Time | Sound track |
|---|---|---|---|
| Dart symbol (1) | Blank | 0:00 to 0:10 | Opening fanfare. |
| Blank | Dart symbol (1) | 0:10 to 0:20 | Arrows to target. |
| Map—2 titles—map (4) | Scenes of city (12) | 0:20 to 1:20 | Music. |
| Buses in city (10) | Prom. mat'l. (5) | 1:20 to 2:12 | Number 4 spot. |
| Prom. mat'l. on vehicle (6) | Buses in city (12) | 2:12 to 3:12 | Music. |
| Buses in suburbs (12) | Suburb and city scene (6) | 3:12 to 4:10 | Number 1 spot. |
| City scenes (7) | Buses in city (14) | 4:10 to 5:20 | Music. |
| Buses in city (11) | Prom. mat'l. (5) | 5:20 to 6:13 | Number 3 spot. |
| People (5) | City scenes (10) | 6:13 to 7:05 | Music. |
| Prom. mat'l. on buses (11) | Buses in city (6) | 7:05 to 8:00 | Number 2 spot |
| Prep and shelters (6) | Title and statics (6) | 8:00 to 8:30 | Slow band music. |
| Bands still (5) | Bands moving (5) | 8:30 to 8:55 | Fast band music. |
| Other speakers (7) | Gov. (2) | 8:55 to 9:30 | Gov. message. |
| Buses in city (5) | Dart girls (9) | 9:30 to 10:15 | Number 5 spot. |
| Dart logo (1) | Evening city scene (1) | 10:15 to 10:25 | Closing fanfare. |

Note: Sliders and soundtrack taken and prepa red by Robert W. Lang and Robert W. Nightengale.

## AN EPIC OF FAILURE

HON. EDWARD I. KOCH
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. KOCH. Mr. Speaker, much will be written concerning the prison rebellion at Attica. There are at least five investigations taking place. It is important that responsibility for the tragedy be established and I await the reports of those investigations now underway. Information already available makes it clear that at the very least some State officials exercised poor judgment, and in attempting to shore up their judgment have issued statements which were fabrications.

I would submit that those who are using Attica to make heroes of hardened criminals are not assisting in the drive for prison reform. What we do not need is a simple division of opinion, with one side supporting the State authorities in their actions and on the other eulogizing the deceased convict rioters. While blame should be established in an expeditious judicious investigation and hearing, we do not have to await the outcome of such an investigation to come to the immediate conclusion that reform of the penal system is an absolute necessity in New York and elsewhere and must be undertaken immediately.

Much has been written on what ensued at Attica. I know of no report published to date that is the equal of one which appeared in the Village Voice of September 23, 1971, entitled "An Epic of Failure" authored by Mary Breasted. I know the author personally. She not only is a great writer, but she also has an essential quality, too often lacking in many, of setting forth "facts" only when she is absolutely certain that they are indeed facts. Her report on the Attica Negotiating Committee is must reading for anyone interested in this recent horrendous tragedy:

ATTICA NEGOTIATING COMMITTEE: AN EPIC OF FAILURE

(By Mary Breasted)

"I knew I should have gotten up and gone to the microphone and said they're saying things here that they may believe, but there's no hope that you're gonna get complete amnesty.

"I didn't have the courage to say that to that particular crowd. I should have."

In a subdued and sorrowful voice, Tom Wicker thus indicted himself for having failed the men in the yard at Attica.

For four days of the prison rebellion, Wicker and more than 20 other outsiders had been involved in at least some of the 24-hour negotiations with the defiant inmates and the state authorities. And though the full and total blame for the final massacre cannot be leveled at anyone or any group until 1,000 questions have been answered, Wicker and other key members of the negotiating team have already said they deserve part of the blame.

During extensive interviews with Clark Whelton and myself, several members of this essential group listed a number of reasons for their failure. They didn't all cite the same reasons, but of those they gave us and those we gleaned from their statements are from newspaper reports, the following points stand out:

(1) The committee never clearly defined its role to itself, to the prisoners, or to the authorities. Though the prisoners had specifically requested a group of men to "negotiate thru," most of the men they requested considered themselves more prisoner advocates than negotiators. In addition to those people, the committee included conservative Republican legislators, liberal Democratic legislators, two young Washington lawyers, a Harlem minister who generally sided with Rockefeller and probably still more, whose names were never reported. The Friday night the entire committee first assembled and went into the prison yard, its members didn't even know all of each others' names.

(2) Some key members of the committee actually believed the Governor would grant the rebellious inmates some degree of criminal amnesty up until Saturday night—when they first learned of Guard Michael Quinn's death—and even after that, committee members sometimes led the prisoners to believe they would still fight for amnesty on their behalf.

(3) An air of expectation was built up around Bobby Seale in the minds of committee members, inmates, and perhaps also state officials that seems inexplicable now. All of the committee members except Tom Soto and Minister Jabarr Kenyatta were disappointed by Seale's performance. They had pinned what seem now like *all* their hopes on Seale, incredibly unmindful of the splits in the Panther Party, unmindful of Seale's own political loyalties and insecurities, not even seeming to have suspected—until Seale left the prison for the last time—that he would fail to act as a negotiator.

(4) At the worst of all possible moments—after Seale had disappointed the prisoners, after the 28 authority concessions had been read to them and jeered by them—the inmates learned of the injured guard's death, which immediately escalated the prisoners' anxieties about official revenge. Kunstler broke this news to them unwittingly while giving them his toughest mediation speech Saturday night. There is speculation that a few of the inmates already knew of Quinn's death before Kunstler mentioned it, but the gasps that he and other committee members heard from the men in the yard at that moment led them to believe the great mass of inmates had not known of it until then.

(5) Kunstler and Lewis Steel, a criminal lawyer who formerly worked with the NAACP, both gave the inmates rough *legal* advice, yet both seem to have had small understanding of the *political* realities that made *amnesty*—a crucial question for their clients—impossible. Up until the time of Kunstler's this-is-the-best-we-could-get-for-you speech Saturday night, he and Steel discussed the amnesty question with the inmates in such a way as to make them believe it was both a legally and politically plausible demand.

(6) The governor's people so undermined the committee's efforts throughout—whether by design or by blunder—that its members were constantly in fear for their lives whenever they entered the prison yard. This was done by frequent state or prison-controlled delays in getting committee members back into the yard when they'd promised the inmates they'd be there at specific times. And it was done finally by an ultimatum sent to the inmates from the authorities against the wishes of the committee members and without their knowledge.

(7) The committee never impressed upon the inmates the seriousness of their predicament, may indeed never have been aware of it themselves, for one of the key elements of the inmates' bargaining power, the lives of the hostages, ultimately proved less important and thus less powerful to the state than the committee members assumed it to be.

(8) The treatment of committee members by authorities on all levels was so contemptuous—at times openly threatening—that they were increasingly driven into deeper sympathy with the inmates, a sympathy which ironically crippled their efforts to avert the massacre. State troopers pointed rifles at committee members when they approached the jail, and relatives of hostages and working guards taunted them and called Wicker a "nigger lover" outside the jail as troopers shoved black members of the press. And Bobby Douglas, the Governor's secretary and man-on-the-scene, refused for 20 minutes to come down the hall—a mere 20 feet—to talk with committee members at a crucial point on Sunday.

(9) Rank physical fear—and its odd companion, wild courage—seem to have affected the judgments of committee members throughout their time at Attica. Confronted by hostile troopers outside and hostile convicts inside, they were all made painfully aware of the limits of their own physical courage. Terror often dictated what they said to the inmates, making them too soft on the amnesty question when they should have been firm. Any courage eventually separated a small and perhaps too optimistic group from the more pessimistic committee members, who could not face the yard again after Seale had left. Establishing one's courage became so important by Sunday afternoon that one member, Julian Tepper, tried to sneak into the yard with others, even though Oswald hadn't said he could go, and even though his presence could serve no useful purpose.

The prison blew up on Thursday afternoon, September 9. The observer (or negotiator) committee did not assemble until Friday evening. Through extensive interviews with committee members, newspaper accounts, and cross-checking with other reporters, the following analytical chronology was compiled:

Herman Schwartz, a University of Buffalo law professor and the ACLU's national director for prisoners' rights, had entered the yard with Commissioner Oswald on Thursday. So had a black Democratic Buffalo Assemblyman named Arthur Eve. Schwartz came away with an understanding that some kind of amnesty was absolutely vital to a resolution of the difficulties. Eve came out with a list of negotiators the prisoners wanted. Wicker, Kunstler, and representatives of the Young Lords and the Fortune Society were requested, along with Judge Constance Baker Motley, Minister Farrakhan of the Black Muslims, and Huey Newton, head of the West Coast faction of the Black Panther Party.

Apparently with Oswald's approval, Eve sent word to all the requested negotiators. And Schwartz went off on a frantic journey to reach Federal Judge John Curtin of Buffalo (Curtin was in Vermont) to get an injunction barring the authorities from taking administrative reprisals against the inmates.

The Muslims never sent Farrakhan or anyone else, but Jabarr Kenyatta, who told everyone he was a Muslim, told some people he was head of a black nationalist group, and was recognized by Eve's staff as a former Buffalo welfare rights advocate, appeared at the jail on Friday. Kenyatta looked like a "jive artist" to some of the black press outside the jail. He wore a long blue robe with a blue turban and carried a small oriental rug over one arm. He called himself an Orthodox Muslim—which is a sect separate from Elijah Muhammad's church. No one we interviewed knew exactly how Kenyatta got himself into the jail; there were rumors he had passed himself off as Minister Farrakhan. But every committee member interviewed said either on or off the record that Kenyatta was a disastrous, disruptive force—and that it was he, not Kunstler, who spouted rhetoric to the inmates at a terrible, perhaps fatal time. (Kenyatta never made himself avail-

able for an interview, though I told him directly I wanted to hear his version.)

Tom Soto, of Youth Against War and Fascism's Prisoner Solitarity Committee, Jose Paris and Juan Ortiz of the Young Lords, Kunstler, Wicker, State Senator John Dunne, and others got word from Eve's office Thursday and Friday and came quickly to Attica. Kunstler was later to call the Panthers to get Newton or Seale, and Eve paid at least one of the air fares of the Seale contingent plus the fares of the two Young Lords. (Wicker and Clarence Jones, publisher of the Amsterdam News, each paid for the return tickets for the Young Lords.)

The people Rockefeller and Oswald summoned, among these Reverend Wyatt T. Walker (of Harlem's Canaan Baptist Church) and Congressman Herman Badillo, were flown up to Attica in the Governor's private plane.

Early Friday morning, Herman Schwartz came back with his court order, the substance of which barred the prison authorities from taking administrative reprisals against the rebel inmates. He was met at the prison gate by Tom Soto, who looked at the injunction and said it was unacceptable to his group. (Soto couldn't possibly have consulted the inmates at that point because he wasn't allowed into the jail until late Friday.) Schwartz told me that Soto, who is not a lawyer, said the order could be appealed and thus meant nothing. Schwartz, quite angry with Soto, explained that the order was not appealable because it was an order by consent (which means that both parties consented to it). In any case, Soto said protection from administrative reprisals meant nothing. His organization felt there was a large issue—freeing all prisoners on the grounds that their crimes were only crimes of "survival."

Soto also spoke to the press about the court order, and he so angered Assemblyman Eve by doing this that Eve recommended to Oswald that Soto not be allowed in the jail. (Soto was eventually allowed in when Kunstler argued on his behalf, however, and committee members later complained even more about his actions than they did about Kenyatta. And Soto never granted The Voice an interview, in spite of the fact that I told him there were many complaints he might want to answer.)

When Eve, Schwartz and Oswald took the injunction into the jail, however, they realized that Soto's protests had been fair warnings of the prisoners' reaction. A jailhouse lawyer literally tore up the order, explaining correctly that it was good only for one day—and that it did not deal at all with the prisoners' main demand: criminal amnesty. At some point Friday, Lewis Steel (a New Yorker who referred to himself as a "Movement Lawyer" also gave the prisoners this assessment of the order, and explained to them some of the technical steps by which criminal amnesty could be granted—although he later told me he ultimately came to believe criminal amnesty would never be granted.

Also at some point Friday, an inmate suggested—audibly to the mass of inmates and in Oswald's presence—that Oswald be taken hostage. This notion was shouted down, but it seems to have had a profund effect upon Oswald, for never again did he enter the yard—which meant both he and the prisoners had to take their terrified go-betweens' words for each others' positions, hour-by-hour.

Although some committee members went into the yard Friday afternoon and early Friday evening, it was not until about 11 p.m. Friday night that the entire committee was assembled. Present at that point were at least 20 men, some of whom were to leave Attica the following morning, and some of whom were never to figure largely in the subsequent discussions or negotiations. The key people—all except Seale—were there by then, and these included:

Herman Badillo, Democratic Congressman from the Bronx; State Senator John Dunne, a Republican from Garden City Long Island and head of the Joint Legislative Committee on Crime and Corrections; State Senator Thomas McGowan, a Republican whose district includes Attica; State Senator Robert Garcia of the Bronx, who insisted he go along with Badillo; Tom Wicker, New York Times columnist and white Southerner, Jabaar Ali Kenyatta, perhaps a former Attica inmate; Tony Fitch, from a goo-goo law project in Washington; Julian Tepper, same as Fitch; Lewis Steel, New York criminal lawyer fired by the NAACP three years ago for criticizing the Supreme Court; Jose Paris, a Young Lord, also known as "G.I."; Juan Ortiz, a Young Lord; Tom Soto, representative of the Prisoner Solidarity Committee, an offshoot of Youth Against project in Washington; Julian Tepper, War and Fascism; Ingram, a black reporter from the Michigan Chronicle; Minister Franklyn Florence, founder of FIGHT in Rochester, and William Gaiter, director of BUILD in Buffalo.

If all those names are hard for you to keep track of imagine how the bearers of them must have felt when they tried to work together. A group that numbered at least 17 tried to work out solutions until Saturday night—until the point when many members lost hope. And even after that, members who had essentially given up hope of resolving the impasse lingered on, making suggestions to those members who were still communicating with both sides.

Hardly or not at all aware of each other's identities Friday night, they had a half-hour conference together before they all went into the yard.

"In a hurried but careful manner," Tepper and Fitch wrote of this meeting, "we decided that we must remain neutral intermediaries if we are to have any chance of preventing the loss of the hostages' lives. . . . The committee also prevails upon the Commissioner to allow Tom Soto, a Puerto Rican requested by the inmates, to join the committee."

Thus they went into the yard, to spend four hours to introduce themselves to the inmates, hear their speeches, and eventually make a list of their demands. To the inmates, their appearance must have seemed an incredible victory. For last year, during the second Tombs rebellion, Herbert Blyden and others in the Tombs tried to get Dunne and Judge Motley inside as negotiators. New York City Correction Commissioner George McGrath paid no attention to this request, and now, nearly a year later, there was Blyden, with some 70 counts of indictment against him for alleged crimes committed during the Tombs revolt, and there were some six or seven other men indicted for their alleged roles in the Tombs explosion number two, and they were commanding the attention of, not two, but some 20 negotiators from the outside world. (Also those six or seven inmate leaders—or alleged leaders—of the Tombs revolt had seen George McGrath's signed promises of no reprisals turn to ashes in the District Attorney's office.)

David Rothenberg of the Fortune Society described his queasy feelings that night in the yard in last week's Voice. Wicker told me he too was frightened: "I'm sittin' there countin' my beads and wonderin' what the hell I'm gonna say, with *my* accent!" he recalled, in his unmistakable Carolina drawl.

As it turned out, Wicker never had to introduce himself because there was an interruption, which Dunne later claimed was a false alarm—designed to show off to the mediators the highly organized inmate security system. A man appeared to be going crazy in the yard; he was seized, and the mediators were rushed behind tables, and a human wall of security people were lined up in front of the tables—between them and the mass of inmates.

When the panic, real or contrived, receded, the meeting was resumed, but everyone seemed to have lost the original thread of thought, forgetting to call on some still unintroduced mediators (Wicker among them), and began a kind of prison town meeting.

At this juncture, Herbert Blyden moderated, asking the inmates to state their demands. Kunstler was writing them down and occasionally giving legal opinions. At some point during the night, he told the inmates what the legal procedures involved in establishing criminal amnesty for them would be. Neither he nor other committee members said later that he discouraged this avenue of discussion in the yard. He was to tell me that he sincerely believed there was precedent for the granting of amnesty in Britain's and other nations' releasing of prisoners following plane hijackings and ambassador kidnappings. (Of course, if Kunstler were to have told me he didn't believe amnesty possible when he discussed it with the inmates—the prisoners had asked him to represent them and he had accepted that role—he could have risked disbarment, for deliberately misinforming his clients.)

The speeches made that night—both by the inmates and by the committee members—were often grandiose and fiery. There was a great deal of talk about the nobility of men brave enough to die for their beliefs. There was fantastic talk about passage of "non-imperialistic" countries. (Kunstler later told me that the non-imperialistic countries motion was not popular with the majority of the prisoners, however, and said that contrary to news reports, it was never a concrete prisoner demand.) There was reiterated protest against the inhumanity of prisons, and frequent plaintive assertions by the inmates that they were "men, not animals." Lou Steel talked later of how some inmates seemed "larger than life" that night and impressed him with their transcendent "sense of history." Kuntsler and Eve also talked of the prisoners' nobility, of their intelligence, and their highly organized, non-racist rebel government.

There were moments, however, when inmates objected to all the fantastic talk of noble death or visions of various flight to Algiers. Wicker took down a quote by an inmate named Phillip Shields who was upset by an inmate leader's speech about non-imperialistic countries, a quote which should go down in history as the all-time ultimate plea of the forgotten man: "I stand on my own," said Shields. "If amnesty can be had for all of us, and it's guaranteed that we get it, I'm ready to do what we've gotta do to get behind that. But the silent majority ain't sayin' ———. I'm not concerned about Algiers, Africa, or anywhere else."

At about 4:30 a.m., the committee left the yard, leaving behind Tom Soto, two of the Young Lords, and Minister Kenyatta. Soto would later tell his friends in Youth Against War and Fascism that he "was the only one who was able to speak with hundreds of prisoners" during this period in the yard. One wonders what the thought his three companions were doing at that time—but he was not a man who seemed to care about accuracy. To a roomful of YAWF members and supporters, he said *only* he and the Young Lords stayed on in the yard, hearing prisoners' complaints, collecting notes for their loved ones, and encouraging them to stand firm. Actually, Kenyatta was also in the yard then.

"Most of the time, when I was not with the prisoners, I was under house arrest," Soto later told his political brothers in YAWF. "I never participated in any so-called committee."

"Actually, he begged to be on it," one of the committee members told me when I relayed that Soto quote to him.

Soto, the Young Lords, and Kenyatta were all summoned from the yard within an hour—at Oswald's vehement request. They joined the other committee members in a meeting room within the prison, and from

then until about 7:15 they participated in the discussion.

(Soto may or may not have been accurate about what he termed "house arrest." He sometimes stayed away from committee discussions at later points and no one seems to know precisely how the authorities treated him—but on Saturday afternoon, when he claimed he and the other "third world" peoples were held "under threat of being shot," there were actually a number of other committee members detained in a room with him.)

The discussion early Saturday morning was a disaster. When I asked Wicker how the committee had functioned then he said: "It didn't. It was an encounter group."

Although most committee members didn't want to be quoted by name, they corroborated his view, admitting that there were shouting matches, bombastic speeches, and severe disagreements about what they all ought to be doing—for much of that meeting, so much dissension reigned among them that they couldn't begin to deal with the two contending forces that had brought them there.

Eve, who served as an ad hoc committee chairman, reprimanded both Soto and Kenyatta at various points. Other committee members criticized Kunstler—he said because he had earlier encouraged the inmates to state their demands. There was a dramatic clash between Eve and either Soto or Kenyatta, at one point, when Eve said in a choked voice something like this: "You're talking about all these other places and you're going on with your rhetoric ——— when we're concerned about the lives of men right here in this prison! You're wasting our time, so just shut up!"

Apparently it was after this outburst that Eve really seized control and the committee settled down to work, eventually selecting a subcommittee of 10 to negotiate the prisoner demands with Oswald, and selecting another group to fetch a statement from the local District Attorney on the amnesty qustion.

Although Kenyatta was a member of the 10-man subcommittee, some of its other members said he seemed to want to stay away from the negotiations with Oswald—one said, "on purpose, so he could say he had nothing to do with them to the inmates." Soto's name had been suggested for the 10-man committee, but he asked to be kept off it, saying he wasn't willing to negotiate any of the prisoners demands. (In Soto's defense, all committee members interviewed did say that Soto consistently defined his role as that of a prisoner advocate.)

Wicker, Jones, and Tepper (whom some committee members characterized as "a spoiled brat.") went off to the District Attorney. Meanwhile, the 28 points were being worked out with Oswald—and Kunstler, who helped to write them, was generally praised as being very effective at this point. The 28 points were *not*, as the Times improperly headlined them, prisoner demands accepted by Oswald. They were written *jointly* by Oswald and the committee like a kind of contract worked out by both its signers (except the inmates never signed this one). The points were considerably watered down versions of what the prisoners had asked for as the examples set in the box on page 30 of this issue show. Perhaps the only significant concession to the inmates on the amnesty question was Oswald's offer to abstain from charging the inmates with crimes against property.

The emissaries to the D. A. Louis James came back with a letter from him in which he promised to "prosecute without fear or favor all substantial crimes committed or apparently committed within the county." The D. A.'s letter also said: "Under the present situation at Attica, I deem it to be my obligation to prosecute only when, in my judgment, there is substantial evidence to link a specific individual with the commission of a specific crime," and that "I am unalterably opposed to the commencement of indiscriminate mass prosecutions" or to "prosecutions brought solely for the sake of vindictive reprisals."

Kunstler told me he was the only member of the committee who argued against showing this letter to the inmates. He said he he had told the committee the letter was nothing more than a promise to uphold the law, and that there was a danger the committee might give legitimacy to future Attica prosecutions should they seem to be endorsing the substance of it.

All day Saturday there was an air of expectation building up around Seale's pending arrival. Everyone from Kunstler to John Dunne was hopeful that Seale would urge the inmates to accept the 28 points. And no one seemed to have thought of a contingency plan—in the event that Seale refused to do the committee's bidding. And it was, by that time, the committee's bidding—unless committee members substantially misrepresented themselves to me. In effect, they wanted Seale to go in and cast his radical blessing on those 28 points—and "they" includes Kunstler.

Around 7 p. m., committee members learned that the injured prison guard, Michael Quinn had died. That is only a vague time estimate—incredibly enough, no committee member I questioned could remember precisely when he'd heard of Quinn's death—and Dunne couldn't even remember which day he'd heard it. Kunstler and Steel told me they naturally assumed the inmates had heard of it when the committee did—which was definitely sometime before they went into the yard Saturday night.

Seale arrived around 8.30 p. m. Saturday night. He read the 28 points quickly in the committee room and said he wouldn't do anything until he had heard from "the brothers" (the inmates). He also said he'd have to consult Newton. The committee members urged him to "at least go in and show them your face" in the yard. He complied.

Seated at a table inside the yard, Seale gave a rather subdued and brief talk. He told the inmates what he had said to the committee. "The most remarkable thing about Seale's talk," Tepper and Fitch wrote of this moment, "is that really it is having no effect at all; the inmates seem to have too much self-control to be inflamed or disappointed by his presence."

"There were a few 'powers,' you know, 'power to the people'," Steel later told me, and then Seale left.

But according to Dunne, Seale didn't leave before Kunstler gave a litle pep talk during which he indicated that amnesty was a reasonable demand.

Most of the committee members went out with Seale. Steel, Kenyatta, Jones, Soto, and perhaps others whose names weren't mentioned during interviews stayed behind.

Against the judgments of just about everyone on the committee, Clarence Jones then decided to read the inmates the 28 points and the D. A.'s letter.

Meanwhile, Kunstler was escorting Seale to his car.

When Kunstler returned to the yard, he told me, he could sense immediately there was something terribly wrong. "The committee's faces were ashen." Jones had gotten through reading the 28 points and must have been just finishing the D. A.'s letter. The inmates had jeered and laughed bitterly from point three—the amnesty point—on. Jones was terrified. When he read the D. A.'s letter, the reaction was even worse. Jones told Wicker later he thought then that the prisoners might break through the lights and tables and get at him. But now, with Kunstler back, an inmate asked icily, "and what do you think, counsellor?"

He, Steel, and Eve all say he told the inmates those 28 points were the very best concessions the committee could get. He also reportedly told them that they could die if they wanted to—that was their choice, he would respect them either way—but those 28 points were "the best we could do."

When he sat down Steel whispered to him: "I think you just saved all our lives."

But while still explaining his assessment of their chances, Kunstler had said to the prisoners something like: "I realize that the amnesty section is not acceptable to you, especially now that a guard has died." There were gasps, a shocked silence, then a quick series of staccato questions about Quinn. This in the middle of Kunstler's firmest, sternest speech, in the middle of perhaps the only speech which really told the inmates where they stood.

And then; after Kunstler had finished, Kenyatta gave what other committee members present then called "a rhetoric thing," a fiery speech. He told the prisoners he'd had nothing to do with drawing up those 28 points. Soto then said he'd had nothing to do with writing them either.

After they left the yard this time—with a message from the inmates that the committee's "best" just wasn't good enough for them—Kunstler reportedly blew up at Kenyatta. He and Eve both admitted he had screamed at Kenyatta, accusing him of jeopardizing their lives. Kunstler said the fight ended "with both of us crying and in each other's arms."

But the damage had been done—whether by the news of Quinn's death, by Seale's noncommittal attitude, by the answers to their demands or by Kenyatta's rhetoric.

From that point on, the prisoners were continually disappointed. Seale failed to return in four hours, as he had promised. Kunstler told me Seale—or he on Seale's behalf—was to return at 4 a.m. At three, Seale called him to say he would return to the jail—but not until 7 a. m. Kunstler never explained why he did not return himself at four to tell the inmates Seale would be delayed.

Seale did return in the morning. He met first with the committee, a segment asking him what he intended to say to the inmates. He replied that he wouldn't tell the committee. They said they didn't want him going to the yard unless they knew what he'd say there. Oswald told Seale he'd forbid him to go in unless he promised to recommend the 28 points. Seale and Kunstler walked out of the room.

Outside the jail, Seale read reporters the Panther statement recommending that "all political prisoners who want to be released and allowed to go to non-imperialistic countries".

"Let's try not to compromise the demands," he told Kunstler, and then left.

Kunstler returned to the committee room and disclosed that Seale had gone off.

"*Why?*" asked the committee.

"Because he doesn't want to go in there and die, that's why," Kunstler is reported to have said. And he added something to this effect, "I'm a white liberal, and even I'm afraid to go in there." Dunne told me Kunstler's implication seemed to be that anyone who went before the inmates and again told them to accept the 28 points would be killed.

From Sunday morning on, the committee members seem to have become strongly polarized. Eve says the dividing line was clear between those members of the committee who dared to go back into the yard and those who did not. This may indeed have been the demarcation, but Eve tended to stress the daring of the final group so much, it seemed impossible that all that prisoner talk about dying a noble death had gotten to him after a while. Certainly, there were other divisive issues for the committee, such as the amnesty question.

But Sunday was a day of acrid fear for the committee. They believed they were dealing with men inside the prison who would coldbloodedly kill the hostages. At the same time

they knew the State troopers and other law enforcement people outside were growing impatient and increasingly hostile to them.

In this atmosphere, and as the inmates were indeed growing less and less trustful of the committee, Bobby Douglas and Oswald had an easy time unnerving both the committee and the inmates—whether by design or inadvertence made no difference. They didn't let the committee back into the yard until 4:30 p.m. Sunday, although the prisoners had been expecting Seale since 4 a.m. During the day, Eve and other committee members had made two trips down to the gate of the yard, or to No Man's land, to keep the inmate leadership posted.

During their second trip, other committee members finally got the Governor on the phone to make their last-ditch plea for his presence on the scene. Eve told me he was annoyed that Douglas facilitated this phone call while he was not present.

Soon after Eve returned to the committee room, Oswald told the group he'd just sent the inmates his ultimatum. The committee members had seen it earlier and they'd made Oswald promise not to deliver it for an indefinite time. Despite assurance he'd made to them, he eventually sent it in without their knowledge or consent.

"I urgently request you to release the hostages unharmed, now, and to accept the recommendations of the committee of outside observers, which recommendations were approved by me," was a sentence in Oswald's letter to the inmates, the one which Eve claims clearly double-crossed the committee. Some of the committee members don't agree.

But Oswald did make the last small contingent to enter the yard sign waivers exempting the state from all responsibility for their safety. Only seven members said they would go—and Clarence Jones said he would go only if Wicker would.

An inmate leader told them as they came through the No Man's Land hallway, "There are men in there (the yard) who would like to kill you."

And Eve insists that if a member of the Young Lords (Jose Paris) had not firmly asserted then that Oswald had sent his ultimatum in without the committee's knowledge, they might indeed have been killed or taken hostage.

The purpose of this last visit into the yard was for the committee and reporters they had brought with them to speak with the hostages and record their appeals to the governor. Inmates had asked that reporters be allowed in to see the hostages. But, both Eve and Kunstler made impassioned speeches to the inmates (see Clark Whelton's article on page 19) which must have raised the trapped rebels' hopes vastly beyond the gloomy realities of the hour.

"We wanted complete amnesty. . . . We want it, and we want the Governor here *now*!" Eve told the prisoners.

Kunstler gave them Seale's message about the "third world" representatives waiting to give them asylum across the street. And he said, "Bobby Seale would not enter this prison compound today because he would not compromise you."

Later Kunstler explained his final speech to them this way: "I thought if they were going to die, at least they should know that people were with them all over the world."

From Sunday evening on, things were out of the committee's hands, though they were not really fully aware of it. They had one more desperate meeting with Oswald, during which Wicker proposed the Commissioner meet with inmates in D Block one hour a day in exchange for the release of one hostage per day. Oswald rejected that proposal immediately.

And Sunday evening Wicker held a news briefing outside the prison during which relatives of inmates shouted epithets at him, state troopers shoved black cameramen, and one was overheard saying, "I wish they'd hurry up and let us in there so we could kill every single one of those black ———."

Sunday night, Bobby Seale later claimed he called the Commissioner and told him he was on his way back to the prison from Oakland. "The Governor knew I was on my way Monday morning," he said at a news conference in Harlem last Saturday. Seale looked drawn, tired, and very unhappy then, and he didn't stay to answer many questions.

Seale, the man Kunstler publicly defended as the uncomprising advocate of Attica inmates, was reportedly on his way back that black Monday to ask that the hostages be released in exchange for Angela Davis's and one of the Soledad Brothers' release. Or such was implied in a New York Times editorial that has not been refuted. The release of neither prisoner extraordinaire was among the demands of the Attica inmates.

The rest is history. The raid took place on Monday morning, and early Monday afternoon the legislators still in Attica were taken on a grisly tour by a deputy commissioner of corrections. This official took particular pains to point out the man who allegedly stuffed hostage Michael Smith's genitals in his mouth and slit his throat. Eve swears this inmate—whom he claims was dead and displayed prominently—had been the last prisoner to see the committee on Sunday. He was, says Eve, the chief of inmate security, a man whom state officials had seen embrace the committtee members as they left the yard for the last time. (Michael Smith is alive and uncastrated.)

Dunne claims that the committee, as it now continues to meet, is made up of men who consider themselves pro-prisoner. He has not joined them.

And the ugliness of politics begins to reassert itself, as Dunne clearly defends Rockefeller more strongly than he ever defended John Lindsay after the Tombs revolts. Badillo is attributing evil motives to Rockefeller that seem at least in part, visible to him through anti-Republican eyes. Emery and Anderson—who were never in as much danger as Kunstler was and never heard his Saturday night speech—are tending to point the finger too often at him.

Eve and Wicker seems to have been profoundly moved and changed by the experience. They both seem confused about whether or not they want to continue in their pre-Attica incarnations. Steel seems unmoved—although he's disturbed about what's happening to Kunstler. Dunne seems exhausted and his mood restrainedly bitter. Badillo seems troubled, too, and sincerely angry at Rockefeller despite the politics. Even Soto seems saddened, in the brief moments when he isn't polemicizing.

Kunstler—well, Kunstler says he is sad. He told me last Friday: "I don't think what we did brought or averted the tragedy—except we had bought four days. I wish to God we had bought 14. But I guess I'll go to my grave wondering about many things."

Wicker had said simply, "when 40 men are dead, that's a failure of epic proportions."

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## ROCHE INSTITUTE OF MOLECULAR BIOLOGY IN NUTLEY, N.J.

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

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. RODINO. Mr. Speaker, on September 24, 1971, an event transpired in Nutley, N.J., which is of importance not only to the whole United States of America, but to people all over the world. This event was the official dedication of the Roche Institute of Molecular Biology in Nutley, N.J. This is the first time in history that a pharmaceutical company has sponsored a major research institute wholly dedicated to long-range basic research, designed to shed light on fundamental life processes. I am proud that this event happened in the State of New Jersey and in the district which I have the privilege of representing.

The sole purpose of the Roche Institute of Molecular Biology is the disinterested pursuit of scientific truth. The scientists at the institute will do research that is bound to advance our understanding of fundamental biological principles. This deeper understanding is an indispensable prerequisite for long-range progress in the fight against cancer, heart attacks, high blood pressure, virus infections, mental disease, and many other scourges of mankind.

The Roche Institute of Molecular Biology combines the academic freedom of a university environment with the flexibility and the resources of a leading, research-oriented pharmaceutical company. It is, therefore, bound to yield substantial benefits to humanity in terms of scientific progress. Generations yet unborn will benefit from this research, because it represents an essential foundation for major advances in the prevention and treatment of disease.

The Roche Institute of Molecular Biology will accommodate a staff of approximately 200 scientists and ancillary personnel. These scientists enjoy full independence in their choice and pursuit of research problems, guided solely by the scientific importance of a project. The institute also provides opportunities for promising young scientists to obtain advanced training and to engage in fundamental research under conditions which encourage professional growth.

At a time when our country is faced with so many serious problems at home and abroad, this new institute represents an encouraging manifestation of corporate citizenship and industrial statesmanship of the highest order.

The Roche Institute of Molecular Biology represents the last, and probably the most important, contribution to humanity by the late president of Hoffmann-La Roche, Inc., Dr. V. D. Mattia, who was also responsible for many other forward-looking civic projects. For example, he sponsored the Roche indigent patient program which provides all physicians in private practice with a means of obtaining all Hoffmann-La Roche pharmaceutical products at no charge whatever for any patient for whom their cost might represent economic hardship. In addition, Dr. Mattia launched numerous projects to assist handicapped and underprivileged people and to provide opportunities for the disadvantaged and the poor.

It is, therefore, particularly gratifying that Hoffmann-La Roche, Inc., has honored the memory of Dr. Mattia by establishing a special lectureship in his name at the institute. The thinking that led to both this lectureship and the foundation of the institute is best exemplified by the remarks which the president of Hoffmann-La Roche, Inc., Mr. Robert B. Clark, made at the dedication of institute

on September 24 1971. I quote, Mr. Clark's remarks:

REMARKS BY ROBERT B. CLARK

We are grateful to all of you for joining us today to help celebrate another milestone for our company. The commitment of Hoffmann-La Roche to the future can in no way be better exemplified than the dedication of this magnificent building with our concomitant dedication to the vision of the future which it represents.

It is a familiar truism that research is the foundation of future progress. By and large, pharmaceutical companies have conducted product-oriented research, leaving the attack on fundamental problems to government and academic establishments. While product-oriented research is essential and has produced major new weapons against pain and disease, in all candor most of these developments were the results of basic biologic and chemical knowledge discovered years earlier. Therefore, we have determined to supplement our already extensive research commitment by providing these facilities for free investigation in an academic setting into the area of molecular biology. It is our conviction that out of this fundamental research will come clues for future progress in areas such as the cardiovascular diseases, cancer, virus infections, arthritis and other diseases that have yet to yield to the advances of science.

Many times since we announced our plans for the Roche Institute for Molecular Biology four years ago, we have been asked, "What's in it for Roche?" Such questions, of course, came from people who are thinking primarily in terms of products. Obviously, we hope for products, possibly in the distant future, but what is truly "in it for Roche" is a renewed dedication to our long-held belief that as a leader for many years in pharmaceutical research, we must not be content with pursuit of the ordinary; we must reach out for the stars! This is our interpretation of enlightened corporate citizenship.

Time and again in the fields of medicine, physics, and other areas, scientific advances have not been joined with corresponding advances in the social conscience involved in the use of these discoveries. On behalf of this company, I pledge to you that as we advance our knowledge into fields such as genetics, antiviral agents and other areas provocative of social controversy, we shall do our utmost to remember we are not only scientists seeking the truth but also social beings and members of the human race.

So on this day of dedication, we equally dedicate ourselves to the proposition that Roche wishes to be proudly known not only for its scientific achievements but also for its employment of them in socially responsible ways.

And now I come to the concluding part of my remarks which at one and the same time will be sad and joyful—sad because on July 4 of this year Roche lost a great leader, the community lost a great citizen, and all of us on the Executive Committee lost a great friend—joyful because all of us can rejoice not only in the fact that we knew him but also in his outstanding achievements. In honor of his memory and particularly in the light of the enormous contributions he made to this company and to mankind during his too short life, it is my pleasure to read to you a resolution which has been adopted by the Executive Committee of our company for this dedication.

RESOLUTION OF EXECUTIVE COMMITTEE OF HOFFMANN-LA ROCHE, INC.

Whereas, Dr. V. D. Mattia, the late President and Chief Executive Officer of the Company, played a vital role in the creation of the Roche Institute of Molecular Biology; and

Whereas, he consistently stressed the importance of fundamental research as an indispensable prerequisite for progress in the fight against pain and disease; and

Whereas, his philosophy of enlightened modern management and forward-looking corporate citizenship is reflected in the creation of the Roche Institute of Molecular Biology;

Now therefore, it is

Resolved that in honor of the memory of Dr. V. D. Mattia the Executive Committee of the Board of Directors of Hoffman-La Roche Inc. hereby establishes the V. D. Mattia Lectureship of the Roche Institute of Molecular Biology, to be awarded annually to a scientist in recognition of outstanding contributions to the biomedical sciences; and

Resolved further that the lecturer to whom the award will be made will be selected each year by a panel of scientists representing the various disciplines and will receive $5,000 and formal certification of his selection.

May I ask Mrs. Alice Mattia who is in the audience to please step forward and receive an engrossed copy of this resolution as a token of our deep and abiding respect for her late husband.

In conclusion, I should like to express my hope and firm conviction that the building which we stand before as well as the programs of research and investigation which will be conducted here in the years to come represent long range planning in its best sense, for the year 2,000 and beyond and for the benefit of generations yet unborn.

## THE STATE OF NATIONAL EMERGENCY AND EXECUTIVE ORDERS

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. RARICK. Mr. Speaker, the declaration of a state of national emergency by the President of the United States, like a declaration of war, should be an historical event which a free press should be expected to bring to public attention with banner headlines. Yet, the recent declaration of a national emergency proclaimed by President Nixon on August 15, 1971, through proclamation No. 4074 (F.R. vol. 36, No. 159, Aug. 17, 1971) strangely went almost without comment by the Nation's press.

In an article entitled "State of National Emergency Legalizes Executive Orders" appearing in the Borger Texas News Herald, Lt. Col. Archibald E. Roberts, AUS, retired, national director of the Committee To Restore the Constitution, points out:

The state of "national emergency" declared by President Nixon in August "legalized" the imposition of Executive Orders and other socialist directives under the guise of a "time of increased tension, and economic and financial crisis."

The Executive orders of 1962 through 1966 referred to in Roberts' article, with the exception of Executive Order 11051, were among 21 Executive orders and two defense mobilization orders that were consolidated in an all-inclusive Presidential directive, Executive Order 11490, signed by President Nixon on October 28, 1969, entitled "Assigning Emergency Preparedness Functions to Federal Departments and Agencies." (F.R. vol. 34, No. 209, Oct. 30, 1969.) Assignments to departments and agencies were adjusted to conform to changes in organization which occurred subsequent to the issuance of the earlier Executive orders and defense mobilization orders. Executive orders effectuated by the President's proclamation of August 15, 1971, would be under Executive Order 11490.

Because of the vast powers which, without further congressional approval, Executive Order 11490 places in the hands of the President and his heads of departments and agencies over food supply, money and credit, transportation, communications, public utilities, and other facets of the lives of our people; and in order that our colleagues may have this vital information more readily available for themselves and their constituents, I insert in the RECORD at this point the President's 1971 Proclamation No. 4074, its companion Executive Order 11615, the 1969 Executive Order 11490, and a newsclipping from the Borger Texas News Herald:

[From the Federal Register, vol. 36, No. 159, Aug. 17, 1971]

PROCLAMATION 4074: IMPOSITION OF SUPPLEMENTAL DUTY FOR BALANCE-OF-PAYMENTS PURPOSES

(A proclamation by the President of the United States of America)

Whereas, there has been a prolonged decline in the international monetary reserves of the United States, and our trade and international competitive position is seriously threatened and, as a result, our continued ability to assure our security could be impaired;

Whereas, the balance of payments position of the United States requires the imposition of a surcharge on dutiable imports;

Whereas, pursuant to the authority vested in him by the Constitution and the statutes, including, but not limited to, the Tariff Act of 1930, as amended (hereinafter referred to as "the Tariff Act"), and the Trade Expansion Act of 1962 (hereinafter referred to as "the TEA"), the President entered into, and proclaimed tariff rates under, trade agreements with foreign countries;

Whereas, under the Tariff Act, the TEA and other provisions of law, the President may, at any time, modify or terminate, in whole or in part, any proclamation made under his authority;

Now, therefore, I, Richard Nixon, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including, but not limited to, the Tariff Act, and the TEA, respectively, do proclaim as follows:

A. I hereby declare a national emergency during which I call upon the public and private sector to make the efforts necessary to strengthen the international economic position of the United States.

B. (1) I hereby terminate in part for such period as may be necessary and modify prior Presidential Proclamations which carry out trade agreements insofar as such proclamations are inconsistent with, or proclaim duties different from, those made effective pursuant to the terms of this Proclamation.

(2) Such proclamations are suspended only insofar as is required to assess a surcharge in the form of a supplemental duty amounting to 10 percent ad valorem. Such supplemental duty shall be imposed on all dutiable articles imported into the customs territory of the United States from outside thereof, which are entered, or withdrawn from warehouse, for consumption after 12:01 a.m., August 16, 1971, provided, however, that if the imposition of an additional duty of 10 percent ad valorem would cause the total duty or charge payable to exceed the total

duty or charge payable at the rate prescribed in column 2 of the Tariff Schedules of the United States, then the column 2 rate shall apply.

C. To implement section B of this Proclamation, the following new subpart shall be inserted after subpart B of part 2 of the Appendix to the Tariff Schedules of the United States:

SUBPART C—TEMPORARY MODIFICATIONS FOR BALANCE-OF-PAYMENTS PURPOSES

*Subpart C headnotes:*

1. This subpart contains modifications of the provisions of the tariff schedules proclaimed by the President in Proclamation 4074.

2. *Additional duties imposed*—The duties provided for in this subpart are cumulative duties which apply in addition to the duties otherwise imposed on the articles involved. The provisions for these duties are effective with respect to articles entered on and after 12:01 a.m., August 16, 1971, and shall continue in effect until modified or terminated by the President or by the Secretary of the Treasury (hereinafter referred to as the Secretary) in accordance with headnote 4 of this subpart.

3. *Limitation on additional duties*—The additional 10 percent rate of duty specified in rate of duty column numbered 1 of item 948.00 shall in no event exceed that rate which, when added to the column numbered 1 rate imposed on the imported article under the appropriate item in schedules 1 through 7 of these schedules, would result in an aggregated rate in excess of the rate provided for such article in rate of duty column numbered 2.

4. For the purposes of this subpart—

(a) *Delegation of authority to Secretary*—The Secretary may from time to time take action to reduce, eliminate or reimpose the rate of additional duty herein or to establish exemption therefrom, either generally or with respect to an article which he may specify either generally or as the product of a particular country, if he determines that such action is consistent with safeguarding the balance of paymens position of the United States.

(b) *Publication of Secretary's actions*—All actions taken by the Secretary hereunder shall be in the form of modifications of this subpart published in the Federal Register. Any action reimposing the additional duties on an article exempted therefrom by the Secretary shall be effective only with respect to articles entered on and after the date of publication of the action in the Federal Register.

(c) *Authority to prescribe rules and regulations*—The Secretary is authorized to prescribe such rules and regulations as he determines to be necessary or appropriate to carry out the provisions of this subpart.

5. *Articles exempt from the additional duties*—In accordance with determinations made by the Secretary in accordance with headnote 4(a), the following described articles are exempt from the provisions of this subpart:

* * * * *

THE PRESIDENT

| Item | Article | Rates of duty 1 | Rates of duty 2 |
|---|---|---|---|
| 948.00 | *Articles*, except as exempted under headnote 5 of this subpart, which are not free of duty under these schedules and which are the subject of tariff concessions granted by the United States in trade agreements. | 10% ad val... (See headnote 3 of this subpart.) | No change. |

D. This Proclamation shall be effective 12:01 a.m., August 16, 1971.

In witness whereof, I have hereunto set my hand this fifteenth day of August in the year of our Lord nineteen hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-sixth.

RICHARD NIXON.

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[From the Federal Register, vol. 36, No. 159, Aug. 17, 1971]

EXECUTIVE ORDER 11615 (Providing for stabilization of prices, rents, wages, and salaries)

Whereas, in order to stabilize the economy, reduce inflation, and minimize unemployment, it is necessary to stabilize prices, rents, wages, and salaries; and

Whereas, the present balance of payments situation makes it especially urgent to stabilize prices, rents, wages, and salaries in order to improve our competitive position in world trade and to protect the purchasing power of the dollar:

Now, therefore, by virtue of the authority vested in me by the Constitution and statutes of the United States, including the Economic Stabilization Act of 1970 (P.L. 91-379, 84 Stat. 799), as amended, it is hereby ordered as follows:

SECTION 1. (a) Prices, rents, wages, and salaries shall be stabilized for a period of 90 days from the date hereof at levels not greater than the highest of those pertaining to a substantial volume of actual transactions by each individual, business, firm or other entity of any kind during the 30-day period ending August 14, 1971, for like or similar commodities or services. If no transactions occurred in that period, the ceiling will be the highest price, rent, salary or wage in the nearest preceding 30-day period in which transactions did occur. No person shall charge, assess, or receive, directly or indirectly in any transaction prices or rents in any form higher than those permitted hereunder, and no person shall, directly or indirectly, pay or agree to pay in any transaction wages or salaries in any form, or to use any means to obtain payment of wages and salaries in any form, higher than those permitted hereunder, whether by retroactive increase or otherwise.

(b) Each person engaged in the business of selling or providing commodities or services shall maintain available for public inspection a record of the highest prices or rents charged for such or similar commodities or services during the 30-day period ending August 14, 1971.

(c) The provisions of sections 1 and 2 hereof shall not apply to the prices charged for raw agricultural products.

SEC. 2. (a) There is hereby established the Cost of Living Council which shall act as an agency of the United States and which is hereinafter referred to as the Council.

(b) The Council shall be composed of the following members: The Secretary of the Treasury, the Secretary of Agriculture, the the Secretary of Commerce, the Secretary of Labor, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Director of the Office of Emergency Preparedness, and the Special Assistant to the President for Consumer Affairs. The Secretary of the Treasury shall serve as Chairman of the Council and the Chairman of the Council of Economic Advisers shall serve as Vice Chairman. The Chairman of the Board of Governors of the Federal Reserve System shall serve as adviser to the Council.

(c) Under the direction of the Chairman of the Council a Special Assistant to the President shall serve as Executive Director of the Council, and the Executive Director is authorized to appoint such personnel as may be necessary to assist the Council in the performance of its functions.

SEC. 3. (a) Except as otherwise provided herein, there are hereby delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970.

(b) The Council shall develop and recommend to the President additional policies, mechanisms, and procedures to maintain economic growth without inflationary increases in prices, rents, wages, and salaries after the expiration of the 90-day period specified in Section 1 of this Order.

(c) The Council shall consult with representatives of agriculture, industry, labor and the public concerning the development of policies, mechanisms and procedures to maintain economic growth without inflationary increases in prices, rents, wages, and salaries.

(d) In all of its actions the Council will be guided by the need to maintain consistency of price and wage policies with fiscal, monetary, international and other economic policies of the United States.

(e) The Council shall inform the public, agriculture, industry, and labor concerning the need for controlling inflation and shall encourage and promote voluntary action to that end.

Sec. 4. (a) The Council, in carrying out the provisions of this Order, may (i) prescribe definitions for any terms used herein, (ii) make exceptions or grant exemptions, (iii) issue regulations and orders, and (iv) take such other actions as it determines to be necessary and appropriate to carry out the purposes of this Order.

(b) The Council may redelegate to any agency, instrumentality or official of the United States any authority under this Order, and may, in administering this Order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

(c) On request of the Chairman of the Council, each Executive department or agency is authorized and directed, consistent with law, to furnish the Council with available information which the Council may require in the performance of its functions.

(d) All Executive departments and agencies shall furnish such necessary assistance as may be authorized by section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691).

SEC. 5. The Council may require the maintenance of appropriate records or other evidence which are necessary in carrying out the provisions of this Order, and may require any person to maintain and produce for examination such records or other evidence, in such form as it shall require, concerning prices, rents, wages, and salaries and all related matters. The Council may make such exemptions from any requirement otherwise imposed as are consistent with the purposes of this Order. Any type of record or evidence required under regulations issued under this Order shall be retained for such period as the Council may prescribe.

SEC. 6. The expenses of the Council shall be paid from such funds of the Treasury Department as may be available therefor.

SEC. 7. (a) Whoever willfully violates this Order or any order or regulation issued under authority of this Order shall be fined not more than $5,000 for each such violation.

(b) The Council shall in its discretion request the Department of Justice to bring actions for injunctions authorized under Section 205 of the Economic Stabilization Act of 1970 whenever it appears to the Council that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order issued pursuant to this Order.

RICHARD NIXON.

THE WHITE HOUSE, *August 15, 1971.*

[From the Federal Register, vol. 34, No. 209, Oct. 30, 1969]

EXECUTIVE ORDER 11490 ASSIGNING EMERGENCY PREPAREDNESS FUNCTIONS TO FEDERAL DEPARTMENT AND AGENCIES

Whereas our national security is dependent upon our ability to assure continuity of government, at every level, in any national emergency type situation that might conceivably confront the nation; and

Whereas effective national preparedness planning to meet such an emergency, including a massive nuclear attack, is essential to our national survival; and

Whereas effective national preparedness planning requires the identification of functions that would have to be performed during such an emergency, the assignment of responsibility for developing plans for performing these functions, and the assignment of responsibility for developing the capability to implement those plans; and

Whereas the Congress has directed the development of such national emergency preparedness plans and has provided funds for the accomplishment thereof; and

Whereas this national emergency preparedness planning activity has been an established program of the United States Government for more than twenty years:

Now, therefore, by virtue of the authority vested in me as President of the United States, and pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), the National Security Act of 1947, as amended, the Defense Production Act of 1950, as amended, and the Federal Civil Defense Act, as amended, it is hereby ordered as follows—

PART 1—PURPOSE AND SCOPE

SECTION 101 *Purpose.* This order consolidates the assignment of emergency preparedness functions to various departments and agencies heretofore contained in the 21 Executive orders and 2 Defense Mobilization orders listed in Section 3015 of this order. Assignments have been adjusted to conform to changes in organization which have occurred subsequent to the issuance of those Executive orders and Defense Mobilization orders.

SEC. 102 *Scope.* (a) This order is concerned with the emergency national planning and preparedness functions of the several departments and agencies of the Federal Government which complement the military readiness planning responsibilities of the Department of Defense; together, these measures provide the basic foundation for our overall national preparedness posture, and are fundamental to our ability to survive.

(b) The departments and agencies of the Federal Government are hereby severally charged with the duty of assuring the continuity of the Federal Government in any national emergency type situation that might confront the nation. To this end, each department and agency with essential functions, whether expressly identified in this order or not, shall develop such plans and take such actions, including but not limited to those specified in this order, as may be necessary to assure that it will be able to perform its essential functions, and continue as a viable part of the Federal Government, during an emergency that might conceivably occur. These include plans for maintaining the continuity of essential functions of the department or agency at the seat of government and elsewhere, through programs concerned with: (1) succession to office; (2) predelegation of emergency authority; (3) safekeeping of essential records; (4) emergency relocation sites supported by communications and required services; (5) emergency action steps; (6) alternate headquarters or command facilities; and (7) protection of Government resources, facilities, and personnel. The continuity of Government activities undertaken by the departments and agencies shall be in accordance with guidance provided by, and subject to evaluation by, the Director of the Office of Emergency Preparedness.

(c) In addition to the activities indicated above, the heads of departments and agencies described in Parts 2 through 29 of this order shall: (1) prepare national emergency plans, develop preparedness programs, and attain an appropriate state of readiness with respect to the functions assigned to them in this order for all conditions of national emergency; (2) give appropriate consideration to emergency preparedness factors in the conduct of the regular functions of their agencies, particularly those functions considered essential in time of emergency, and (3) be prepared to implement, in the event of an emergency, all appropriate plans developed under this order.

SEC. 103 *Presidential Assistance.* The Director of the Office of Emergency Preparedness, in accordance with the provisions of Executive Order No. 11051 of September 27, 1962, shall advise and assist the President in determining national preparedness goals and policies for the performance of functions under this order and in coordinating the performance of such functions with the total national preparedness program.

SEC. 104. *General and Specific Functions.* The functions assigned by Part 30, General Provisions, apply to all departments and agencies having emergency preparedness responsibilities. Specific functions are assigned to departments and agencies covered in Parts 2 through 29.

SEC. 105. *Construction.* The purpose and legal effect of the assignments contained in this order do not constitute authority to implement the emergency plans prepared pursuant to this order. Plans so developed may be effectuated only in the event that authority for such effectuation is provided by a law enacted by the Congress or by an order or directive issued by the President pursuant to statutes or the Constitution of the United States.

PART 2—DEPARTMENT OF STATE

SECTION 201 *Functions.* The Secretary of State shall prepare national emergency plans and develop preparedness programs to permit modification or expansion of the activities of the Department of State and agencies, boards, and commissions under his jurisdiction in order to meet all conditions of national emergency, including attack upon the United States. The Secretary of State shall provide to all other departments and agencies overall foreign policy direction, coordination, and supervision in the formulation and execution of those emergency preparedness activities which have foreign policy implications, affect foreign relations, or depend directly or indirectly, on the policies and capabilities of the Department of State. The Secretary of State shall develop policies, plans, and procedures for carrying out his responsibilities in the conduct of the foreign relations of the United States under conditions of national emergency, including, but not limited to (1) the formulation and implementation, in consultation with the Department of Defense and other appropriate agencies, and the negotiation of contingency and post-emergency plans with our allies and of the intergovernmental agreements, and arrangements required by such plans; (2) formulation, negotiation, and execution of policy affecting the relationships of the United States with neutral States; (3) formulation and execution of political strategy toward hostile or enemy States, including the definition of war objectives and the political means for achieving those objectives; (4) maintenance of diplomatic and consular representation abroad; (5) reporting and advising on conditions overseas which bear upon the national emergency; (6) carrying out or proposing economic measures with respect to other nations, including coordination with the export control functions of the Secretary of Commerce; (7) mutual assistance activities such as ascertaining requirements of the civilian economies of other nations, making recommendations to domestic resource agencies for meeting such requirements, and determining the availability of and making arrangements for obtaining foreign resources required by the United States; (8) providing foreign assistance, including continuous supervision and general direction of authorized economic and military assistance programs, and determination of the value thereof; (9) protection or evacuation of American citizens and nationals abroad and safeguarding their property; (10) protection and/or control of international organization and foreign diplomatic, consular, and other official personnel and property, or other assets, in the United States; (11) documentary control of persons seeking to enter or leave the United States; and (12) regulation and control of exports of items on the munitions list.

PART 3—DEPARTMENT OF THE TREASURY

SECTION 301. *Functions.* The Secretary of the Treasury shall develop policies, plans, and procedures for the performance of emergency functions with respect to (1) stabilization aspects of the monetary, credit, and financial system; (2) stabilization of the dollar in relation to foreign currencies; (3) collection of revenue; (4) regulation of financial institutions; (5) supervision of the Federal depository system; (6) direction of transactions in government securities; (7) tax and debt policies; (8) participation in bilateral and multilateral financial arrangements with foreign governments; (9) regulation of foreign assets in the United States and of foreign financial dealings (in consultation with the Secretaries of State and Commerce); (10) development of procedures for the manufacture and/or issuance and redemption of securities, stamps, coins, and currency; (11) development of systems for the issuance and payment of Treasury checks; (12) maintenance of the central government accounting and financial reporting system; (13) administration of customs laws, tax laws, and laws on control of alcohol, alcoholic beverages, tobacco, and firearms; (14) suppression of counterfeiting and forgery of government securities, stamps, coins, and currency; (15) protection of the President and the Vice President and other designated persons; (16) granting of loans (including participation in or guarantees of loans) for the expansion of capacity, the development of technological processes, or the production of essential material; and (17) to the extent that such functions have not been transferred to the Secretary of Transportation, enforcement of marine inspection and navigation laws.

SEC. 302. *Financial Coordination.* The Secretary shall assume the initiative in developing plans for implementation of national policy on sharing war losses and for the coordination of emergency monetary, credit, and Federal benefit payment programs of those departments and agencies which have responsibilities dependent on the policies or capabilities of the Department.

PART 4—DEPARTMENT OF DEFENSE

SECTION 401. *Functions.*—In addition to the civil defense functions assigned to the Secretary of Defense by Executive Order No. 10952, the Secretary of Defense shall perform the following emergency preparedness functions:

(1) Provide specific strategic guidance as required for emergency preparedness planning and programming, including, for example, guidance regarding such factors as accessibility of foreign sources of supply and estimated shipping loss discounts and aircraft losses in the event of war.

(2) Develop and furnish quantitative and time-phased military requirements for selected end-items, consistent with defined military concepts, and supporting require-

ments for materials, components, production facilities, production equipment, petroleum, natural gas, solid fuels, electric power, food, transportation, and other services needed to carry out specified Department of Defense current and mobilization procurement, construction, research and development, and production programs. The items and supporting resources to be included in such requirements, the periods to be covered, and the dates for their submission to the appropriate resource agency will be determined by mutual agreement between the Secretary of Defense and the head of the appropriate resource agency.

(3) Advise and assist the Office of Emergency Preparedness in developing a national system of production urgencies.

(4) Advise and assist the Office of Emergency Preparedness in developing a system, in conjunction with the Department of State, for the international allocation of critical materials and products among the United States and the various foreign claimants in the event of an emergency, including an attack on the United States.

(5) Plan for and administer priorities and allocations authority delegated to the Department of Defense. Authorize procurement and production schedules and make allotments of controlled materials pursuant to program determinations of the Office of Emergency Preparedness.

(6) Assist the Department of Commerce and other appropriate agencies in the development of the production and distribution controls plans for use in any period of emergency.

(7) Develop with industry, plans for the procurement and production of selected military equipment and supplies needed to fulfill emergency requirements, making maximum use of plants in dispersed locations, and, where essential and appropriate, providing for alternative sources of supply in order to minimize the effects of enemy attack.

(8) Develop with industry, plans and programs for minimizing the effect of attack damage to plants producing major items of military equipment and supply.

(9) Recommend to the Office of Emergency Preparedness measures for overcoming potential deficiencies in production capacity to produce selected military supplies and equipment needed to fulfill emergency requirements, when necessary measures cannot be effected by the Department of Defense.

(10) Furnish information and recommendations, when requested by the Office of Emergency Preparedness, for purposes of processing applications for defense loans under Title II of the Defense Production Act of 1950, as amended.

(11) Furnish advice and assistance on the utilization of strategic and critical materials in defense production, including changes that occur from time to time.

(12) Analyze problems that may arise in maintaining an adequate mobilization production base in military-product industries and take necessary actions to overcome these problems within the limits of the authority and funds available to the Department of Defense.

(13) Assist the Secretary of Commerce with respect to the identification and evaluation of facilities important to the national defense.

(14) Advise and assist the Office of Emergency Preparedness in the development and review of standards for the strategic location and physical security of industries, services, government, and other activities for which continuing operation is essential to national security, and exercise physical security cognizance over the facilities assigned to him for such purpose.

(15) Develop and operate damage assessment systems and assist the Office of Emergency Preparedness and other departments and agencies in their responsibilities as stated in Section 3002(2); participate with the Office of Emergency Preparedness in the preparation of estimates of potential damage from enemy attack.

(16) Advise and assist the Office of Emergency Preparedness in the development of over-all manpower policies to be instituted in the event of an emergency, including an attack on the United States, including the provision of information relating to the size and composition of the Armed Forces.

(17) Advise on existing communications facilities and furnish military requirements for commercial communications facilities and services in planning for and in event of an emergency, including an attack on the United States.

(18) Furnish military requirements for all forms of transportation and transportation facilities in planning for and in the event of emergency, including an attack upon the United States.

(19) Assist the Office of Emergency Preparedness in preparation of legislative programs and plans for coordinating nonmilitary support of emergency preparedness programs.

(20) Develop plans and procedures for the Department of Defense utilization of nonindustrial facilities in the event of an emergency in order to reduce requirements for new construction and to provide facilities in a minimum period of time.

(21) Advise and assist the Office of Emergency Preparedness in (1) determining what key foreign facilities and operating rights thereto are important enough to the security of the United States, and (2) obtaining through appropriate channels protection against sabotage.

(22) Develop plans and procedures to carry out Department of Defense responsibilities stated in the National Censorship Agreement between the Department of Defense and the Office of Emergency Preparedness.

(23) Advise and assist the Department of State in planning for the evacuation of dependents from overseas areas, United States teachers and administrators in the overseas dependents schools, and such other United States citizens as may be working for United States schools overseas.

(24) Develop plans for implementation of approved Department of State/Department of Defense policies and procedures for the protection and evacuation of United States citizens and certain designated aliens abroad.

(25) Develop plans and procedures for the provision of logistical support to members of foreign forces, their employees and dependents as may be present in the United States under the terms of bilateral or multilateral agreements which authorize such support in the event of a national emergency.

(26) Develop with the Department of Transportation and Federal Communications Commission plans and programs for the control of air traffic, civil and military, during an emergency.

(27) Develop with the Federal Communications Commission and the Office of Telecommunications Management (OEP) plans and programs for the emergency control of all devices capable of emitting electromagnetic radiation.

PART 5—DEPARTMENT OF JUSTICE

SECTION 501. *Functions.* The Attorney General shall perform the following emergency preparedness functions:

(1) *Emergency documents and measures.* Provide advice, as appropriate, with respect to any emergency directive or procedure prepared by a department or agency as a part of its emergency preparedness function.

(2) *Industry support.* As appropriate, review the legal procedures developed by the Federal agencies concerned to be instituted if it becomes necessary for the Government to institute extraordinary measures with respect to vital production facilities, public facilities, communications systems, transportation systems, or other facility, system, or service essential to national survival.

(3) *Judicial and legislative liaison.* In cooperation with the Office of Emergency Preparedness, maintain liaison with Federal courts and with the Congress so there will be mutual understanding of Federal emergency plans involving law enforcement and the exercise of legal powers during emergencies of various magnitudes.

(4) *Legal advice.* Develop emergency plans for providing legal advice to the President, the Cabinet, and the heads of Executive departments and agencies wherever they may be located in an emergency, and provide emergency procedures for the review as to form and legality of Presidential proclamations, Executive orders, directives, regulations, and documents, and of other documents requiring approval by the President or by the Attorney General which may be issued by authorized officers after an armed attack.

(5) *Alien control and control of entry and departure.* Develop emergency plans for the control of alien enemies and other aliens within the United States and, in consultation with the Department of State and Department of the Treasury, develop emergency plans for the control of persons attempting to enter or leave the United States. These plans shall specifically include provisions for the following:

(a) The location, restraint, or custody of alien enemies.

(b) Temporary detention of alien enemies and other persons attempting to enter the United States pending determination of their admissibility.

(c) Apprehension of deserting alien crewmen and stowaways.

(d) Investigation and control of aliens admitted as contract laborers.

(e) Control of persons entering or departing from the United States at designated ports of entry.

(f) Increased surveillance of the borders to preclude prohibited crossings by persons.

(6) *Alien property.* Develop emergency plans, in consultation with the Department of State, for the seizure and administration of property of alien enemies under provisions of the Trading with the Enemy Act.

(7) *Security standards.* In consultation with the Department of Defense and with other executive agencies, to the extent appropriate, prepare plans for adjustment of security standards governing the employment of Federal personnel and Federal contractors in an emergency.

(8) *Drug Control.* Develop emergency plans and procedures for the administration of laws governing the import, manufacture, and distribution of narcotics. Consult with and render all possible aid and assistance to the Office of Emergency Preparedness, the Department of Health, Education, and Welfare, and the General Services Administration in the allocation, distribution, and, if necessary, the replenishment of Government stockpiles of narcotic drugs.

SEC. 502. *Civil Defense Functions.* In consonance with national civil defense programs developed by the Department of Defense, the Attorney General shall:

(1) *Local law enforcement.* Upon request, consult with and assist the Department of Defense to plan, develop, and distribute materials for use in the instruction and training of law enforcement personnel for civil defense emergency operations; develop and carry out a national plan for civil defense instruction and training for enforcement officers, designed to utilize to the maximum extent practicable the resources and facilities of existing Federal, State, and local police schools, academies, and other appropriate institutions of learning; and assist the States in preparing for the conduct of intrastate and interstate law enforcement operations to meet the extraordinary needs that would

exist for emergency police services under conditions of attack or imminent attack.

(2) *Penal and correctional institutions.* Develop emergency plans and procedures for the custoday and protection of prisoners and the use of Federal penal and correctional institutional resources, when available, for cooperation with local authorities in connection with mass feeding and housing, for the storage of standby emergency equipment, for the emergency use of prison hospitals and laboratory facilities, for the continued availability of prison-industry products, and, in coordination with the Department of Labor, for the development of Federal prisoner skills to appropriately augment the total supply of manpower, advise States and their political subdivisions regarding the use of State and local prisons, jails, and prisoners for the purpose of relieving local situations and conditions arising from a state of emergency.

(3) *Identification and location of persons.* Develop emergency plans and procedures for the use of the facilities and personnel of the Department of Justice in assisting the Department of Health, Education, and Welfare with the development of plans and procedures for the identification of the dead and the reuniting of families during a civil defense emergency.

PART 6—POST OFFICE DEPARTMENT

SECTION 601 *Functions.* The Postmaster General shall prepare plans and programs for emergency mail service and shall cooperate with indicated Federal agencies, in accordance with existing agreements or directives, in the following national emergency programs:

(1) *Registering of persons.* Assist the Department of Health, Education, and Welfare in planning a national program and developing technical guidance for States, and directing Post Office activities concerned with registering persons and families for the purpose of receiving and answering welfare inquiries and reuniting families in civil defense emergencies. The program shall include procurement, transportation, storage, and distribution of safety notification and emergency change of address cards in quantities and localities jointly determined by the Department of Defense and the Post Office Department.

(2) *Other emergency programs.* (a) Censorship of international mails. (Department of Defense; Department of the Treasury; Office of Emergency Preparedness).

(b) Provision for emergency mail service to Federal agencies at both regular and emergency sites. (General Services Administration)

(c) Emergency registration of Federal employees. (Civil Service Commission)

(d) Emergency leasing of space for Federal agencies. (General Services Administration)

(e) Registration of enemy aliens. (Department of Justice)

PART 7—DEPARTMENT OF THE INTERIOR

SECTION 701 *Résumé of Responsibilities.* The Secretary of the Interior shall prepare national emergency plans and develop preparedness programs covering (1) electric power; (2) petroleum and gas; (3) solid fuels; (4) minerals; and (5) water, as defined in Section 702 of this part.

SEC. 702 *Definitions.* As used in this part:

(1) "Electric power" means all forms of electric power and energy, including the generation, transmission, distribution, and utilization thereof.

(2) "Petroleum" means crude oil and synthetic liquid fuel, their products, and associated hydrocarbons, including pipelines for their movement and facilities specially designed for their storage.

(3) "Gas" means natural gas (including helium) and manufactured gas, including pipelines for their movement and facilities specially designed for their storage.

(4) "Solid fuels" means all forms of anthracite, bituminous, subbituminous, and lignitic coals, coke, and coal chemicals produced in the coke-making process.

(5) "Minerals" means all raw materials of mineral origin (except petroleum, gas, solid fuels, and source materials as defined in the Atomic Energy Act of 1954, as amended) obtained by mining and like operations and processed through the stages specified and at the facilities designated in an agreement between the Secretary of the Interior and the Secretary of Commerce as being within the emergency preparedness responsibilities of the Secretary of the Interior.

(6) "Water" means water from all sources except water after its withdrawal into a community system, or an emergency system for treatment, storage, and distribution for public use.

SEC. 703. *Resource functions.* With respect to the resources defined in Section 702, the Secretary of the Interior shall:

(1) *Minerals development.* Develop programs and encourage the exploration, development, and mining of strategic and critical minerals for emergency purposes.

(2) *Production.* Provide guidance and leadership to assigned industries in the development of plans and programs to insure the continuity of production in the event of an attack, and cooperate with the Department of Commerce in the identification and evaluation of essential facilities.

(3) *Water.* Develop plans with respect to water, including plans for the treatment and disposal, after use, of water after its withdrawal into a community system or an emergency system for treatment, storage, and distribution for public use. In developing any plans relating to water for use on farms and in food facilities, assure that those plans are in consonance with plans and programs of the Department of Agriculture.

(4) *Electric power and natural gas.* In preparedness planning for electric power and natural gas, the Federal Power Commission shall assist the Secretary of the Interior as set forth in Section 1901 of this order.

PART 8—DEPARTMENT OF AGRICULTURE

SECTION 801 *Résumé of Responsibilities.* The Secretary of Agriculture shall prepare national emergency plans and develop preparedness programs covering: (1) food resources, farm equipment, fertilizer, and food resource facilities as defined below; (2) lands under the jurisdiction of the Secretary of Agriculture; (3) rural fire control; (4) defense against biological and chemical warfare and radiological fall out pertaining to agricultural activities; and (5) rural defense information and education.

SEC. 802 *Definitions.* As used in this part:

(1) "Food resources" means all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk, by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for human or animal consumption. For the purposes of this order, the term "food resources" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, mohair, hemp, flax fiber, and naval stores, but shall not include any such material after it loses its identity as an agricultural commodity or agricultural product.

(2) "Farm equipment" means machinery, equipment, and repair parts manufactured primarily for use on farms in connection with the production or preparation for market or use of "food resources".

(3) "Fertilizer" means any product or combination of products for plant nutrition in form for distribution to the users thereof."

(4) "Food resource facilities" means plants, machinery, vehicles (including on farm), and other facilities (including farm housing) for the production, processing, distribution, and storage (including cold storage) of food resources, and for domestic distribution of farm equipment and fertilizer.

SEC. 803. *Functions.* With respect to food resources, food resource facilities, lands under the jurisdiction of the Secretary, farm equipment, and fertilizer, the Secretary of Agriculture shall:

(1) *Production, processing, storage, and distribution.* Develop plans for priorities, allocations, and distribution control systems and related plans, including control of use of facilities designed to provide adequate and continuing production, processing, storage, and distribution of essential food resources in an emergency, and to provide for the domestic distribution of farm equipment and fertilizer.

(2) *Stockpiles.* In addition to the food stockpile functions identified in Executive Order No. 10958, take all possible measures in the administration of Commodity Credit Corporation inventories of food resources to assure the availability of such inventories when and where needed in an emergency. The Secretary shall also develop plans and procedures for the proper utilization of agricultural items stockpiled for survival purposes.

(3) *Land management.* Develop plans and direct activities for the emergency protection, management, and utilization of the lands, resources, and installations under the jurisdiction of the Secretary of Agriculture and assist in the development of plans for the emergency operation, production, and processing of forest products in cooperation with other Federal, State, and private agencies.

SEC. 804 *Civil Defense Functions.* In consonance with national civil defense programs developed by the Development of Defense, the Secretary of Agriculture shall:

(1) *Rural fire defense.* In cooperation with Federal, State, and local agencies, develop plans for a national program and direct activities relating to the prevention and control of fires in the rural areas of the United States caused by the effects of enemy attack.

(2) *Biological, chemical, and radiological warfare defense.* Develop plans for a national program, direct Federal activities, and furnish technical guidance to State and local authorities concerning (a) diagnosis and strengthening of defensive barriers and control or eradication of diseases, pests, or chemicals introduced as agents of biological or chemical warfare against animals, crops, or products thereof; (b) protective measures, treatment, and handling of livestock, including poultry, agricultural commodities on farms or ranches, agricultural lands, forest lands, and water for agricultural purposes, any of which have been exposed to or affected by radiation. Plans shall be developed for a national program and direction of Federal activities to assure the safety and wholesomeness and to minimize losses from biological and chemical warfare, radiological effects, and other emergency hazards of livestock, meat and meat products, poultry and poultry products in establishments under the continuous inspection of the Department of Agriculture, and agricultural commodities and products owned by the Commodity Credit Corporation or by the Department of Agriculture.

(3) *Defense information and education.* Conduct a defense information and education program in support of the Department's emergency responsibilities.

PART 9—DEPARTMENT OF COMMERCE

SECTION 901 *Résumé of Responsibilities.* The Secretary of Commerce shall prepare national emergency plans and develop preparedness programs covering:

(1) The production and distribution of all materials, the use of all production facilities

(except those owned by, controlled by, or under the jurisdiction of the Department of Defense or the Atomic Energy Commission), the control of all construction materials, and the furnishing of basic industrial services except those involving the following:

(a) Production and distribution of and use of facilities for petroleum, solid fuels, gas, electric power, and water;

(b) Production, processing, distribution, and storage of food resources and the use of food resource facilities for such production, processing, distribution, and storage;

(c) Domestic distribution of farm equipment and fertilizer;

(d) Use of communications services and facilities, housing and lodging facilities, and health, education, and welfare facilities;

(e) Production, and related distribution, of minerals as defined in Subsection 702(5), and source materials as defined in the Atomic Energy Act of 1954, as amended; and the construction and use of facilities designated as within the responsibilities of the Secretary of the Interior;

(f) Distribution of items in the supply systems of, or controlled by, the Department of Defense and the Atomic Energy Commission;

(g) Construction, use, and management of civil aviation facilities; and

(h) Construction and use of highways, streets, and appurenant structures.

(2) Federal emergency operational control responsibilities with respect to ocean shipping, ports, and port facilities, except those owned by, controlled by, or under the jurisdiction of the Department of Defense, and except those responsibilities of the Department of the Treasury with respect to the entrance and clearance of vessels. The following definitions apply to this part:

(a) "Ocean shipping" includes all overseas, coastwise, intercoastal, and Great Lakes shipping except that solely engaged in the transportation of passengers and cargo between United States ports on the Great Lakes.

(b) "Port" or "port area" includes any zone contiguous to or associated in the traffic network of an ocean or Great Lakes port, or outport location, including beach loading sites, within which facilities exist for transshipment of persons and property between domestic carriers and carriers engaged in coastal, intercoastal, and overseas transportation.

(c) "Port facilities" includes all port facilities, port equipment including harbor craft, and port services normally used in accomplishing the transfer or interchange of cargo and passengers between ocean-going vessels and other media of transportation, or in connection therewith (including the Great Lakes).

(3) Scientific and technological services and functions, essential to emergency preparedness plans, programs, and operations of the Federal departments and agencies, in which the Department of Commerce has the capability, including, but not limited to:

(a) Meteorological and related services;

(b) Preparation, reproduction, and distribution of nautical and aeronautical charts, geodetic, hydrographic, and oceanographic data, and allied services for nonmilitary purposes;

(c) Standards of measurement and supporting services; and,

(d) Research, development, testing, evaluation, application, and associated services and activities in the various fields and disciplines of science and technology in which the Department has special competence.

(4) Collection, compilation, and reporting of census information and the provision of statistical and related services, as required, for emergency planning and operations.

(5) Regulation and control of exports and imports, under the jurisdiction of the Department of Commerce, in support of national security, foreign policy, and economic stabilization objectives.

(6) Regulation and control of transfers of capital to, and reinvestment of earnings of, affiliated foreign nationals pursuant to authority conferred by Executive Order No. 11387 of January 1, 1968.

SEC. 902 *Production Functions.* Within the areas designated in section 901(1) hereof, the Secretary of Commerce shall:

(1) *Priorities and allocations.* Develop control systems for priorities, allocation, production, and distribution, including provisions for other Federal departments and agencies, as appropriate, to serve as allotting agents for materials and other resources made available under such systems for designated programs and the construction and operation of facilities assigned to them.

(2) *New construction.* Develop procedures by which new production facility construction proposals will be reviewed for appropriate location in light of such area factors as locational security, availability of labor, water, power, housing, and other support requirements.

(3) *Industry evaluation.* Identify and evaluate the national security essentiality of those products and services, and their producing or supporting facilities, which are of exceptional importance to mobilization readiness, national defense, or post-attack survival and recovery.

(4) *Production capability.* Analyze potential effects of attack on actual production capability, taking into account the entire production complex, including shortages of resources, and conduct studies as a basis for recommending pre-attack measures that would strengthen capabilities for post-attack production.

(5) *Loans for plant modernization.* Develop plans, in coordination with the Small Business Administration, for providing emergency assistance to essential small business establishments through direct loans or participation loans for the financing of production facilities and equipment.

SEC. 903 *Maritime Functions.* Within the areas designated in section 901(2) of this part, the Secretary of Commerce shall develop plans and procedures in consonance with international treaties, under coordinating authority of the Secretary of Transportation and in cooperation with other appropriate Federal agencies and the States and their political subdivisions, to provide for Federal operational control of ocean ports and shipping, including:

(1) *Shipping allocation.* Allocation of specific ocean shipping to meet the national requirements, including those for military, foreign assistance, emergency procurement programs, and those essential to the civilian economy.

(2) *Ship acquisition.* Provision of ships for ocean shipping by purchase, charter, or requisition, by breakout from the national defense reserve fleet, and by construction.

(3) *Operations.* Operation of ocean shipping, directly or indirectly.

(4) *Traffic control.* Provisions for the control of passengers and cargo through port areas to assure an orderly and continuous flow of such traffic.

(5) *Traffic priority.* Administration of priorities for the movement of passengers and cargo through port areas.

(6) *Port allocation.* Allocation of specific ports and port facilities to meet the needs of the Nation and our allies.

(7) *Support activities.* Performance of supporting activities needed to carry out the above-described functions, such as: ascertaining national support requirements for ocean shipping, including those for support of military and other Federal programs and those essential to the civil economy; maintenance, repair, and arming of ships; recruiting, training, and assigning of officers and seamen; procurement, warehousing, and issuance of ships' stores, supplies, equipment, and spare parts; supervision of stevedoring and bunkering; management of terminals, shipyards, repair, and other facilities; and provision, maintenance, and restoration of port facilities.

SEC. 904 *Census Functions.* Within the area designated in section 901(4) hereof, the Secretary of Commerce shall:

(1) Provide for the collection and reporting of census information on the status of human and economic resources, including population, housing, agriculture, manufacture, mineral industries, business, transportation, foreign trade, construction, and governments, as required for emergency planning purposes.

(2) Plan, create, and maintain a capability for the conduct of post-attack surveys to provide information on the status of surviving populations and resources as required for the programs of the Office of Emergency Preparedness.

(3) Provide for and maintain the ability to make estimates of attack effects on industry, population, and other resources for use within the Department of Commerce.

SEC. 905 *Civil Defense Functions.* In consonance with national civil defense programs developed by the Department of Defense, the Secretary of Commerce shall:

(1) *Weather functions.* Prepare and issue currently, as well as in an emergency, forecasts and estimates of areas likely to be covered by radiological fallout in event of attack and make this information available to Federal, State, and local authorities for public dissemination.

(2) *Geodetic, hydrographic, and oceanographic data.* Provide geodetic, hydrographic, and oceanographic data and services to the Department of Defense and other governmental agencies, as appropriate.

PART 10—DEPARTMENT OF LABOR

SECTION 1001 *Résumé of Responsibilities.* The Secretary of Labor shall have primary responsibility for preparing national emergency plans and developing preparedness programs covering civilian manpower mobilization, more effective utilization of limited manpower resources, including specialized personnel, wage and salary stabilization, worker incentives and protection, manpower resources and requirements, skill development and training, research, labor-management relations, and critical occupations.

SEC. 1002 *Functions.* The Secretary of Labor shall:

(1) *Civilian manpower mobilization.* Develop plans and issue guidance designed to utilize to the maximum extent civilian manpower resources, such plans and guidance to be developed with the active participation and assistance of the States and local political subdivisions thereof, and of other organizations and agencies concerned with the mobilization of the people of the United States. Such plans shall include, but not necessarily be limited to:

(a) *Manpower management.* Recruitment, selection and referral, training, employment stabilization (including appeals procedures), proper utilization, and determination of the skill categories critical to meeting the labor requirements of defense and essential civilian activities;

(b) *Priorities.* Procedures for translating survival and production urgencies into manpower priorities to be used as guides for allocating available workers; and

(c) *Improving mobilization base.* Programs for more effective utilization of limited manpower resources, and, in cooperation with other appropriate agencies, programs for recruitment, training, allocation, and utilization of persons possessing specialized competence or aptitude in acquiring such competence.

(2) *Wage and salary stabilization.* Develop plans and procedures for wage and salary stabilization and for the national and field organization necessary for the administration of such a program in an emergency, in-

cluding investigation, compliance, and appeals procedures; statistical studies of wages, salaries, and prices for policy decisions and to assist operating stabilization agencies to carry out their functions.

(3) *Worker incentives and protection.* Develop plans and procedures for wage and salary compensation and death and disability compensation for authorized civil defense workers and, as appropriate, measures for unemployment payments, re-employment rights, and occupational safety, and other protection and incentives for the civilian labor force during an emergency.

(4) *Skill development and training.* Initiate current action programs to overcome or offset present or anticipated manpower deficiencies, including those identified as a result of resource and requirements studies.

(5) *Labor-management relations.* Develop after consultation with the Department of Commerce, the Department of Transportation, the Department of Defense, the National Labor Relations Board, the Federal Mediation and Conciliation Service, the National Mediation Board, and other appropriate agencies and groups, including representatives of labor and management, plans and procedures, including organization plans for the maintenance of effective labor-management relations during a national emergency.

PART 11—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SECTION 1101 *Résumé of Responsibilities.* In addition to the medical stockpile functions identified in Executive Order No. 10958, the Secretary of Health, Education, and Welfare shall prepare national emergency plans and develop preparedness programs covering health services, civilian health manpower, health resources, welfare services, social security benefits, credit union operations, and educational programs as defined below.

SEC. 1102 *Definitions.* As used in this part:

(1) "Emergency health services" means medical and dental care for the civilian population in all of their specialties and adjunct therapeutic fields, and the planning, provision, and operation of first aid stations, hospitals, and clinics; preventive health services, including detection, identification and control of communicable diseases, their vectors, and other public health hazards, inspection and control of purity and safety of food, drugs, and biologicals; vital statistics services; rehabilitation and related services for disabled survivors; preventive and curative care related to human exposure to radiological, chemical, and biological warfare agents; sanitary aspects of disposal of the dead; food and milk sanitation; community solid waste disposal; emergency public water supply; and the determination of the health significance of water pollution and the provision of other services pertaining to health aspects of water use and water-borne wastes as set forth in an agreement between the Secretary of Health, Education, and Welfare and the Secretary of the Interior, approved by the President, pursuant to Reorganization Plan No. 2 of 1966, which plan placed upon the Secretary of the Interior responsibilities for the prevention and control of water pollution. It shall be understood that health services for the purposes of this order, however, do not encompass the following areas for which the Department of Agriculture has responsibility: plant and animal diseases and pest prevention, control, and eradication, wholesomeness of meat and meat products, and poultry and poultry products in establishments under continuous inspection service by the Department of Agriculture, veterinary biologicals, agricultural commodities and products owned by the Commodity Credit Corporation or the Secretary of Agriculture, livestock, agricultural commodities stored or harvestable on farms and ranches, agricultural lands and water, and registration of pesticides.

(2) "Health manpower" means physicians (including osteopaths); dentists; sanitary engineers; registered professional nurses; and such other occupations as may be included in the List of Health Manpower Occupations issued for the purposes of this part by the Director of the Office of Emergency Preparedness after agreement by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(3) "Health resources" means manpower, material, and facilities required to prevent the impairment of, improve, and restore the physical and mental health conditions of the civilian population.

(4) "Emergency welfare services" means feeding; clothing; lodging in private and congregate facilities; registration; locating and reuniting families; care of unaccompanied children, the aged, the handicapped, and other groups needing specialized care or services; necessary financial or other assistance; counseling and referral services to families and individuals; aid to welfare institutions under national emergency or post-attack conditions; and all other feasible welfare aid and services to people in need during a civil defense emergency. Such measures include organization, direction, and provision of services to be instituted before attack, in the event of strategic or tactical evacuation, and after attack in the event of evacuation or of refuge in shelters.

(5) "Social security benefits" means the determination of entitlement and the payment of monthly insurance benefits to those eligible, such as workers who have retired because of age or disability and to their dependent wives and children, and to the eligible survivors of deceased workers. It also includes determinations of eligibility and payments made on behalf of eligible individuals to hospitals, home health agencies, extended care facilities, physicians, and other providers of medical services.

(6) "Credit union operations" means the functions of any credit union, chartered either by a State or the Federal Government, in stimulating systematic savings by members, the investment and protection of those savings, providing loans for credit union members at reasonable rates, and encouraging sound credit and thrift practices among credit union members.

(7) "Education" or "training" means the organized process of learning by study and instruction primarily through public and private systems.

SEC. 1103 *Health Functions.* With respect to emergency health services, as defined above, and in consonance with national civil defense plans, programs, and operation of the Department of Defense under Executive Order No. 10952, the Secretary of Health, Education, and Welfare shall:

(1) *Professional training.* Develop and direct a nationwide program to train health manpower both in professional and technical occupational content and in civil defense knowledge and skills. Develop and distribute health education material for inclusion in the curricula of schools, colleges, professional schools, government schools, and other educational facilities throughout the United States. Develop and distribute civil defense information relative to health services to States, voluntary agencies, and professional groups.

(2) *Emergency public water supply.* Prepare plans to assure the provision of usable water supplies for human consumption and other essential community uses in an emergency. This shall include inventorying existing community water supplies planning for other alternative sources of water for emergency uses, setting standards relating to human consumption, and planning community distribution. In carrying on these activities, the Department shall have primary responsibility but will make maximum use of the resources and competence of State and local authorities, the Department of the Interior, and other Federal agencies.

(3) *Radiation.* Develop and coordinate programs of radiation measurement and assessment as may be necessary to carry out the responsibilities involved in the provision of emergency health services.

(4) *Biological and chemical warfare.* Develop and coordinate programs for the prevention, detection, and identification of human exposure to chemical and biological warfare agents as may be necessary to carry out the responsibilities involved in the provision of emergency health services, including the provision of guidance and consultation to Federal, State, and local authorities on measures for minimizing the effects of biological or chemical warfare.

(5) *Food, drugs, and biologicals.* Plan and direct national programs for the maintenance of purity and safety in the manufacture and distribution of food, drugs, and biologicals in an emergency.

(6) *Disabled survivors.* Prepare national plans for emergency operations of vocational rehabilitation and related agencies, and for measures and resources necessary to rehabilitate and make available for employment those disabled persons among the surviving population.

SEC. 1104 *Welfare Functions.* With respect to emergency welfare services as defined above, and in consonance with national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952, the Secretary of Health, Education, and Welfare shall:

(1) *Federal support.* Cooperate in the development of Federal support procedures, through joint planning with other departments and agencies, including but not limited to the Post Office Department, the Department of Labor, and the Selective Service System, the Department of Housing and Urban Development, and resource agencies, including the Department of Agriculture, the Department of the Interior, and the Department of Commerce, for logistic support of State and community welfare in an emergency.

(2) *Emergency welfare training.* Develop and direct a nationwide program to train emergency welfare manpower for the execution of the functions set forth in this part, develop welfare educational materials, including self-help program materials for use with welfare organizations and professional schools, and develop and distribute civil defense information relative to emergency welfare services to States, voluntary agencies, and professional groups.

(3) *Financial aid.* Develop plans and procedures for financial assistance to individuals injured or in want as a result of an enemy attack and for welfare institutions in need of such assistance in an emergency.

(4) *Non-combatant evacuees to the Continental United States.* Develop plans and procedures for assistance, at ports of entry to U.S. personnel evacuated from overseas areas, their onward movement to final destination, and follow-up assistance after arrival at final destination.

SEC. 1105 *Social Security Functions.* With respect to social security, the Secretary of Health, Education, and Welfare shall:

(1) *Social Security benefits.* Develop plans for the continuation or restoration of benefit payments to those on the insurance rolls as soon as possible after a direct attack upon the United States, and prepare plans for the acceptance and disposition of current claims for social security benefits.

(2) *Health insurance.* Develop plans for the payment of health insurance claims for reimbursement for items or services provided by hospitals, physicians, and other providers of medical services submitted by or on behalf of individuals who are eligible under the Medicare program.

SEC. 1106 *Credit Union Functions.* With respect to credit union functions, the Secretary of Health, Education, and Welfare shall:

(1) *Credit union operations.* Provide instructions to all State and Federally chartered credit unions for the development of emergency plans to be put into effect as soon as possible after an attack upon the United States in order to guarantee continuity of credit union operations.

(2) *Economic stabilization.* Provide guidance to credit unions that will contribute to stabilization of the Nation's economy by helping to establish and maintain a sound economic base for combating inflation, maintaining confidence in public and private financial institutions, and promoting thrift.

SEC. 1107 *Education Functions.* With respect to education, the Secretary of Health, Education, and Welfare shall:

(1) *Program guidance.* Develop plans and issue guidance for the continued function of educational systems under all conditions of national emergency. Although extraordinary circumstances may require the temporary suspension of education, plans should provide for its earliest possible resumption.

(2) *Educational adjustment.* Plan to assist civilian educational institutions, both public and private, to adjust to demands laid upon them by a large expansion of government activities during any type of emergency. This includes advice and assistance to schools, colleges, universities, and other educational institutions whose facilities may be temporarily needed for Federal, State, or local government programs in an emergency or whose faculties and student bodies may be affected by the demands of a sudden or long-standing emergency.

(3) *Post-attack recovery.* Develop plans for the rapid restoration and resumption of education at all levels after an attack. This includes assistance to educators and educational institutions to locate and use surviving facilities, equipment, supplies, books, and educational personnel. Particular emphasis shall be given to the role of educational institutions and educational leadership in reviving education and training in skills needed for post-attack recovery.

(4) *Civil defense education.* In consonance with national civil defense plans, programs, and operations of the Department of Defense, develop and issue instructional materials to assist schools, colleges, and other educational institutions to incorporate emergency protective measures and civil defense concepts into their programs. This includes assistance to various levels of education to develop an understanding of the role of the individual, family, and community for civil defense in the nuclear age.

PART 12—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 1201 *Résumé of Responsibilities.* The Secretary of Housing and Urban Development shall prepare national emergency plans and develop preparedness programs covering all aspects of housing, community facilities related to housing, and urban development (except that housing assets under the jurisdiction and control of the Department of Defense, other than those leased for terms not in excess of one year, shall be and remain the responsibility of the Department of Defense).

SEC. 1202. *Definition.* As used in this part:

(1) "Emergency housing" means any and all types of accommodations used as dwellings in an emergency.

(2) "Community facilities related to housing" means installations necessary to furnish water, sewer, electric, and gas services between the housing unit or project and the nearest practical source or servicing point.

(3) "Urban development" means the building or restoration of urban community, suburban, and metropolitan areas (except transportation facilities).

SEC. 1203. *Housing and Community Facilities Functions.* The Secretary of Housing and Urban Development shall:

(1) *New housing.* Develop plans for the emergency construction and management of new housing and the community facilities related thereto to the extent that it is determined that it may be necessary to provide for such construction and management with public funds and through direct Federal action, and to the extent that such construction of new housing may have to be provided through Federal financial or credit assistance.

(2) *Community facilities.* Develop plans to restore community facilities related to housing affected by an emergency through the repair of damage, the construction of new facilities, and the use of alternate or back-up facilities.

SEC. 1204 *Urban Development Functions.* The Secretary of Housing and Urban Development shall:

(1) *Regional cooperation.* Encourage regional emergency planning and cooperation among State and local governments with respect to problems of housing and metropolitan development.

(2) *Vulnerability and redevelopment.* In cooperation with the Office of Emergency Preparedness, develop criteria and provide guidance for the design and location of housing and community facilities related to housing to minimize the risk of loss under various emergency situations. Develop criteria for determining which areas should be redeveloped in the event of loss or severe damage resulting from emergencies.

SEC. 1205 *Civil Defense Functions.* In consonance with national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952, the Secretary of Housing and Urban Development shall:

(1) *Transitional activities.* Develop plans for the orderly transfer of people from fallout shelters and from billets to temporary or permanent housing, including advice and guidance for State and local government agencies in the administration thereof. These plans shall be coordinated with national plans and guidance for emergency welfare services of the Department of Health, Education, and Welfare.

(2) *Temporary housing.* Develop plans for the emergency repair and restoration for use of damaged housing, for the construction and management of emergency housing units and the community facilities related thereto, for the emergency use of tents and trailers, and for the emergency conversion for dwelling use of non-residential structures, such activities to be financed with public funds through direct Federal action or through financial or credit assistance.

(3) *Shelter.* In conformity with national shelter policy, assist in the development of plans to encourage the construction of shelters for both old and new housing, and develop administrative procedures to encourage the use of low-cost design and construction techniques to maximize protection in connection with national programs.

PART 13—DEPARTMENT OF TRANSPORTATION

SECTION 1301 *Résumé of Responsibilities.* The Secretary of Transportation, in carrying out his responsibilities to exercise leadership in transportation matters affecting the national defense and those involving national or regional transportation emergencies, shall prepare emergency plans and develop preparedness programs covering:

(1) Preparation and promulgation of overall national policies, plans, and procedures related to providing civil transportation of all forms—air, ground, water, and pipelines, including public storage and warehousing (except storage of petroleum and gas and agricultural food resources including cold storage): *Provided* that plans for the movement of petroleum and natural gas through pipelines shall be the responsibility of the Secretary of the Interior except to the extent that such plans are a part of functions vested in the Secretary of Transportation by law;

(2) Movement of passengers and materials of all types by all forms of civil transportation;

(3) Determination of the proper apportionment and allocation for control of the total civil transportation capacity, or any portion thereof, to meet over-all essential civil and military needs;

(4) Determination and identification of the transportation resources available and required to meet all degrees of national emergencies and regional transportation emergencies;

(5) Assistance to the various States, the local political subdivisions thereof, and nongovernmental organizations and systems engaged in transportation activities in the preparation of emergency plans;

(6) Rehabilitation and recovery of the Naton's transportation systems; and

(7) Provisions for port security and safety, for aids to maritime navigation, and for search and rescue and law enforcement over, upon, and under the navigable waters of the United States and the high seas.

SEC. 1302. *Transportation Planning and Coordination Functions.*

In carrying out the provisions of Section 1301, the Secretary of Transportation, with assistance and support of other Federal, State and local governmental agencies, and the transport industries, as appropriate, shall:

(1) Obtain, assemble, analyze, and evaluate data on current and projected emergency requirements of all claimants for all forms of civil transportation to meet the needs of the military and of the civil economy, and on current and projected civil transportation resources—of all forms—available to the United States to move passengers or materials in an emergency.

(2) Develop plans and procedures to provide—under emergency conditions—for the collection and analysis of passenger and cargo movement demands as they relate to the capabilities of the various forms of transport, including the periodic assessment of over-all transport resources available to meet emergency requirements.

(3) Conduct a continuing analysis of transportation requirements and capabilities in relation to economic projections for the purpose of initiating actions and/or recommending incentive and/or regulatory programs designed to stimulate government and industry improvement of the structure of the transportation system for use in an emergency.

(4) Develop systems for the control of the movement of passengers and cargo by all forms of transportation, except for those resources owned by, controlled by, or under the jurisdiction of the Department of Defense, including allocation of resources and assignment of priorities, and develop policies, standards, and procedures for emergency enforcement of these controls.

SEC. 1303. *Departmental Emergency Transportation Preparedness.* Except for those resources owned by, controlled by, or under the jurisdiction of the Department of Defense, the Secretary of Transportation shall prepare emergency operational plans and programs for, and develop a capability to carry out, the transportation operating responsibilities assigned to the Department, including but not limited to:

(1) Allocating air carrier civil air transportation capacity and equipment to meet civil and military requirements.

(2) Emergency management, including construction, reconstruction, and maintenance of the Nation's civil airports, civil aviation operating facilities, civil aviation services, and civil aircraft (other than air carrier aircraft), except manufacturing facilities.

(3) Emergency management, of all Federal, State, city, local, and other highways, roads, streets, bridges, tunnels, and appurtenant structures, including:

(a) The adaptation, development, construction, reconstruction, and maintenance of the Nation's highway and street systems to meet emergency requirements;

(b) The protection of the traveling public by assisting State and local authorities in informing them of the dangers of travel through hazardous areas; and

(c) The regulation of highway traffic in an emergency through a national program in cooperation with all Federal, State, and local governmental units or other agencies concerned.

(4) Emergency plans for urban mass transportation, including:

(a) Providing guidance to urban communities in their emergency mass transportation planning efforts, either directly or through State, regional, or metropolitan agencies;

(b) Coordinating all such emergency planning with the Department of Housing and Urban Development to assure compatibility with emergency plans for all other aspects of urban development;

(c) Maintaining an inventory of urban mass transportation systems.

(5) Maritime safety and law enforcement over, upon, and under the high seas and waters, subject to the jurisdiction of the United States, in the following specific programs:

(a) Safeguarding vessels, harbors, ports, and waterfront facilities from destruction, loss or injury, accidents, or other causes of a similar nature.

(b) Safe passage over, upon, and under the high seas and United States waters through effective and reliable systems of aids to navigation and ocean stations.

(c) Waterborne access to ice-bound locations in furtherance of national economic, scientific, defense, and consumer needs.

(d) Protection of lives, property, natural resources, and national interests through enforcement of Federal law and timely assistance.

(e) Safety of life and property through regulation of commercial vessels, their officers and crew, and administration of maritime safety law.

(f) Knowledge of the sea, its boundaries, and its resources through collection and analysis of data in support of the national interest.

(g) Operational readiness for essential wartime functions.

(6) Planning for the emergency management and operation of the Alaska Railroad, and for the continuity of railroad and petroleum pipeline safety programs.

(7) Planning for the emergency operation and maintenance of the United States-controlled sections of the Saint Lawrence Seaway.

PART 14—ATOMIC ENERGY COMMISSION

SECTION 1401. *Functions.* The Atomic Energy Commission shall prepare national emergency plans and develop preparedness programs for the continuing conduct of atomic energy activities of the Federal Government. These plans and programs shall be designed to develop a state of readiness in these areas with respect to all conditions of national emergency, including attack upon the United States and, consistent with applicable provisions of the Atomic Energy Act of 1954, as amended, shall be closely coordinated with the Department of Defense and the Office of Emergency Preparedness. The Atomic Energy Commission shall:

(1) *Production.* Continue or resume in an emergency essential (a) manufacture, development, and control of nuclear weapons and equipment, except to the extent that the control over such weapons and equipment shall have been transferred to the Department of Defense; (b) development and technology related to reactors; (c) process development and production of feed material, special nuclear materials, and other special products; (d) related raw materials procurement, processing, and development; and (e) repair, maintenance, and construction related to the above.

(2) *Regulation.* Continue or resume in an emergency (a) controlling the possession, use, transfer, import, and export of atomic materials and facilities; and (b) ordering the operation or suspension of licensed facilities, and recapturing from licensees, where necessary, special nuclear materials whether related to military support or civilian activities.

(3) *Public health and safety.* Shut down, where required, in anticipation of an imminent enemy attack on the United States, and maintain under surveillance, all Commission-owned facilities which could otherwise constitute a significant hazard to public health and safety, and insure the development of appropriate emergency plans for nuclear reactors and other nuclear activities licensed by the Commission whether privately-owned or Government-owned.

(4) *Scientific, technical, and public atomic energy information.* Organize, reproduce, and disseminate appropriate public atomic energy information and scientific and technical reports and data relating to nuclear science research, development, engineering, applications, and effects to interested Government agencies, the scientific and technical communities, and approved, friendly, and cooperating foreign nations.

(5) *International atomic energy affairs.* Maintain, in consultation with the Department of State, essential liaison with foreign nations with respect to activities of mutual interest involving atomic energy.

(6) *Health services.* Assist the Department of Health, Education, and Welfare, consistent with the above requirements, in integrating into civilian health programs in an emergency the Commission's remaining health manpower and facilities not required for the performance of the Commission's essential emergency functions.

(7) *Priorities and allocations.* Plan for the administration of any priorities and allocations authority delegated to the Atomic Energy Commission. Authorize procurement and production schedules and make allotments of controlled materials pursuant to program determinations of the Office of Emergency Preparedness.

PART 15—CIVIL AERONAUTICS BOARD

SECTION 1501 *Definitions.* As used in this part:

(1) "War Air Service Program" (hereinafter referred to as WASP) means the program designed to provide for the maintenance of essential civil air routes and services, and to provide for the distribution and redistribution of air carrier aircraft among civil air transport carriers after withdrawal of aircaft allocated to the Civil Reseve Air Fleet.

(2) "Civil Reserve Air Fleet" (hereinafter referred to as CRAF) means those air carrier aircraft allocated by the Secretary of Transportation to the Department of Defense to meet essential military needs in the event of an emergency.

SEC. 1502 *Functions.* The Civil Aeronautics Board, under the coordinating authority of the Secretary of Transportation, shall:

(1) *Distribution of aircraft.* Develop plans and be prepared to carry out such distribution and redistribution of all air carrier civil aircraft allocated by the Secretary of Transportation among the civil air transport carriers as may be necessary to assure the maintenance of essential civil routes and services under WASP operations after the CRAF requirements have been met.

(2) *Economic regulations.* Develop plans covering route authorizations and operations, tariffs, rates, and fares charged the public, mail rates, government compensation and subsidy, and accounting and contracting procedures essential to WASP operations.

(3) *Operational controls and priorities.* Developed plans and procedures for the administration of operational controls and priorities of passenger and cargo movements in connection with the utilization of air carrier aircraft for WASP purposes in an emergency.

(4) *Investigation.* Maintain the capability to investigate violations of emergency economic regulations affecting air carrier operations.

(5) *Contracting.* Prepare to perform as a contracting agency, if such an agency is necessary, in connection with distribution and redistribution of aircraft for WASP.

PART 16—EXPORT-IMPORT BANK OF THE UNITED STATES

SECTION 1601 *Functions.* (a) Under guidance of the Secretary of the Treasury, the Export-Import Bank shall develop plans for the utilization of the resources of the Bank, or other resources made available to the Bank, in expansion of productive capacity abroad for essential materials, foreign barter arrangements, acquisition of emergency imports, and in support of the domestic economy, or any other plans designed to strengthen the relative position of the Nation and its allies.

(b) In carrying out the guidance functions described above, the Secretary of the Treasury shall consult with the Secretary of State and the Secretary of Comemrce as appropriate.

PART 17—FEDERAL BANK SUPERVISORY AGENCIES

SECTION 1701 *Financial Plans and Programs.* The Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Farm Credit Administration, and the Federal Deposit Insurance Corporation shall participate with the Office of Emergency Preparedness, the Department of the Treasury, and other agencies in the formulation of emergency financial and stabilization policies. The heads of such agencies shall, as appropriate, develop emergency plans, programs, and regulations, in consonance with national emergency financial and stabilization plans and policies, to cope with potential economic effects of mobilization or an attack, including, but not limited to, the following:

(1) *Money and credit.* Provision and regulation of money and credit in acocrdance with the needs of the economy, including the acquisition, decentralization, and distribution of emergency supplies of currency; the collection of cash items and non-cash items; and the conduct of fiscal agency and foreign operations.

(2) *Financial institutions.* Provision for the continued or resumed operation of banking, savings and loan, and farm credit institutions, including measures for the recreation of evidence of assets or liabilities destroyed or inaccessible.

(3) *Liquidity.* Provision of liquidity necessary to the continued or resumed operation of banking, savings and loan, credit unions, and farm credit institutions, including those damaged or destroyed by enemy action.

(4) *Cash withdrawals and credit transfers.* Regulation of the withdrawal of currency and the transfer of credits including deposit and share account balances.

(5) *Insurance.* Provision for the assumption and discharge of liability pertaining to insured deposits and insured savings accounts or withdrawable shares in banking and savings and loan institutions destroyed or made insolvent.

SEC. 1702 *Sharing of war losses.* Heads of agencies shall, as appropriate, participate with the Office of Emergency Preparedness and the Department of the Treasury in the development of policies, plans, and procedures for implementation of national policy on sharing war losses.

PART 18—FEDERAL COMMUNICATIONS COMMISSION

SECTION 1801 *Definitions.* As used in this part:

(1) "Common carrier" means any person subject to Commission regulation engaged in providing, for use by the public, for hire, interstate or foreign communications facilities or services by wire or radio; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

(2) "Broadcast facilities" means those stations licensed by the Commission for the dissemination of radio communications intended to be received by the public directly or by the intermediary of relay stations.

(3) "Safety and special radio services" includes those non-broadcast and non-common carrier services which are licensed by the Commission under the generic designation "safety and special radio services" pursuant to the Commission's Rules and Regulations.

SEC. 1802 *Functions.* The Federal Communications Commission shall develop policies, plans, and procedures, in consonance with national telecommunications plans and policies developed pursuant to Executive Order No. 10705, Executive Order No. 10995, Executive Order No. 11051, the Presidential Memorandum of August 21, 1963, "Establishment of the National Communications System", and other appropriate authority, covering:

(1) *Common carrier service.* (a) Extension, discontinuance, or reduction of common carrier facilities or services, and issuance of appropriate authorizations for such facilities, services, and personnel in an emergency; and control of all rates, charges, practices, classifications, and regulations for service to Government and non-Government users during an emergency, in consonance with overall national economic stabilization policies.

(b) Development and administration of priority systems for public correspondence and for the use and resumption of leased inter-city private line service in an emergency.

(c) Use of common carrier facilities and services to overseas points to meet vital needs in an emergency.

(2) *Broadcasting service.* Construction, activation, or deactivation of broadcasting facilities and services, the continuation or suspension of broadcasting services and facilities, and issuance of appropriate authorizations for such facilities, services, and personnel in an emergency.

(3) *Safety and special radio service.* Authorization, operation, and use of safety and special radio services, facilities, and personnel in the national interest in an emergency

(4) *Radio frequency assignment.* Assignment of radio frequencies to, and their use by, Commission licensees in an emergency.

(5) *Electromagnetic radiation.* Closing of any radio station or any device capable of emitting electromagnetic radiation or suspension or amending any rules or regulations applicable thereto, in any emergency, except for those belonging to, or operated by, any department or agency of the United States Government.

(6) *Investigation and enforcement.* Investigation of violations of pertinent law and regulations in an emergency, and development of procedures designated to initiate, recommend, or otherwise bring about appropriate enforcement actions required in the interest of national security.

PART 19—FEDERAL POWER COMMISSION

SECTION 1901 *Functions.* The Federal Power Commission shall assist the Department of the Interior, in conformity with Part 7, in the preparation of national emergency plans and the development of preparedness programs for electric power and natural gas in the areas as set forth in the Memorandum of Agreement dated August 9, 1962, between the Secretary of the Interior and the Chairman of the Federal Power Commission.

PART 20—GENERAL SERVICES ADMINISTRATION

SECTION 2001 *Résumé of Responsibilities.* The Administrator of General Services shall prepare national emergency plans and develop preparedness programs designed to permit modification or expansion of the activities of the General Services Administration under the Federal Property and Administrative Services Act of 1949, as amended and other statutes prescribing the duties and responsibilities of the Administrator. These plans and programs shall include, but not be limited to: (1) operation, maintenance, and protection of Federal buildings and their sites; construction, alteration, and repair of public buildings; and acquisition, utilization, and disposal of real and personal properties; (2) public utilities service management for Federal agencies; (3) telecommunications to meet the essential requirements of civilian activities of executive departments and agencies; (4) transportation management to meet the traffic service requirements of civilian activities of Federal agencies; (5) records management; (6) Emergency Federal Register; (7) Government-wide supply support; (8) service to survival items stockpiles; (9) national industrial reserve; (10) guidance and consultation to Government agencies regarding facilities protection measures; (11) administration of assigned functions under the Defense Production Act; and (12) administration and operation of the stockpile of strategic and critical materials in accordance with policies and guidance furnished by the Office of Emergency Preparedness.

SEC. 2002 *Functions.* The Administrator of General Services shall:

(1) *Public buildings.* Develop emergency plans and procedures for the operation, maintenance, and protection of both existing and new Federally-owned and Federally-occupied buildings, and construction, alteration, and repair of public buildings. Develop emergency operating procedures for the control, acquisition, assignment, and priority of occupancy of real property by the Federal Government and by State and local governments to the extent they may be performing functions as agents of the Federal Government.

(2) *Public utility service management.* Develop emergency operational plans and procedures for the claimancy, procurement, and use of public utility services for emergency activities of executive agencies of the Government.

(3) *Communications.* Plan for and provide, operate, and maintain appropriate telecommunications facilities designed to meet the essential requirements of Federal civilian departments and agencies during an emergency within the framework of the National Communications System. Plans and programs of the Administrator shall be in consonance with national telecommunications policies, plans and programs developed pursuant to Executive Order No. 10705, Executive Order No. 10995, Executive Order No. 11051, and the Presidential Memorandum of August 21, 1963, "Establishment of the National Communications System," or other appropriate authority.

(4) *Transportation.* Develop plans and procedures for providing: (a) general transportation and traffic management services to civilian activities of Federal agencies in connection with movement of property and supplies, including the claimancy, contracting, routing, and accounting of Government shipments by commercial transportation in time of emergency; and (b) motor vehicle service to meet the administrative needs of Federal agencies, including dispatch and scheduled Government motor service at and between headquarters, field offices, relocation sites, and other installations of the Federal and State governments.

(5) *Records.* Provide instructions and advice on appraisal, selection, preservation, arrangement, reference, reproduction, storage, and salvage of essential records needed for the operation of the Federal Government after attack, on an emergency basis, including a decentralized system.

(6) *Federal Register.* Develop emergency procedures for providing and making available, on a decentralized basis, a Federal Register of Presidential Proclamations and Executive Orders, Federal administrative regulations, Federal emergency notices and actions, and Acts of Congress during a national emergency.

(7) *Government-wide procurement and supply.* Prepare plans and procedures for the coordination and/or operation of Government-wide supply programs to meet the requirements of Federal agencies under emergency conditions, including the development of policies, methods, and procedures for emergency procurement and for emergency requisitioning of private property when authorized by law and competent authority; identification of essential civil agency supply items under the Federal catalog system; development of emergency Federal specifications and standards; determination of sources of supply; procurement of personal property and non-personal services; furnishing appropriate inspection and contract administration services; and establishment, coordination, and/or operation of emergency storage and distribution facilities.

(8) *Survival item stockpiles.* Assist the Department of Health, Education, and Welfare, insofar as civil defense medical stockpile items under its jurisdiction are concerned, and the Department of Defense, insofar as survival items under its jurisdiction are concerned, in formulating plans and programs for service activity support relating to stockpiling of such supplies and equipment. The Administrator shall arrange for the procurement, storage, maintenance, inspection, survey, withdrawal, and disposal of supplies and equipment in accordance with the provisions of interagency agreements with the departments concerned.

(9) *National industrial reserve and machine tool program.* Develop plans for the custody of the industrial plants and production equipment in the national industrial reserve and assist the Department of Defense, in collaboration with the Department of Commerce, in the development of plans and procedures for the disposition, emergency reactivation, and utilization of the plants and equipment of this reserve in the custody of the Administrator.

(10) *Excess and surplus real and personal property.* Develop plans and emergency operating procedures for the utilization of excess and surplus real and personal property by Federal Government agencies with emergency assignments or by State and local governmental units as directed, including review of the property holdings of Federal agencies which do not possess emergency functions to determine the availability of property for emergency use, and including the disposal of real and personal property and the rehabilitation of personal property.

(11) *Facilities protection and building and shelter manager service.* In accordance with the guidance from the Department of Defense, promote, with respect to Federal buildings and installations, a Government-wide program (a) to stimulate protection, preparedness, and control in emergencies in order to minimize the effects of overt or covert attack, including disposal of facilities; and (b) to establish shelter manager organizations, including safety and service personnel, shelter manager service, first aid, police, and evacuation service.

SEC. 2003 *Defense Production.* The Administrator of General Services shall assist the Office of Emergency Preparedness in the formulation of plans and programs relating to the certification of procurement programs, subsidy payments, and plant improvement programs provided by the Defense Production Act of 1950, as amended.

SEC. 2004 *Strategic and Critical Material Stockpiles.* The Administrator of General Services shall assist the Office of Emergency Preparedness in formulating plans, programs, and reports relating to the stockpiling of strategic and critical materials. Within these plans and programs, the Administrator shall provide for the procurement (for this purpose, procurement includes upgrading, rotation, and beneficiation), storage, security, maintenance, inspection, withdrawal, and disposal of materials, supplies, and equipment.

PART 21—INTERSTATE COMMERCE COMMISSION

SEC. 2101. *Résumé of Responsibilities.* The Chairman of the Interstate Commerce Commission, under the coordinating authority of the Secretary of Transportation, shall prepare national emergency plans and develop preparedness programs covering railroad utilization, reduction of vulnerability, maintenance, restoration, and operation in an emergency (other than for the Alaska Railroad—see Section 1303(6)); motor carrier utilization, reduction of vulnerability, and operation in an emergency; inland waterway utilization of equipment and shipping, reduction of vulnerability, and operation in an emergency; and also provide guidance and consultation to domestic surface transportation and storage industries, as defined below, regarding emergency preparedness measures, and to States regarding development of their transportation plans in assigned areas.

SEC. 2102 *Definitions.* As used in this part:

(1) "Domestic surface transportation and storage" means rail, motor, and inland water transportation facilities and services and public storage;

(2) "Public storage" includes warehouses and other places which are used for the storage of property belonging to persons other than the persons having the ownership or control of such premises;

(3) "Inland water transportation" includes shipping on all inland waterways and Great Lakes shipping engaged solely in the transportation of passengers or cargo between United States ports on the Great Lakes;

(4) Specifically excluded, for the purposes of this part, are pipelines, petroleum and gas storage, agricultural food resources storage, including the cold storage of food resources, the St. Lawrence Seaway, ocean ports and Great Lakes ports and port facilities, highways, streets, roads, bridges, and related appurtenances, maintenance of inland waterways, and any transportation owned by or pre-allocated to the military.

SEC. 2103 *Transportation Functions.* The Interstate Commerce Commission shall:

(1) *Operational control.* Develop plans with appropriate private transportation and storage organizations and associations for the coordination and direction of the use of domestic surface transportation and storage facilities for movement of passenger and freight traffic.

(2) *Emergency operations.* Develop and maintain necessary orders and regulations for the operation of domestic surface transport and storage industries in an emergency.

PART 22—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SECTION 2201 *Functions.* The Administrator of the National Aeronautics and Space Administration shall:

(1) *Research and development.* Adapt and utilize the scientific and technological capability of the National Aeronautics and Space Administration, consistent with overall requirements, to meet priority needs of the programs of the Federal Government in an emergency. This will include the direction and conduct of essential research and development activities relating to (a) aircraft, spacecraft, and launch vehicles, (b) associated instrumentation, guidance, control and payload, propulsion, and communications systems, (c) scientific phenomena affecting both manned and unmanned space flights, (d) the life sciences (biology, medicine, and psychology) as they apply to aeronautics and space, and (e) atmospheric and geophysical sciences.

(2) *Military support.* Provide direct assistance as requested by the Department of Defense and other agencies in support of the military effort. This may include (a) undertaking urgent projects to develop superior aircraft, spacecraft, launch vehicles, and weapons systems, (b) developing methods to counter novel or revolutionary enemy weapons systems, (c) providing technical advice and assistance on matters involving air and space activities, and (d) furnishing personnel and facilities to assist in emergency repairs of equipment deficiencies and for other essential purposes.

PART 23—NATIONAL SCIENCE FOUNDATION

SECTION 2301 *Functions.* The Director of the National Science Foundation shall:

(1) *Manpower functions.* Assist the Department of Labor in sustaining readiness for the mobilization of civilian manpower by: (a) maintaining the Foundation's register of scientific and technical personnel in such form and at such locations as will assure maximum usefulness in an emergency; (b) being prepared for rapid expansion of the Foundation's current operation as a central clearing house for information covering all scientific and technical personnel in the United States and its possessions; and (c) developing, in consultation with the Department of Labor, the Selective Service System, the Department of Defense, and the Office of Science and Technology, plans and procedures to assure the most effective distribution and utilization of the Nation's scientific and engineering manpower in an emergency.

(2) *Special functions.* (a) Provide leadership in developing, with the assistance of Federal and State agencies and appropriate nongovernmental organizations, the ability to mobilize scientists, in consonance with over-all civilian manpower mobilization programs, to perform or assist in performance of special tasks, including the identification of and defense against unconventional warfare; (b) advance the national radiological defense capability by including, in consultation with appropriate agencies, pertinent scientific information and radiological defense techniques in the Foundation's scientific institute program for science, mathematics, and engineering teachers; (c) assemble data on the location and character of major scientific research facilities, including non-governmental as well as government facilities, and their normal inventories of types of equipment and instruments which would be useful in identification and analysis of hazards to human life in the aftermath of enemy attack; and (d) prepare to carry on necessary programs for basic research and for training of scientific manpower.

PART 24—RAILROAD RETIREMENT BOARD

SECTION 2401 *Functions.* The Railroad Retirement Board shall:

(1) *Manpower functions.* Within the frame work of the over-all manpower plans and programs of the Department of Labor, assist in the mobilization of civilian manpower in an emergency by developing plans for the recruitment and referral of that segment of the Nation's manpower resources subject to the Railroad Retirement and Railroad Unemployment Insurance Acts.

(2) *Benefit payments.* Develop plans for administering, under emergency conditions, the essential aspects of the Railroad Retirement Act and Railroad Unemployment Insurance Act consistent with overall Federal plans for the continuation of benefit payment after an enemy attack.

PART 25—SECURITIES AND EXCHANGE COMMISSION

SECTION 2501 *Functions.* The Securities and Exchange Commission shall collaborate with the Secretary of the Treasury in the development of emergency financial control plans, programs, procedures, and regulations for:

(1) *Stock trading.* Temporary closure of security exchanges, suspension of redemption rights, and freezing of stock and bond prices, if required in the interest of maintaing economic controls.

(2) *Modified trading.* Development of plans designed to reestablish and maintain a stable and orderly market for securities when the situation permits under emergency conditions.

(3) *Protection of securities.* Provision of a national records system which will make it possible to establish current ownership of securities in the event major trading centers and depositories are destroyed.

(4) *Flow of capital.* The control of the formation and flow of private capital as it relates to new securities offerings or expansion of prior offerings for the purpose of establishing or reestablishing industries in relation to the Nation's needs in or following a national emergency.

(5) *Flight of capital.* The prevention of the flight of capital outside this country, in coordination with the Secretary of Commerce, and the impounding of securities in the hands of enemy aliens.

PART 26—SMALL BUSINESS ADMINISTRATION

SECTION 2601 *Functions.* The Administrator of the Small Business Administration shall:

(1) *Prime contract authority.* Develop plans to administer a program for the acquisition of prime contracts by the Administration and, in turn, for negotiating or otherwise letting of subcontracts to capable small business concerns in an emergency.

(2) *Resource information.* Provide data on facilities, inventories, and potential production capacity of small business concerns to all interested agencies.

(3) *Procurement.* Develop plans to determine jointly with Federal procurement agencies, as appropriate, which defense contracts are to go to small business concerns and to certify to the productive and financial ability of small concerns to perform specific contracts, as required.

(4) *Loans for plant modernization.* Develop plans for providing emergency assistance to essential individual industrial establishments through direct loans or participation loans for the financing of production facilities and equipment.

(5) *Resource pools.* Develop plans for encouraging and approving small business defense production and research and development pools.

(6) *Financial assistance.* Develop plans to make loans, directly or in participation with private lending institutions, to small business concerns and to groups or pools of such concerns, to small business investment companies, and to State and local development companies to provide them with funds for lending to small business concerns, for defense and essential civilian purposes.

PART 27—TENNESSEE VALLEY AUTHORITY

SECTION 2701 *Functions.* The Board of Directors of the Tennessee Valley Authority shall:

(1) *Electric power.* Assist the Department of the Interior in the development of plans for the integration of the Tennessee Valley

Authority power system into national emergency programs and prepare plans for the emergency management, operation, and maintenance of the system and for its essential expansion.

(2) *Waterways.* Assist the Interstate Commerce Commission, under the coordinating authority of the Secretary of Transportation, in the development of plans for integration and control of inland waterway transportation systems and, in cooperation with the Department of Defense and the Department of the Interior, prepare plans for the management, operation, and maintenance of the river control system in the Tennessee River and certain of its tributaries for navigation during an emergency.

(3) *Flood control.* Develop plans and maintain its river control operations for the prevention or control of floods caused by natural phenomena or overt and covert attack affecting the Tennessee River System and, in so doing, collaborate with the Department of Defense with respect to the control of water in the lower Ohio and Mississippi Rivers.

(4) *Emergency health services and sanitary water supplies.* Assist the Department of Health, Education, and Welfare in the development of plans and programs covering emergency health services, civilian health manpower, and health resources in the Tennessee Valley Authority area and, in collaboration with the Department of the Interior and the Department of Health, Education, and Welfare, prepare plans for the management, operation, and maintenance of the Tennessee River System consistent with the needs for sanitary public water supplies, waste disposal, and vector control.

(5) *Coordination of water use.* Develop plans for determining or proposing priorities for the use of water by the Tennessee Valley Authority in the event of conflicting claims arising from the functions listed above.

(6) *Fertilizer.* Assist the Department of Agriculture in the development of plans for the distribution and claimancy of fertilizer; assist the Department of Commerce and the Department of Defense in the development of Tennessee Valley Authority production quotas and any essential expansion of production facilities, and prepare plans for the management, operation, and maintenance of its facilities for the manufacture of nitrogen and phosphorous fertilizers.

(7) *Munitions production.* Perform chemical research in munitions as requested by the Department of Defense, maintain standby munitions production facilities, and develop plans for converting and utilizing fertilizer facilities as required in support of the Department of Defense's munitions program.

(8) *Land management.* Develop plans for the maintenance, management, and utilization of Tennessee Valley Authority-controlled lands in the interest of an emergency economy.

(9) *Food and forestry.* Assist the Department of Agriculture in the development of plans for the harvesting and processing of fish and game, and the Department of Commerce in the development of plans for the production and processing of forest products.

(10) *Coordination with Valley States.* Prepare plans and agreements wth Tennessee Valley States, consistent with Federal programs, for appropriate integration of Tennessee Valley Authority and State plans for the use of available Tennessee Valley Authority resources.

PART 28—UNITED STATES CIVIL SERVICE COMMISSION

SECTION 2801 *Functions.* The United States Civil Service Commission shall:

(1) *Personnel system.* Prepare plans for adjusting the Federal civilian personnel system to simplify administration and to meet emergency demands.

(2) *Utilization.* Develop policies and implementing procedures designed to assist Federal agencies in achieving the most effective utilization of the Federal Government's civilian manpower in an emergency.

(3) *Manpower policies.* As the representative of the Federal Government as an employer, participate, as appropriate, in the formulation of national and regional manpower policies as they affect Federal civilian personnel and establish implementing policies as necessary.

(4) *Manpower administration.* Prepare plans, in consonance with national manpower policies and programs, for the administration of emergency civilian manpower and employment policies within the executive branch of the Government, including the issuance and enforcement of regulations to implement such policies.

(5) *Wage and salary stabilization.* Participate, as appropriate, with the Office of Emergency Preparedness and the Department of Labor in the formulation of national and regional wage and salary stabilization policies as they affect Federal civilian personnel. Within the framework of such policies, prepare plans for the implementation of such policies and controls established for employees within the executive branch of the Government, including the issuance and enforcement of necessary regulations.

(6) *Assistance.* Develop plans for rendering personnel management and staffing assistance to new and expanding Federal agencies.

(7) *Recruiting.* Develop plans for the coordination and control of civilian recruiting policies and practices by all Federal agencies in order to increase the effectiveness of the total recruitment efforts during an emergency and to prevent undesirable recruitment practices.

(8) *Reassignment.* Develop plans to facilitate the reassignment or transfer of Federal civilian employees, including the movement of employees from one agency or location to another agency or location, in order to meet the most urgent needs of the executive branch during an emergency.

(9) *Registration.* Develop plans and procedures for a nationwide system of post-attack registration of Federal employees to provide a means for locating and returning to duty those employees who become physically separated from their agencies after an enemy attack, and to provide for the maximum utilization of the skills of surviving employees.

(10) *Deferment.* Develop plans and procedures for a system to control Government requests for the selective service deferment of employees in the executive branch of the Federal Governme t and in the municipal government of the District of Columbia.

(11) *Investigation.* Prepare plans, in coordination with agencies having responsibilities in the personnel security field, for the conduct of national agency checks and inquiries, limited suitability investigations, and full field investigations under emergency conditions.

(12) *Salaries, wages, and benefits.* Develop plans for operating under emergency conditions the essential aspects of salary and wage systems and such benefit systems as the Federal Employees Retirement System, the Federal Employees Group Life Insurance Program, the Federal Employees and Retired Federal Employees Health Benefits Programs, and the Federal Employees Compensation Program.

(13) *Federal manpower mobilization.* Assist Federal agencies in establishing manpower plans to meet their own emergency manpower requirements; identify major or special manpower problems of individual Federal agencies and the Federal Government as a whole in mobilizing a civilian work force to meet essential emergency requirements; identify sources of emergency manpower supply for all agencies where manpower problems are indicated; and develop Government-wide plans for the use of surplus Federal civilian manpower.

(14) *Distribution of manpower.* Participate in the formulation of policies and decisions on the distribution of the nation's civilian manpower resources, obtain appropriate civilian manpower data from Federal agencies, and establish necessary implementing policies and procedures within the Executive Branch.

(15) *Training.* Develop, organize, and conduct, as appropriate, interagency training programs in emergency personnel management for Federal employes.

PART 29—VETERANS' ADMINISTRATION

SECTION 2901 *Functions.* The Administrator of Veterans Affairs shall develop policies, plans, and procedures for the performance of emergency functions with respect to the continuation or restoration of authorized programs of the Veterans Administration under all conditions of national emergency, including attack upon the United States. These include:

(1) The emergency conduct of inpatient and outpatient care and treatment in Veterans Administration medical facilities and participation with the Departments of Defense and Health, Education, and Welfare as provided for in interagency agreements.

(2) The emergency conduct of compensation, pension, rehabilitation, education, and insurance payments consistent with over-all Federal plans for the continuation of Federal benefit payments.

(3) The emergency performance of insurance and loan guaranty functions in accordance with indirect stabilization policies and controls designed to deal with various emergency conditions.

PART 30—GENERAL PROVISIONS

SECTION 3001 *Resource Management.* In consonance with the national preparedness, security, and mobilization readiness plans, programs, and operations of the Office of Emergency Preparedness under Executive Order No. 11051 of September 27, 1962, and subject to the provisions of the preceding parts, the head of each department and agency shall:

(1) *Priorities and allocations.* Develop systems for the emergency application of priorities and allocations to the production, distribution, and use of resources for which he has been assigned responsibility.

(2) *Requirements.* Assemble, develop as appropriate, and evaluate requirements for assigned resources, taking into account estimated needs for military, atomic energy, civilian, and foreign purposes. Such evaluation shall take into consideration geographical distribution of requirements under emergency conditions.

(3) *Evaluation.* Assess assigned resources in order to estimate availability from all sources under an emergency situation, analyze resource availabilities in relation to estimated requirements, and develop appropriate recommendations and programs, including those necessary for the maintenance of an adequate mobilization base. Provide data and assistance before and after attack for national resource analysis purposes of the Office of Emergency Preparedness.

(A) *Claimancy.* Prepare plans to claim from the appropriate agency supporting materials, manpower, equipment, supplies, and services which would be needed to carry out assigned responsibilities and other essential functions of his department or agency, and cooperate with other agencies in developing programs to insure availability of such resources in an emergency.

SEC. 3002 *Facilities protection and warfare effects monitoring and reporting.* In consonance with the national preparedness, security, and mobilization readiness plans, programs, and operations of the Office of

Emergency Preparedness under Executive Order No. 11051, and with the national civil defense plans, programs, and operations of the Department of Defense under Executive Order No. 10952, the head of each department and agency shall:

(1) *Facilities protection.* Provide facilities protection guidance material adapted to the needs of the facilities and services concerned and promote a national program to stimulate disaster preparedness and control in order to minimize the effects of overt or covert attack on facilities or other resources for which he has management responsibility. Guidance shall include, but not be limited to, organization and training of facility employees, personnel shelter, evacuation plans, records protection, continuity of management, emergency repair, dispersal of facilities, and mutual aid associations for an emergency.

(2) *Welfare effects monitoring and reporting.* Maintain a capability, both at national and field levels, to estimate the effects of attack on assigned resources and to collaborate with and provide data to the Office of Emergency Preparedness, the Department of Defense, and other agencies, as appropriate, in verifying and updating estimates of resource status through exchanges of data and mutual assistance, and provide for the detection, identification, monitoring and reporting of such warfare effects at selected facilities under his operation or control.

(3) *Salvage and rehabilitation.* Develop plans for salvage, decontamination, and rehabilitation of facilities involving resources under his jurisdiction.

(4) *Shelter.* In conformity with national shelter policy, where authorized to engage in building construction, plan, design, and construct such buildings to protect the public to the maximum extent feasible against the hazards that could result from an attack upon the United States with nuclear weapons; and where empowered to extend Federal financial assistance, encourage recipients of such financial assistance to use standards for planning design and construction which will maximize protection for the public.

SEC. 3003 *Critical skills and occupations.* (a) The Secretaries of Defense, Commerce, and Labor shall carry out the mandate of the National Security Council, dated February 15, 1968, to "maintain a continuing surveillance over the Nation's manpower needs and identify any particular occupation or skills that may warrant qualifying for deferment on a uniform national basis." In addition, the Secretaries of Defense, Commerce, Labor, and Health, Education, and Welfare shall carry out the mandate of the National Security Council to "maintain a continuing surveillance over the Nation's manpower and education needs to identify any area of graduate study that may warrant qualifying for deferment in the national interest." In carrying out these functions, the Secretaries concerned shall consult with the National Science Foundation with respect to scientific manpower requirements.

(b) The Secretaries of Commerce and Labor shall maintain and issue, as necessary, lists of all essential activities and critical occupations that may be required for emergency preparedness purposes.

SEC. 3004 *Research.* Within the framework of research policies and objectives established by the Office of Emergency Preparedness, the head of each department and agency shall supervise or conduct research in areas directly concerned with carrying out emergency preparedness responsibilities, designate representatives for necessary ad hoc or task force groups, and provide advice and assistance to other agencies in planning for research in areas involving each agency's interest.

SEC. 3005 *Stockpiles.* The head of each department and agency, with appropriate emergency responsibilities, shall assist the Office of Emergency Preparedness in formulating and carrying out plans for stockpiling of strategic and critical materials, and survival items.

SEC. 3006 *Direct Economic Controls.* The head of each department and agency shall cooperate with the Office of Emergency Preparedness and the Federal financial agencies in the development of emergency preparedness measures involving emergency financial and credit measures, as well as price, rent, wage and salary stabilization, and consumer rationing programs.

SEC. 3007 *Financial Aid.* The head of each department and agency shall develop plans and procedures in cooperation with the Federal financial agencies for financial and credit assistance to those segments of the private sector for which he is responsible in the event such assistance is needed under emergency conditions.

SEC. 3008 *Functional Guidance.* The head of each department and agency in carrying out the functions assigned to him by this order, shall be guided by the following:

(1) *National program guidance.* In consonance with the national preparedness, security, and mobilization readiness plans, programs, and operations of the Office of Emergency Preparedness under Executive Order No. 11051, and with the national civil defense plans, programs, and operations of the Department of Defense, technical guidance shall be provided to State and local governments and instrumentalities thereof, to the end that all planning concerned with functions assigned herein will be effectively coordinated. Relations with the appropriate segment of the private sector shall be maintained to foster mutual understanding of Federal emergency plans.

(2) *Interagency coordination.* Emergency preparedness functions shall be coordinated by the head of the department or agency having primary responsibility with all other departments and agencies having supporting functions related thereto.

(3) *Emergency preparedness.* Emergency plans, programs, and an appropriate state of readiness, including organizational readiness, shall be developed as an integral part of the continuing activities of each department or agency on the basis that that department or agency will have the responsibility for carrying out such plans and programs during an emergency. The head of each department or agency shall be prepared to implement all appropriate plans developed under this order. Modifications and temporary organizational changes, based on emergency conditions, shall be in accordance with policy determinations by the President.

(4) *Professional liaison.* Mutual understanding and support of emergency preparedness activities shall be fostered, and the National Defense Executive Reserve shall be promoted by maintaining relations with the appropriate non-governmental sectors.

SEC. 3009 *Training.* The head of each department and agency shall develop and direct training programs which incorporate emergency preparedness and civil defense training and information programs necessary to insure the optimum operational effectiveness of assigned resources, systems, and facilities.

SEC. 3010 *Emergency Public Information.* In consonance with such emergency public information plans and central program decisions of the Office of Emergency Preparedness, and with plans, programs, and procedures established by the Department of Defense to provide continuity of programming for the Emergency Broadcast System, the head of each department and agency shall:

(1) Obtain and provide information as to the emergency functions or assignments of the individual department or agency for dissemination to the American people during the emergency, in accordance with arrangements made by the Office of Emergency Preparedness.

(2) Determine requirements and arrange for prerecordings to provide continuity of program service over the Emergency Broadcast System so that the American people can receive information, advice, and guidance pertaining to the implementation of the civil defense and emergency preparedness plans or assignments of each individual department or agency.

SEC. 3011. *Emergency Actions.* This order does not confer authority to put into effect any emergency plan, procedure, policy, program, or course of action prepared or developed pursuant to this order. Plans so developed may be effectuated only in the event that authority for such effectuation is provided by a law enacted by the Congress or by an order or directive issued by the President pursuant to statutes or the Constitution of the United States.

SEC. 3012 *Redelegation.* The head of each department and agency is hereby authorized to redelegate the functions assigned to him by this order, and to authorize successive redelegations to agencies or instrumentalities of the United States, and to officers and employees of the United States.

SEC. 3013 *Transfer of Functions.* Any emergency preparedness function under this order, or parts thereof, may be transferred from one department or agency to another with the consent of the heads of the organizations involved and with the concurrence of the Director of the Office of Emergency Preparedness. Any new emergency preparedness function may be assigned to the head of a department or agency by the Director of the Office of Emergency Preparedness by mutual consent.

SEC. 3014 *Retention of Existing Authority.* Except as provided in Section 3015, nothing in this order shall be deemed to derogate from any now existing assignment of functions to any department or agency or officer thereof made by statute. Executive order or Presidential directives, including Memoranda

SEC. 3015 *Revoked Orders.* The following are hereby revoked:

(1) Defense Mobilization Order VI–2 of December 11, 1953.

(2) Defense Mobilization Order I–12 of October 5, 1954.

(3) Executive Order No. 10312 of December 10, 1951.

(4) Executive Order No. 10346 of April 17, 1952.

(5) Executive Order No. 10997 of February 16, 1962.

(6) Executive Order No. 10998 of February 16, 1962.

(7) Executive Order No. 10999 of February 16, 1962.

(8) Executive Order No. 11000 of February 16, 1962.

(9) Executive Order No. 11001 of February 16, 1962.

(10) Executive Order No. 11002 of February 16, 1962.

(11) Executive Order No. 11003 of February 16, 1962.

(12) Executive Order No. 11004 of February 16, 1962.

(13) Executive Order No. 11005 of February 16, 1962.

(14) Executive Order No. 11087 of February 26, 1963.

(15) Executive Order No. 11088 of February 26, 1963.

(16) Executive Order No. 11089 of February 26, 1963.

(17) Executive Order No. 11090 of February 26, 1963.

(18) Executive Order No. 11091 of February 26, 1963.

(19) Executive Order No. 11092 of February 26, 1963.

(20) Executive Order No. 11093 of February 26, 1963.

(21) Executive Order No. 11094 of February 26, 1963.

(22) Executive Order No. 11095 of February 26, 1963.

(23) Executive Order No. 11310 of October 11, 1966.

THE WHITE HOUSE, *October 28, 1969.*

RICHARD NIXON.

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[From the Borger (Tex.) News Herald, Sept. 19, 1971]

STATE OF NATIONAL EMERGENCY LEGALIZES THE EXECUTIVE ORDERS: THE NATIONAL EMERGENCY

(By Archibald E. Roberts, Lt. Col., AUS. ret.)

The state of "national emergency" declared by President Nixon in August "legalized" the imposition of Executive Orders and other socialist directives under the guise of a "time of increased international tension, and economic and financial crisis."

When published in the Federal Register Executive Orders, without any concurring action by the Congress, become law. In combination these documents achieve the objective of those who have long sought to dismantle the Constitution and erect a socialist state upon the ruins of the Republic.

The implications of "national emergency" may be best understood by examining a few of the Executive Orders published in the Federal Register during February and September, 1962:

Executive Order No. 11051 Details responsibility of the Office of Emergency Planning and gives authorization to put all Executive Orders into effect in times of increased international tensions and economic or financial crisis.

Executive Order No. 10995 Provides for the take over of communication media.

Executive Order No. 10997 Provides for the take over of all electrical power, gas, petroleum, fuels, and minerals.

Executive Order No. 10998 Provides for the take over of food resources and farms.

Executive Order No. 10990 Provides for the take over of all modes of transportation and control of highways, seaports, etc.

Executive Order No. 11000 Provides for mobilization of civilians into work brigades under government supervision.

Executive Order No. 11001 Provides for government take over of health, education, and welfare functions.

Executive Order No. 11002 Designates the Postmaster General to operate a national registration of all persons.

Executive Order No. 11003 Provides for the government take over of airports and aircraft.

Executive Order No. 11004 Provides for the Housing and Finance Authority to relocate communities, build new housing with public funds, designate areas to be abandoned, and established new locations for populations.

Executive Order No. 11005 Provides for the government to take over railroads, inland waterways, public storage facilities.

Executive Order No. 11310 Published in the Federal Register, 11 October, 1966, grants authority to the Department of Justice to enforce the plans set out in Executive Orders, to institute industry support, to establish judicial and legislative liaison, to control all aliens, to operate penal and correctional institutions, and to advise and assist the President.

In all respects the Attorney General will be an all powerful commissar with life and death authority over virtually all aspects of American life.

In a public speech at Casper, Wyoming, 7 March, 1969, I predicted that, "America is within two years of being taken over by an international cartel," and, "Nixon will be the one to lead us into total world government."

"An international monetary crisis will be the tipoff to the takeover of the world by an organization of large bankers and businessmen intent on power," I said.

Contemporary events confirm our worst apprehensions.

On 15 August, 1971, President Richard M. Nixon, in Proclamation No. 4074, announced, "I hereby declare a national emergency," thus effecting delivery of the Untied States to a cabal of international money lenders and industrialists. Pressures of economic coercion spelled out in Executive Order No. 11615 of the same date, are intended to expedite the transfer of Americans into an Orwilian, 1984, animal farm.

The Order of "Stabilization of Prices, Rents, Wages, and Salaries," which is the title of Executive Order 11615, reveals that Arthur F. Burns, Chairman of the Board of Governors, Federal Reserve System, is the advisor (controller) of the Council.

The Federal Reserve System is a private banking cartel which controls the American economy by regulating the flow of Federal Reserve notes in circulation, by controlling interest rates, the stock market, and other facets of American life.

The Council (read Federal Reserve System) is also charged under the Order with the responsibility for developing additional policies, mechanism, and procedures to control prices, rents, wages, and salaries "after the expiration of the 90-day period.

In consonance with the provisions of Executive Order 11310 dated 11 October, 1966, the Order of 15 August, 1971, directs the Department of Justice to "bring actions for injunctions whenever it appears that any person has violated the regulations set out by the Council (F.R.S.).

It will take a little time for the loose ends to be tidied up—three months say the planners—but ultimately all of us will experience the crunch of a controlled society.

The die is cast in Proclamation 4074 and companion Executive Order 11615.

Through these acts, and certain other Executive Orders published during the Kennedy and Johnson Administrations, one man, on behalf of hidden sponsors, has completely ignored the Constitution, the authority of Congress, and the people.

By implementing Executive Orders a dictatorship can be imposed on the American people.

This is the political reality of Mr. Nixon's declaration of a state of "national emergency."

All else is rhetoric.

The success of the conspiracy can, however, be temporary . . . if the people will it. Covert control of the Federal Government is dependent upon secrecy until full consolidation of power is achieved.

The moment an aroused and indignant people commit themselves to exposing and neutralizing the Financial "Elite" who pull the strings the "Day of the Wizard" will end.

Ref: "Proclamation 4074," and "Executive Order 1615," the Federal Register, Vol. 36, No. 159, Tuesday, August 17, 1971, pp. 15724–15729.

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## HIDDEN PROPAGANDA COSTS AND LACK OF CIVILIAN CONTROL IN DEPARTMENT OF DEFENSE

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### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. BINGHAM. Mr. Speaker, long before CBS aired its "Selling of the Pentagon," a number of us in Congress were concerned about the extent of the promotional activities of the Department of Defense. Senator FULBRIGHT and I have, for example, offered amendments for several years to limit expenditures for this purpose. Nevertheless, in 1970, the amount the Defense Department admitted spending for this purpose jumped to $40 million—as compared to $29 million in 1969. That startling 1-year increase was explained as a change in accounting procedures.

I noted, however, in looking at the $40 million figure, that expenditures by a number of agencies which appear to be engaged in significant public information activities were omitted. The combined budgets of these omitted agencies alone in 1970 amounted to over $48 million.

I therefore asked the General Accounting Office to investigate in detail the activities and expenditures of three of these agencies—the Aerospace Audio-Visual Service, the Office of Information for the Armed Services, and the Military Recruiting Service. I asked the GAO to determine to what extent these agencies might, in fact, be engaged in military promotion that has not been reported as such to the Congress as part of the Public Affairs budget.

The report was presented to me in August 1971, and I released it to the public on August 21.

The report leads me to two major conclusions. First, it confirms that there are nests of public information activities and expenses in the vast defense establishment that continue to be hidden from the Congress. In most cases, these activities are hidden by the fact that they involve the production and use of materials ostensibly intended for internal use by the military, but which, in fact, are also widely distributed and presented to the public.

The Aerospace and Audio-Visual Service, for example, provides protographic and video services for the Air Force. Its budget in 1970 was $12 million. This report suggests, however, that it also serves, in effect, as a second press agent for the Air Force. In 1970, it spent $407,000 on materials designed specifically for public showing. In addition, the many films in its library were shown untold thousands of times to public groups free of charge. A small sample of these films studied by the GAO were shown 26,000 times to public groups in only a 4-month period.

Similarly, this study reveals that the Office of Information for the Armed Forces, which is also primarily an internal information bureau, allowed more than 48,000 public showings of its internal films and other materials in 1970 alone.

My second conclusion from this report is that there continues to be a disturbing lack of central civilian control over the public affairs and information activities of the military. The Assistant Secretary of Defense for Public Affairs is charged with that responsibility. Yet this report reveals that there is plenty of military propagandizing going on outside his direct control. The Department of Defense is still a very leaky keg, so to speak, as far as public information is concerned. It has failed to meet congressional and executive branch directives to channel all public information expenditures and activities through a single spigot.

This report indicates, for example, that

the only contact the Assistant Secretary for Public Affairs has with the public information activities of the Office of Information of the Armed Forces and the Aerospace Audio-Visual Service is to clear certain materials for "security" purposes. He exercises no say in their production. After clearance for the public, they remain under the full control of the producing agency with no control whatsoever by the Assistant Secretary. Only in the case of recruiting information does the Assistant Secretary have a voice in the production of informational materials.

The significance of the specific findings of this report is not so much in the costs involved, but rather the impact of the activities revealed on the public. With that in mind, I made two specific recommendations in a letter to Secretary of Defense Melvin R. Laird, dated August 21.

First, I recommended and urged that a substantial portion of the costs of recruitment advertising and information should be budgeted and reported as public affairs cost, and the role and control of the Assistant Secretary for Public Affairs—Daniel Z. Henkin—in the production, distribution, and presentation of the recruitment materials to the public should be expanded even beyond what it is now, as described by this report. Recruitment, advertising, and publicizing of the military and military careers is increasing sharply in amount and prominence as we move toward a volunteer Army. But for every volunteer this massive advertising and public affairs campaign brings in, it also influences and shapes the attitudes of untold numbers of other Americans toward the military. It is therefore more a public information function than anything else and should be budgeted and managed as such.

Similarly, all public information activities revealed in this report, and the materials involved, should be transferred to the direct jurisdiction and control of Assistant Secretary Henkin, and an appropriate portion of the total costs involved should be reported as part of the Department's Public Affairs budget. Only in that way can the Congress be fully and accurately informed of the full cost and extent of Public Affairs activities by the Defense Establishment. Only in that way, too, can civilian control over this extremely important and sensitive function be assured.

I intend to continue my efforts in Congress to cut down total public affairs expenditures by the armed services by imposing a legislative limit. As I have indicated in my letter to Secretary Laird, however, such efforts by the Congress, as well as some that have been made by the executive branch, are certain to fail so long as substantial public information functions, like the ones cited in this report, continue to be performed by widely scattered military groups outside the direct jurisdiction and centralized control of the Office of the Assistant Secretary for Public Affairs over these and all other public information activities—in effect, to plug the holes in the Pentagon's bulging, leaky public information barrel.

Following is a letter from Congressman Jonathan B. Bingham to Secretary of Defense Melvin R. Laird, concerning Department of Defense Public Affairs and Public Information Activities, August 21, 1971.

Hon. MELVIN R. LAIRD,
*Secretary of Defense, the Pentagon, Washington, D.C.*

DEAR MR. LAIRD: I want to bring to your attention the results of a study I requested from the General Accounting Office concerning certain aspects of the Defense Department's Public Affairs and Public Information program. A copy of the GAO report, along with a statement of my assessment of it, are enclosed for your information.

It is my judgment that this report indicates the Defense Department has, so far, failed to bring all of its widespread public information activities and expenditures under centralized civilian control. Such control should be exercised by the Assistant Secretary of Defense for Public Affairs (Daniel Z. Henkin), and I strongly urge you to take immediate steps to expand his jurisdiction to include direct operational control of the public information and public affairs activities and expenditures of the agencies examined by this study, as well as any others which may be performing substantial public information and public affairs functions outside his direct control.

I hope, also, that you will give serious consideration to my recommendation, prompted by the findings of this study, that the Assistant Secretary of Defense for Public Affairs assume greater control and financial responsibility for the publicity aspects of the military recruitment program.

As you are undoubtedly well aware, there are continuing efforts in Congress, as well as in the Executive Branch, to set strict limits on expenditures for public information and public affairs, and to assure careful monitoring of the type of information presented to the public by the military. But these efforts are certain to fail so long as substantial public information functions, like the ones cited in the enclosed report, continue to be performed by specialized units outside the direct central control and jurisdiction of the Office of the Assistant Secretary of Defense for Public Affairs.

I look forward to learning of your progress in remedying this situation.

Cordially,

JONATHAN B. BINGHAM,
*Member of Congress.*

Copies: Honorable F. Edward Hébert, Chairman, House Committee on Armed Services.

Honorable George H. Mahon, Chairman, House Committee on Appropriations.

The text of the GAO report follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
*Washington, D.C.*

Hon. JONATHAN B. BINGHAM,
*House of Representatives.*

DEAR MR. BINGHAM: This is our report on the influence of public affairs organizations on information and advertising programs in the Department of Defense. Our review was made pursuant to your requests of June 4, and June 19, 1970.

We have not followed our usual practice of obtaining agency comments on this report. No further distribution of this report will be made unless copies are specifically requested and then only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

We trust that this information meets your needs. If we can be of further help, we will be glad to comply with your requests.

Sincerely yours,

ELMER B. STAATS,
*Comptroller General of the United States.*

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COMPTROLLER GENERAL'S REPORT TO THE HONORABLE JONATHAN B. BINGHAM, HOUSE OF REPRESENTATIVES

DIGEST: WHY THE REVIEW WAS MADE

Congressman Jonathan B. Bingham requested the General Accounting Office (GAO) to investigate certain public relations activities and recruiting services of the Department of Defense (DOD).

This request was based upon data furnished to Congressman Bingham, which stated that DOD had revised its estimates for public relations and information activities in 1970 from $29 million to $40 million. Congressman Bingham was concerned because several organizations, including the Armed Forces Radio and Television Service (which is part of the Office of Information for the Armed Forces under the Assistant Secretary of Defense, Manpower and Reserve Affairs) and the Aerospace Audio-Visual Service (part of the Department of the Air Force), had budgeted $48 million in fiscal year 1970 and had responsibilities in this area but were not among the organizations accounting for the $40 million.

Specifically GAO was asked to determine (1) the extent to which the material and services produced by the information and advertising programs were used for public consumption and (2) the extent to which the formal public information and public affairs organizations of DOD were consulted when the above organizations decided what kind of materials and services they would provide.

FINDINGS AND CONCLUSIONS

The Office of Information for the Armed Forces, the Aerospace Audio-Visual Service, and the military recruiting services produce a large volume of films, broadcast material for radio and television, and printed material.

Materials produced by the Office of Information for the Armed Forces are used primarily for internal information and entertainment of military personnel. Some of the material is available to the public by purchase from the Government Printing Office or by loan from military base film libraries after approval for public release by the Assistant Secretary of Defense (Public Affairs). (See p. 4.)

The Assistant Secretary of Defense (Public Affairs) has no role in the production of materials or services by the Office of Information for the Armed Forces. For security purposes, the Assistant Secretary does review all publications, motion pictures, and television and radio shows disseminated by the Office of Information for the Armed Forces. (See p. 4.)

The Aerospace Audio-Visual Service provides photographic and video services and products to meet the requirements of the Air Force. Aerospace Audio-Visual Service expenditures for fiscal year 1970 totaled $12.4 million, of which $407,000 was for materials produced specifically for public showing. (See p. 8.)

GAO analyzed a sample of films produced specifically for internal Air Force use, to determine the extent to which such films were viewed by the general public. The films are available to civilian organizations such as schools, colleges, universities, churches, and civic groups. GAO estimates that, from March through June 1970, 596 films, costing about $13,300,000, were shown 26,300 times to civilian organizations and 49,000 times to Air Force personnel and/or Government em-

ployees. In 1969, 427 films, costing about $9,000,000, were shown 8,360 times to civilian organizations and 172,540 times to Air Force personnel and/or Government employees. It should be noted that most of these films were produced prior to the year of showing and will be utilized also in future years. (See pp. 9 and 10.)

The Director of Information, Department of the Air Force, and the Assistant Secretary of Defense (Public Affairs) review and approve all Air Force films shown to the public. (See p. 11.)

Each of the military services has an organization responsible for planning and directing its recruiting program. The material created for and by the military recruiting services is directed to the general public. DOD requires audio-visual projects—television, radio, still photographs, etc.—of national interest, such as recruiting projects, to be submitted to the Assistant Secretary of Defense (Public Affairs) for approval before release to the general public. (See p. 12.)

With respect to public affairs organizations in the individual services, GAO was informed that the production of Navy and Marine Corps recruiting materials was not coordinated with the public affairs and information organizations in their services. The Army and Air Force public affairs and information organizations, however, do participate in the development of recruiting materials in their respective services. (See p. 16.)

CHAPTER 1: OFFICE OF INFORMATION FOR THE ARMED FORCES

The Office of Information for the Armed Forces—under the Assistant Secretary of Defense (Manpower and Reserve Affairs)—is responsible for developing and conducting the Armed Forces Information and Education Program. This responsibility includes the production of materials concerning national policies and commitments on such topics as—

Democracy and Communism,
World Affairs,
Forces for Freedom (U.S. and friendly forces),
Citizenship (including voting),
Orientation for Overseas Duty, and
Code of Conduct.

We were informed by officials of the Department of Defense that the program currently included information on such subjects as equal opportunities, drug abuse, and all volunteer force, human goals, police recruiting, domestic action, and open housing.

The main operating divisions of the Office of Information are the (1) Armed Forces Radio and Television Service and (2) Media Operations Division. Total expenditures for these divisions during fiscal year 1970 amounted to $6,389,000, as follows:

| | | |
|---|---|---|
| Armed Forces Radio and Television Service | | $2,315,000 |
| Media Operations Division: | | |
| Motion Picture Service | $400,000 | |
| Publication Service | 397,000 | |
| Press Service | 217,000 | |
| Production Service | 44,000 | |
| Visual Communication Service | 36,000 | 1,094,000 |
| Other costs (including payroll, administrative support, transportation, and equipment and supplies applicable to all the above) | | 2,980,000 |
| Total | | 6,389,000 |

The Assistant Secretary of Defense (Public Affairs) has no role in the production of materials or services by the Office of Information. For security purposes, the Assistant Secretary, however, does review all Office of Information publications, motion pictures, and television and radio shows.

Materials produced by the Office of Information are used primarily for internal information and entertainment of military personnel. Some of the material is available to the public by purchase from the Government Printing Office or by loan from military base film libraries after approval for public release by the Assistant Secretary of Defense (Public Affairs).

ARMED FORCES RADIO AND TELEVISION SERVICE

The Armed Forces Radio and Television Service produces and distributes programs and materials to 328 military radio outlets and 90 military television outlets. Programs are selected from a cross section of news, current events, documentary, general information, and entertainment programs obtained from commercial radio and television stations at nominal cost; from the Directorate of Armed Forces Information and Education; and from other Government departments and agencies. The Armed Forces Radio and Television Service edits all programs selected for use by affiliated military radio and television networks. The networks are responsible for developing their own programming schedules.

DOD directives do not require the Armed Forces Radio and Television Service to consult with public affairs and public information organizations of DOD on material used in the Service's affiliated radio and television outlets.

MEDIA OPERATIONS DIVISION

The Media Operations Division consists of five activities which support the military internal information programs through the production of motion pictures, publications, press releases, still photographs, and other items. All the materials and services provided by these activities are intended for the entertainment and information of military personnel, but some are made available to the general public.

*Motion picture service*

The Motion Picture Service produces or purchases and distributes about 30 films annually for military information programs. During fiscal year 1970, 26 motion pictures were either produced or purchased at a cost of about $400,000. The films, which vary in length from 10 to 35 minutes each, are distributed in quantities up to 1,000 prints to the military departments as needed. Examples of the films purchased in fiscal year 1970 are: "Changing Face of Communism-Eastern Europe," "Your Tour in Vietnam," and "People Versus Pot." Some of these films are available to the public by loan from military film libraries after the films have been cleared for public showing by the Assistant Secretary of Defense (Public Affairs).

We attempted to determine the extent to which motion pictures produced by the Office of Information were being used by the military services and by civilian organizations. In this regard, we noted that nearly 200 films had been produced or purchased during the period 1950 through 1970 and that approximately 170 of these films had been cleared for public showing to schools, churches, civic groups and other civilian organizations. Both the Army and the Air Force maintain machine listings which indicate the number of times a film has been shown in a given period and the total number of people who have attended. These listings do not show, however, how many of the people attending were military personnel, Government employees, or civilian organization members.

Of the 170 films cleared for public showing, the Army used 99 during a 12-month period ending March 1970. These films were shown a total of 165,431 times—129,512 showings to military personnel and Government employees and 35,919 showings to civilian organizations.

Identical information on Air Force showings of the films to civilian organizations was not available. The Air Force categorizes loans of films as either short-term—less than 2 weeks—or long-term—over 2 weeks. We found that 101 films had been used on a short-term basis. These films were shown a total of 29,936 times during the period March through June 1970—17,177 showings to Air Force personnel and Government employees and 12,759 showings to civilian organizations. We found that 100 films had been used on a long-term basis. These films were shown a total of 37,395 times during calendar year 1969—35,261 showings to Air Force personnel and Government employees and 2,134 showings to civilian organizations.

We were unable to obtain similar information from the Department of the Navy because its records were incomplete. We were informed that only about 15 percent of actual film-use information was being reported to the office responsible for accumulating such information.

*Publication service*

The Publication Service prepares and edits information publications, which are printed by the Government Printing Office, for use by the military services. Approximately 100 publications, such as pamphlets, fact sheets, pocket guides, brochures, and similar items, were produced in fiscal year 1970 at a cost of about $397,000. Examples of such publications are pamphlets entitled "Federal Source Book—Answers to Most Frequently Asked Questions About Drugs," "Pocket Guide to Korea," and "Voting Information." Many of these publications are available to the public through the Government Printing Office book store.

*Press service*

The Press Service produces three publications. The "Armed Forces Press File" is distributed weekly to assist military editors in the field in publishing their periodicals. Currently there are over 1,700 such periodicals. The "Galley Guide" is a monthly four-page publication of instruction and professional comments advising editors how to write, edit, print, and publish their newspapers. The "Commanders Digest" is distributed weekly to military units, embassies, and missions and provides military staffs with authoritative information on national and DOD policies.

*Visual communication service*

The Visual Communication Service produces illustrations, charts, photographs, and sketches for all Office of Information publications. In fiscal year 1970, 17 art work and poster projects were listed as completed.

*Production service*

The Production Service produces and distributes about 100 video-taped programs a year for dissemination to military television stations and interested Government agencies. At present these programs include a series on activities in Vietnam and other areas around the world, which are believed to be of general interest to military audiences, and a panel discussion series covering topics of general military and command interest, such as drug use, cost reduction, military compensation, and medical care programs.

CHAPTER 2: AEROSPACE AUDIO-VISUAL SERVICE

The Aerospace Audio-Visual Service (AAVS) is an organizational unit of the Department of the Air Force Military Airlift Command. AAVS provides photographic and video services and products to meet the requirements of the Air Force, its major commands, and separate operating agencies. All films produced by AAVS for public showing are reviewed and approved by the Director, Office of Information, and the Assistant Secretary of Defense (Public Affairs).

During fiscal year 1970 AAVS expenditures

totaled $12.4 million, of which $407,000 was spent on material intended specifically for public showing.

| | |
|---|---|
| Motion picture films | $47,600 |
| Film clips | 197,700 |
| Still photography | 161,700 |
| Total | 407,000 |

MOTION PICTURE FILMS

Two films were produced during fiscal year 1970. One film, entitled "Friends, Neighbors and People We Know," was produced at a cost of $44,755. The film portrays how members of the Air National Guard contribute to national defense. The National Guard Bureau, Washington, D.C., requested production of this film, to emphasize the theme that the Air National Guard is not a haven for draft dodgers. The other film, a short one entitled "NORAD Tracks Santa," was produced for $2,879. The film portrays Santa Claus' trip from the North Pole to homes of children in the United States and Canada as tracked by the men and equipment of the North American Air Defense Command. The Director of Public Affairs in the Command's radio and television branch requested production of the film to publicize the Command.

AAVS was not reimbursed for the cost of producing these films. AAVS files did not disclose any other films produced during fiscal year 1970 specifically for public exhibition.

AAVS prepares a consolidated inventory and use report which identifies films in the inventory and the number of showings of the films to authorized civilian organizations, Air Force personnel, and Government employees. One part of the report lists the inventory of films at the Audio-Visual Center and the monthly distribution of films loaned directly to users on a short-term basis, i.e., for 2 weeks or less. The other part of the report shows the inventory of films released to Air Force film libraries on a long-term basis—for a period over 2 weeks—and the use of those films during a 6-month period as reported by the libraries to the Audio-Visual Center.

As of June 26, 1970, 6,312 films were in the AAVS inventory. Because of the large number of films in the Air Force inventory and the number of times the films had been shown, we selected a statistical sample of the film inventory (a sample of films produced specifically for internal Air Force use), to arrive at the cost of the films and the extent to which they had been shown to authorizd civilian organizations.

Air Force films cleared for public showing may be used by such civilian organizations as schools, colleges, universities, civic groups, and churches. Films are made available free of charge to civilian organizations with the stipulation that no admission or other fees may be charged.

Our samples were selected from the consolidated report prepared by Audio-Visual Center employees. They told us, however, that, except for the report covering the period March through June 1970, the short-term report was not reliable because of automatic data processing problems. Also the latest long-term report, which was processed in July 1970, included all of 1969 rather than 6-month periods. Because these were the best source documents available at the time of our review, we used the March through June 1970 report for our short-term sample selection and the report processed in July 1970 for our long-term sample selection and based our cost and public-showing projections on these two reports.

On the short-term report we identified 596 films produced at a cost of about $13.3 million. About 26,300, or 35 percent of the 75,000 showings of these films, were made to the public. On the long-term report we identified 427 films produced at a cost of $9 million. These films were shown about 180,900 times, of which 8,360 showings, or about 5 percent, were made to the public.

It should be noted that most of these films were produced prior to the year of showing and will also be utilized in future years.

FILM CLIPS

AAVS initiated a film-clip program at the request of the Director, Office of Information, in 1968. Film clips are produced in color and are distributed to local television stations weekly. They are intended to show activities of Air Force personnel throughout the world.

During fiscal year 1970, 52 film clips were completed for the Office of Information. On the basis of an average cost of $3,803 a film clip, the 52 film clips cost about $197,700. These costs were expended from AAVS funds without reimbursement from the Office of Information.

STILL PHOTOGRAPHY

AAVS supports public information programs through its Central Still Photo Depository, Arlington, Virginia; the Audio-Visual Center, Norton Air Force Base; and various field units.

The Central Still Photo Depository maintains an inventory of photographs of subjects of Air Force interest and supplies copies to all Air Force activities within the Metropolitan Washington, D.C., area including the Air Force Office of Information. The Audio-Visual Center provides regional photographic support to Air Force activities.

Costs of photographic services supporting public information programs cannot readily be identified from AAVS records. With the assistance of AAVS officials, we estimate that, during fiscal year 1970, AAVS spent about $161,700 to provide still photographic support for public viewing to the Air Force Office of Information.

COORDINATION WITH PUBLIC AFFAIRS ORGANIZATIONS ON PRODUCTION OF FILMS

As stated previously AAVS is a service organization directed by the Military Airlift Command as to the kinds of products and services it will produce. Consequently AAVS officials stated there was no need for them to consult DOD public information and public affairs organizations about these matters.

In the production of motion-picture films, the Air Force Office of Information reviews the original film proposal, the completed script, and the completed film produced for public showing. The approval of the Assistant Secretary of Defense (Public Affairs) is required before funds are committed for the production of any film intended for public showing.

The Air Force Office of Information reviews also, for compliance with policy, scripts and films for internal use. Air Force films produced for internal use but later released for public showing must have the approval of the Air Force Office of Information and the Assistant Secretary of Defense (Public Affairs).

CHAPTER 3: MILITARY RECRUITING SERVICES

The mission of the military recruiting services is to recruit qualified persons, to meet military needs for enlisted personnel, officer candidate training schools, and specialists required by the services. Each of the military services has an organization responsible for planning and directing its recruiting programs.

The material created for and by the military recruiting services is directed to the general public. DOD requires that audio-visual projects—television, radio, still photographs, etc.—of national interest, such as recruiting projects, be submitted to the Assistant Secretary of Defense (Public Affairs) for approval before release to the general public.

With respect to public affairs activities in the individual services, we were informed that the production of Navy and Marine Corps recruiting materials was not coordinated with the public affairs and information activities in their services. The Army and Air Force public affairs and information organizations, however, do participate in developing recruiting materials in their respective services.

MATERIALS USED BY THE MILITARY RECRUITING SERVICES

In fiscal year 1970 operations and maintenance funds were spent for advertising and publicity programs for the recruiting services, as follows:

| | |
|---|---|
| Army | $3,079,000 |
| Navy | 2,460,381 |
| Air Force | 1,618,599 |
| Total | 7,157,980 |

These amounts are not included in the $48 million mentioned on page 1 of this report. Of the above total amount, $2.5 million was budgeted for services of commercial advertising agencies in preparing various portions of the military services recruiting programs.

The U.S. Army Recruiting Command budgeted $1,737,525 for the services of N. W. Ayer and Sons, Inc., of Philadelphia, Pennsylvania; the Air Force budgeted $231,000 for the services of MacManus, John and Adams Inc.; the Navy budgeted $336,000 for the services of Young and Rubicam of New York; and the Marine Corps budgeted $226,000 for the services of the J. Walter Thompson Co.

All available media—television, radio, film, magazines, newspapers, etc.—are used by the recruiting services to recruit qualified persons.

*Radio and television*

Radio programs are of two types—spot announcements and variety shows. Spot announcements, which are usually 10, 20, 30, or 60 seconds long, contain a brief message about the opportunities of military life. Variety shows, which are usually 15 to 25 minutes long, combine the recruiting message with a musical program. Examples of variety shows are the Army's three 15-minute weekly programs entitled "It's Music," "Country Express," and "America's Best." The Army Recruiting Command supplies programs to Army recruiters who distribute them to local radio stations.

Television programs are usually 20-, 30-, and 60-second spot announcements depicting educational, career, training, and travel opportunities in the military services. For example, the Navy supplies about 600 television stations with a set of current Navy television spot announcements which are replaced regularly. The Navy also makes films available to all television stations through an annual summer series entitled "Navy Film of the Week." The series is revised yearly, and recruiters receive promotional packages to aid them in distributing the series and obtaining broadcast time on local television stations.

The radio and television industry schedules a certain amount of time each week for public service. Much of the above material is used to take advantage of this public-service requirement. For example, we were provided with information from two reports purchased by the Air Force from a commercial organization which monitors television announcements. The reports showed the number and length of Armed Forces public-service spot announcements televised in 1 week, broken down into figures for each of the 75 United States television markets. The first study, made in November 1967, showed that 399 Air Force television spot announcements had been made at an estimated cost of $23,733. The second study made in August 1969 showed that there had been 665 spot announcements telecast and that the value of free television time had been $65,892.

Rather than depend upon public-service scheduling by local stations, which is rarely prime time, the Army Recruiting Command purchased major television network time from March to May 1971 for a recruiting campaign aimed at spring graduates. The Command estimated that it would spend about $3 million for advertising during prime time, when a heavy concentration of prospective recruits would be in the television viewing audience. The Army introduced a similar project for radio broadcasting in prime time.

The Army Recruiting Command plans to evaluate this pilot project to determine whether the additional expenditure for advertising on network prime time attracts a large number of recruits.

*Magazines and newspapers*

In fiscal year 1970 magazines were the principal advertising medium used in the Army recruiting program. Army recruiting programs were advertised 272 times in various types of magazines, such as "Life," "Look," "Ebony," "Popular Mechanics," "Popular Electronics," "American Bar Association Journal," "Outdoor Life," "Field & Stream," "Student Weekly," "Newsweek" (College Edition), "Time" (College Edition), and "Playboy."

The Army's advertising agency produces a weekly newspaper column entitled "The Army Green." The column has been distributed weekly since September 1968 to Army recruiters for distribution to local newspapers and is carried regularly in about 600 newspapers across the United States.

It contains interesting facts about the Army, is tailored for local readers, and contains references to the area's recent enlistees.

*Motion picture films*

The Army Recruiting Command now uses seven movie films in its recruiting programs. During fiscal year 1970 the Command produced two of these films—one entitled "Four Faces High" at a cost of $71,426 and the other entitled "Medicine Plus" at a cost of $51,269.

The Marine Corps uses four films in its recruiting program. The titles are "Engineer Up," "Something in Reserve," "Straight Up and Away," and "Dewey Canyon." The four films cost about $90,000.

*Recruiting publicity items*

A variety of recruiting publicity material is prepared and distributed by each of the recruiting services. These items are posters, brochures, stickers, displays, fact folders, bookmarkers, handbooks, and book covers. Posters and displays are aimed at group audiences and are not given directly to individuals; while bookmarkers, book covers, stickers, etc., are designed for individual presentation. The Army Recruiting Command has about 150 different publicity items. During fiscal year 1970, about 23.8 million prints were made of 83 recruiting publicity items at a cost of about $646,000 and about 20.5 million prints of various recruiting publicity items were distributed.

COORDINATION WITH PUBLIC AFFAIRS ORGANIZATIONS

DOD requires that audio-visual projects of broad national interest, such as recruiting programs, be submitted through appropriate channels to the Assistant Secretary of Defense (Public Affairs) for approval before release to the public. Audio-visual materials include still photography, motion pictures, television films, live television productions, video tapes, radio tapes, kinescope recordings, motion-picture-stock footage, and associated materials.

With respect to public affairs organizations in the individual services, we were informed that production of Navy and Marine Corps recruiting materials was not coordinated with the public affairs organizations in those services but that, in the production of Army and Air Force recruiting materials, public affairs and information organizations did participate in developing some of the materials.

The Army Recruiting Command is required to have the plot and script of motion pictures reviewed and approved by the Chief of Information, Department of the Army, before the shooting begins. The stated purpose of this review is to prevent duplication of content.

In regard to Air Force recruiting, the Office of Information participates in the development of recruiting material. This Office furnishes information objectives, materials, and briefings and also participates in the creative and review stages of the recruiting program from the initial proposal to the finished product. This is intended to ensure that the materials produced are consistent with Air Force information objectives.

CHAPTER 4: SCOPE OF REVIEW

We examined into the production of information material and services by the Armed Forces Radio and Television Service, Los Angeles, California; the Media Operations Division, Office of Information for the Armed Forces, at the Pentagon and at their offices located in Arlington, Virginia; the Department of the Army Film Distribution and Utilization Center, Tobyhanna, Pennsylvania; and the Department of the Air Force Aerospace Audio-Visual Service, Norton Air Force Base, California.

Our review of the development and use of public information materials by the recruiting services was conducted at the U.S. Army Recruiting Command, Hampton, Virginia; the U.S. Navy Recruiting Service and Recruiting Aids Division, Washington, D.C.; the U.S. Air Force Recruiting Service and Military Personnel Center, Randolph Air Force Base, Texas; and the U.S. Marine Corps Military Personnel Procurement Branch, Arlington, Virginia.

APPENDIX I

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., June 4, 1970.*

Mr. ELMER B. STAATS,
*Comptroller General of the United States, General Accounting Office Building, Washington, D.C.*

DEAR MR. STAATS: In the enclosed House speech, I noted that the Department of Defense has revised its earlier estimates for spending in public relations and information in 1970 from $29 million to $40 million. This represents a 38% increase beyond original figures. Moreover, several agencies which spent $48 million in Fiscal 1970 had responsibilities in this area, but were not included in the $40 million figure. These agencies include the Armed Services Radio and Television Services and the Aerospace Audio Visual Services.

A significant portion of the funds these agencies expend are used for public information and relations. I therefore wish to request a formal investigation by the General Accounting Office to determine the full and precise extent of expenditures of public funds by the Defense Department for the purpose of public affairs during the Fiscal Year 1970. Such an investigation would provide an invaluable public service and encourage more accurate accounting in the future.

Cordially,

JONATHAN B. BINGHAM.

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FEEDING THE MILITARY PROPAGANDA MACHINE: HOW MUCH IS ENOUGH?

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I have been concerned for some time about spending by the military for "public relations" and "public information." The military's own figures indicate that expenditures to "inform" the public of military actions and activities have recently increased out of all proportion to increases in the total military budget, and I have obtained new information which suggests that total public relations and public information spending by the military may be much higher than the Pentagon has ever admitted.

According to DOD figures, which I placed in the RECORD during debate last December on the fiscal year 1970 defense appropriation bill, the amount of military spending on public information and relations over the last decade increased by about 1,000 percent—from $2,755,000 to $29 million—as compared with a 65-percent increase over the same time span in the Defense Department's total budget—from $43 billion to $76 billion.

Just recently the Department of Defense revised its procedures for computing expenditures in this area. As a result of this revision, the Department now admits it spent $40.447 million on public affairs in fiscal year 1970 and is proposing to spend $37.675 million during fiscal year 1971. These amounts are reported on page 65 of volume III—Operation and maintenance—of the hearings before the Defense Subcommittee, House Committee on Appropriations, on the fiscal year 1971 defense appropriation bill.

These figures alone indicate that this situation is out of hand. I recognize that the military must maintain a sufficient public relations and information program, but when the amount for that purpose has increased at almost 20 times the rate of the total military budget, it is clear that something must be done.

Last December, I proposed an amendment to the Defense Department appropriation bill which would have limited spending for public affairs to $10 million. Although that amendment was defeated, it attracted substantial support. Concern was expressed by a number of Members over the DOD's burgeoning public relation activities. I hope that the Appropriations Committee will insist on extensive reductions in the $37.675 million the Defense Department proposes to spend on public affairs in fiscal year 1971. If the committee does not do so, I shall at the appropriate time offer an amendment to set a limit on expenditures for this purpose comparable to the amendment I offered last year.

Even in light of the revised DOD figures, the magnitude of the total problem is not clear from the amounts the DOD admits are being spent for public information purposes. In the course of my continuing investigation of this matter, I requested budget figures of certain Defense agencies which were not included by DOD as public relation and information agencies, but which appear to have responsibilities in this area. I submit herewith for the RECORD a fact sheet supplied by Assistant Secretary Moot in response to a letter from me. This fact sheet shows a breakdown of the expenditures of those specific agencies about which I inquired, together with the official responsibilities of each:

FACT SHEET

In response to your request for information concerning DOD Public Information functions, the following data is submitted:

Public information, estimated fiscal year 1970 level of funding:

| | |
|---|---|
| Army | $4,961 |
| Navy and Marine Corps | 12,034 |
| Air Force | 9,000 |
| Defense agencies | 8,443 |
| Total | 25,438 |

It should be pointed out that none of the Departments accounting systems record costs in these categories; the above figures represent a headquarters' estimate of the amounts.

Data on the following items are provided in response to your specific mention of them. The Department of Defense does not consider them to be public information activities.

| | Army | Navy and Marine Corps | Air Force | Defense agencies | Total |
|---|---|---|---|---|---|
| Legislative liaison | 244 | 242 | 976 | 210 | 1,060 |
| Legislative affairs | 1,095 | 684 | 1,442 | 294 | 3,695 |
| Office of Information; director's office, information program and media operations | | | | 2,144 | 2,144 |
| American forces radio and TV services | 7,955 | 1,484 | 5,038 | 4,433 | 16,979 |
| USAFI | | | | 6,522 | 6,278 |
| Aerospace audio-visual services | | | 24,504 | | 24,504 |
| Total | 9,294 | 2,410 | 31,358 | 13,658 | 56,728 |

[1] The term Armed Forces information and education includes the U.S. Armed Forces Institute ($6,522,000) and the Office of Information for the Armed Forces ($6,642,000) of which the American Forces Radio and Television Service ($4,408) is a part.

FUNCTIONS OF THE AEROSPACE AUDIO VISUAL SERVICE—AAVS

The AAVS is a motion picture still photograph production agency. If the Air Force requires a film, it is the responsibility of this organization to produce it. For example, if the Strategic Air Command needs a film to explain its mission, AAVS will be contacted. These are used by the Air Force only; however, should a Congressman or a qualified civic organisation (such as the Kiwanis Club) desire to show a particular film which has been cleared for public exhibition, a request may be made through Air Force Headquarters to the Office, Secretary of Defense for Public Affairs Security Review. The AAVS has no authority to release materials to the national press or public media.

OFFICE OF INFORMATION FOR THE ARMED FORCES: MISSION AND RESPONSIBILITIES

The basic mission of the Office of Information for the Armed Forces (IAF) is to provide:

1. An Armed Forces Information Program (AFIP) in support of the Military Services and their internal information functions. This program provides information products of common usage by the Services so that U.S. military personnel:

Comprehend the values of our Government and our National Heritage;

Understand both the freedoms they are called upon to defend, and other ideologies inimical to the free institutions upon which the U.S. is founded;

Are fully aware of the threat of Communism;

Realize the responsibilities and objectives of the individual military citizen through the use of all communications media, including the production and distribution of motion pictures, publications, posters and support materials for Armed Forces newspapers for use by the Military Departments in their respective internal information programs. This program is developed in conjunction with the Military Departments and includes such areas as Democracy/Communism, World Affairs, U.S. and Friendly Military Forces, Citizenship (including voting). Code of Conduct, Orientation for Overseas Duty, and Personal Affairs.

2. Continuous coverage of international, national and local U.S. news, seat of government, military and sports news and special events to U.S. military personnel overseas.

3. General radio and television program materials for use by American Forces Radio and Television stations representing the best from American networks and industry.

4. Policy and technical guidance governing Armed Forces newspapers, Civilian Enterprise publications and American Forces Radio and Television outlets and networks.

5. For the evaluation of information materials for use in, and support of, the Military Departments' internal information programs.

6. Policy and operational guidance to all components of the Department of Defense to assure a free flow of information to military personnel.

7. For the development of long-range plans supporting the objectives of the Armed Forces information Program.

OPERATIONAL ELEMENTS AND SCOPE OF ACTIVITIES

*A. American forces radio and television service*

1. AFRTS—Los Angeles—Provides the basic program materials which are used by the AFRT outlets overseas. The weekly AM program packages provide 80 hours of music, drama, fine arts, and information material, and a five-hour library of latest hits and specials. A 12-hour package is produced for FM stereo automated outlets. The weekly 55-hour television package contains programming received from the major commercial broadcast networks, feature films, film syndicators, and filler materials. The activity annually produces 1,000 radio and 300 television spot announcements supporting military information themes. Over 50,000 slides and 50 filler programs are produced annually for television outlets. The worldwide AFRT system includes approximately 350 radio and 90 television overseas stations.

2. AFRTS—Washington—Provides continuous transmittal of international, national, seat of government, military and sports news and special events. This news, gathered from the major U.S. commercial networks, wire services and military correspondents, is transmitted 24 hours a day, seven days a week, by shortwave, direct voice cable and teletype to all American Forces Radio and Television networks and outlets worldwide. Provides facsimile photo service to American Forces Television stations worldwide.

*B. Armed forces information programs and media operations*

1. *American Forces Press Service* produces the following publications for the Armed Forces newspapers:

(a) *Commanders Digest* distributed weekly to military commanders of all the Services, the Reserves, and ROTC components. It is designed to provide commanders and their staffs with authoritative information of National and Department of Defense policies and goals and other events of significance.

(b) *American Forces Press File* distributed weekly to military editors in the field to assist in publishing their newspapers. Copy and photographs are sent to all Armed Forces newspapers throughout the world. Currently these number more than 1,800.

(c) *Galley Guide.* A monthly four-page publication of instruction and professional comments advising newspaper editors and military journalists on how to write, edit, print and publish their newspapers.

2. *Armed Forces Motion Pictures Service* includes the annual production and distribution of films for Service information programs, distributed in quantities of up to 1,000 prints, depending on Service requirements. In the production of films, this office works with commercial film companies and service production agencies.

3. *Armed Forces Publications Service* provides for the editing and preparation of information publications printed by the Government Printing Office and used by all Military Departments. Approximately 100 publications a year are produced; half of these are contracted and half produced in-house. These materials take the form of pamphlets, fact sheets, pocket guides, brochures and similar printed materials.

4. *Visual Communications Service* produces 12 or more original posters annually; produces 4 or more *Art Files* annually for use by Service newspaper editors; provides for support—including design, layout and original art for all IAF publications printed by GPO—and monitors GPO for printing phase; supports Production Service's twice-weekly programing; provides support for briefing; and handles the reprint program of the Military Services.

5. *Armed Forces Production Service* produces and distributes approximately 100 videotaped programs for dissemination to American Forces Television stations and other Military Services for direct viewing. These include *Television Journal,* a half-hour news program produced weekly on activities in Vietnam and other areas around the world of general interest to military audiences; *Pentagon Forum,* a discussion series covering topics of general military and command interest such as drugs. Cost Reduction, Military Compensation, and Medical Programs, also produced weekly in a half-hour format; and selected variable length *Television Journal* "Special Reports" produced as sound-on-film interviews.

ASSISTANT TO THE SECRETARY OF DEFENSE—LEGISLATIVE AFFAIRS

The Assistant to the Secretary of Defense (Legislative Affairs) is the principal staff assistant to the Secretary of Defense for Department of Defense relations with the Congress. He performs functions in his assigned fields of responsibility such as: (1) advising and assisting the Secretary of Defense and other officials of the Department on congressional aspects of Department of Defense policies, plans, and programs; (2) coordinating Department of Defense actions relating to congressional consideration of the legislative program of the Department; (3) coordinating the development, clearance, and furnishing of information in response to requests received in the Defense Staff Offices from members of Congress and the committees of Congress and their staffs; (4) arranging for the designation and appearance of witnesses from the Department of Defense at congressional hearings on Defense matters; and (5) maintaining direct liaison with the Congress, the Executive Office of the President, and other Government agencies with regard to legislative investigations and other pertinent matters affecting relations of the Department of Defense with the Congress.

These agencies account for $56.728 million in expenditures. Of that amount $48.062 million—the fiscal year 1970 expenditures for legislative liaison, legislative affairs, the Armed Forces radio and TV services, and the aerospace audio visual services—is not reflected in the $37.675 million the Pentagon is now requesting for spending in this area. While it is clear that not all the expenditures of these agencies are devoted to public information and relations, an examination of the official descriptions of their responsibilities, and the types of materials they produce, make it clear that a significant portion of the funds they expend are, in fact, used for public information and public relations.

From this information, it appears that the figure of $37 million stated by the Defense Department as the level of its public information and public relations expenditure is far too low. The true figure could run as high as twice that amount.

Accordingly, I am asking the General Accounting Office to investigate the expenditures of these agencies in question and determine exactly how much is being used for public information. I hope to have this material available when the defense appropriation bill comes before the House.

Last year the Congress expressly prohibited DOD propaganda unless specifically authorized by Congress. However, it appears that more stringent restrictions will have to be placed on the Pentagon's tendency to advertise its own actions and to promote its own causes.

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CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., June 19, 1970.*

Mr. ELMER B. STAATS,
*Comptroller General of the United States, General Accounting Office Building, Washington, D.C.*

DEAR MR. STAATS: The purpose of this letter is to reaffirm several agreements reached today in my conversations with Mr. Rothwell and others of your staff.

In my letter of June 4, I requested "the full and precise extent of expenditures of public funds by the Defense Department for the purpose of public affairs during the Fiscal Year 1970." It is now my understanding that the GAO will limit its investigation to the Armed Services Radio and Television Service, the Aerospace Audio-Visual Services, and military recruitment activities of all agencies involved therein. In specific, your investigation will seek to determine in as much detail as practicable (1) the extent to which the materials and services produced by these agencies are utilized for public consumption, and (2) the extent to which the formal public information and public affairs agencies of the Department of Defense are consulted by these agencies in the process of deciding what kinds of materials and services they will produce. This information will allow me to make more accurate judgments about the proportion of the budgets of these agencies that might reasonably be regarded as "public affairs" and "public information" expenditures.

As I indicated to Mr. Rothwell, I would hope to request and receive a brief status report from the GAO on its progress in this investigation at the time the Defense Appropriations Bill for FY 1971 comes before the House, probably some time in mid-July. Thereafter I will expect to receive additional information contained in the investigation as it becomes available.

Cordially,

JONATHAN B. BINGHAM.

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## IMPACT OF MODERN MASS MEDIA

## HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. MILLER of California. Mr. Speaker, when we consider the unprecedented impact of the modern mass media upon the minds and attitudes of the public, it is important to recognize initiative and to applaud constructive achievement in improving the quality of television programing

Therefore, I want to call the attention of my colleagues to a bright spot upon the public programing horizon.

The members of the Science and Astronautics Committee, its professional staff and many invited guests have recently had the pleasure of witnessing a preview screening of a new film called "Space in the Age of Aquarius."

This entertaining and informative hour-long special, designed for national television, will begin to fill a gap in public understanding.

Our committee has received thousands of letters asking how the national space program and its spin-off space technology benefit the taxpaying citizens. This filmed program, produced by Hugh O'Brian and Bill Gibson and starring Mr. O'Brian and Jonathan Winters, as well as Dr. Wernher von Braun and other space age pioneers, successfully answers many of the questions in terms that anyone can appreciate.

On behalf of the committee which I chair and those responsible for our historic space achievements, we wish to express our gratitude to Mr. O'Brian and his associates for helping us communicate the benefits of space to the American people so effectively.

We understand that the program has already received the sponsorship of General Foods and the Faberge Co., which also contributed the initial production costs. Two of the major TV networks have expressed an interest in this imaginative production and it is hoped that arrangements can be made to show it on prime time early next year. The leadership of the National Space Club has assured us of their enthusiastic support in acquiring the widest possible national distribution.

We congratulate the sponsors for their active interest in the national space effort. We sincerely hope that Mr. O'Brian's excellent achievement will encourage others to produce programs on equally constructive themes in the future, aimed not just at the limited audiences of educational television, but at the large audiences available on network television at prime time.

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## THE TRAGEDY OF NORTHERN IRELAND

## HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. RYAN. Mr. Speaker, the newspaper headlines have made us all well aware of the ongoing tragedy in Northern Ireland. Bitter conflict has been raging; human lives are being lost.

The root of these troubles lies in the discrimination which has been visited upon the Catholic minority of Northern Ireland for some 300 years. I cite the 1969 Cameron report, an official document of the British Government, which refers to, and I quote, "well documented" cases of discrimination in the making of local government appointments. This same report describes "well documented" cases of deliberate manipulation of local government electoral boundaries—political gerrymandering. Housing allocations have been employed discriminatorily against the Catholics of Northern Ireland. Low-paying, dead-end jobs have been the lot of this minority.

Some steps have finally been taken to change these invidious devices. But even as the Government of Northern Ireland claims that it is making progress in eradicating discrimination against Catholics, that Government has revived internment, a device employed to deprive citizens of their most basic rights by detaining them without right of appeal or any other legal remedy.

At the September meeting of the United Irish Counties Association of New York, a resolution was adopted which is very much relevant to this state of affairs. At this point, I should like to include this resolution in the CONGRESSIONAL RECORD:

RESOLUTION UNANIMOUSLY ADOPTED BY THE UNITED IRISH COUNTIES ASSOCIATION ON SEPTEMBER 15

At the September meeting of the United Irish Counties Association of New York, Inc. the delegates assembled voted unanimously to protest the cruel and inhuman treatment of our Irish people in Northern Ireland.

The idea of the Stormont Government invoking the Special Powers Act, which allows arrest and internment, without trial, in the year of 1971 we find particularly revolting. We call on the British Government and the Stormont Government to take steps to correct this shameful situation and remove the British Occupying Forces before it is too late.

PETER J. O'NEILL,
*President,*
M. P. HIGGINS,
*Resolutions Committee.*

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## LOOKS FORWARD TO DAY WHEN POLAND WILL BE FREE AGAIN

## HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. EILBERG. Mr. Speaker, September 17 marks the 32d anniversary of the Red Army invasion of Poland. The Polish American Congress has commemorated this tragic event in a recent statement which gives those who hold liberty in esteem reason for sober reflection. May we all look forward to the day in the future when Poland will again be free.

While joining with the Polish American Congress in its fervent desire that Poland and the other captive nations may know true freedom once again, I insert this statement in the RECORD and commend it to the thoughtful consideration of my colleagues:

POLISH AMERICAN CONGRESS,
*Washington, D.C.*

Thirty-two years ago, on September 17, 1939, the Red Army swooped down from behind on Polish troops fighting the Nazi invaders. This perfidious act started the Soviet conquest of Central-Eastern Europe.

After varying fortunes of war, the rule of Moscow extended up to the River Elbe and many nations, formerly independent, became Soviet satellites.

However, these people do not accept the bondage, and courageously struggle for free-

dom. Although their efforts have been brutally crushed, hope or despair will undoubtedly push them to new and desperate deeds. An explosion may easily cause general upheaval ominous to world peace.

It is in the interest of all nations to prevent such a dangerous development. The surest way to do it is by loosening Soviet control of Central-Eastern Europe and by ending Moscow's selfish use of its peoples.

The U.S. Government should always retain these goals as an object of its policy and every opportunity should be utilized to hasten their realization. Negotiations conducted with the Soviet rulers, from commerce to disarmament, should never contribute to the consolidation of the Soviet rule over Central-Eastern Europe and never approve the exploitation of this area by the Kremlin.

## BILINGUAL PROBLEMS AND DEVELOPMENTS IN THE UNITED STATES

### HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. FISHER. Mr. Speaker, Dr. Garland Cannon, professor of linguistics, at Texas A. & M. University, while a visiting professor at the University of Michigan last year, completed a research on bilingualism. It is a very learned document, and in view of the interest in bilingual matters it becomes a useful and welcome contribution. It was published in the May, 1971 issue of Publications of the Modern Language Association of America.

A copy of the document follows:

BILINGUAL PROBLEMS AND DEVELOPMENTS IN THE UNITED STATES

(By Garland Cannon)

When an individual's language is not accepted in his speech community, social and economic discrimination may follow for a child or adult. The possibility of acceptance of someone who speaks a language different from that of the majority tongue is diminished by the fact that, around the world until recently, as a child he was likely to have been enrolled in the monolingual curriculum of his country's formal educational system. That is, nothing was done to help him overcome his special linguistic problems. The result frequently has been and often continues to be poor achievement and even school dropout. The Mexican-American in the United States has an average eighth-grade education, two years less than blacks and four years less than other whites with a commensurately lower income. Perhaps 40% of the Chicanos in Texas are functional illiterates, and only a quarter of the Mexican-Americans in Los Angeles speak English fluently.

The original linguistic causes can help lead to rebellion against the seemingly deliberate oppression, as in the recent disturbances between the Chinese and Malays or in the persistent difficulties in Quebec. The extremes are a spontaneous riot or almost systematic bloodshed. They may culminate in demands for a separate language state, like the Punjabis and Gujaratis in India, and the militant Chicanos who call for a Spanish state in the U.S.

Five million American children have a non-English mother tongue, and Center for Applied Linguistics estimates that 20 million Americans do not speak English natively. Of the 3 million children whom the U.S. Office of Education estimates to still be using their native language, 1.75 million are of Spanish background, not counting 317,000 Cuban refugees. Another 144,000 are Indians enrolled in various schools, with a million from some 30 other languages like French, German, Polish, Italian, and Czech. Immigration of school-age children is rising.[1] Yet in 1967 only about 142,000 of the 3 million received special instruction. This question is not as advanced or explosive in the U.S. as in Canada or the Punjab, but the ultimate political ramifications are well known to Republicans who seek the votes of Latin Americans and other minorities.

The more jingoistic historians laud America's linguistic richness and the successful melting-pot tradition. What is not said and is sometimes not understood is that the tradition induces the immigrant to discard his native language and culture as fast as possible, if he is to advance vocationally and socially. An especially disturbing result is that the person, particularly a child, may become reluctant to speak his own language. He thereby moves into a kind of linguistic no man's land, where his English is inadequate and yet his command of his ancestral language is criticized by his parents. Mexican-Americans or Italians may chide their children for bad Spanish or Italian, while the children are encountering obstacles in the "Anglo" curriculum. Meanwhile, American monolinguals lose the opportunity for the real association needed with them, in order to move toward the ultimate acquisition of bilingual skills that many Europeans possess.[2]

The United States has always been a monolingual nation. It is true that several bilingual programs were flourishing by the mid-nineteenth century, especially German-English ones in such places as Milwaukee and Cincinnati. However, the German programs disappeared completely with World War I. Until World War II, the great majority of non-English children were thrust into a monolingual curriculum. Since 1945 there has been a considerable expansion of programs in English as a second language, including the beginning of needed research by linguists and other scholars. But concentration was on intensive English drills designed to permit later instruction in English in school subjects, with no effort to develop the child's pride in and appreciation of his cultural heritage. Though work of the Bureau of Indian Affairs dates back a century, linguistically oriented methods and materials, based on a comparison of English and the Amerind tongue and the expected interference from the mother language, have been introduced only in the last decade. Despite these instructional improvements, Indian children continue to score below national norms on various kinds of standardized tests and then fall farther behind as they proceed through the grades. A major effort is being made on the Navajo Reservation, where 20,000 children attend Bureau schools. Additional extensive work is being done with the Alaskans and Mississippi Choctaws. Overall, about 150,000 Indian children, 80% of whom do not speak English natively, are receiving special instruction.[3]

When the National Defense Education Act was expanded in 1964 to include English as a second language, some existing programs were improved. Title XI of the Act provided a million dollars in fiscal 1967 specifically for such a purpose. To this were added roughly $5 million under the Adult Education Act, $1 million under Title V of the Higher Education Act of 1965, and $10.5 million for Cuban refugee assistance. By far the largest assistance came through the Elementary and Secondary Education Act of 1965, with $7 million under Title I and $5.5 million under Title III, for a total of $30 million in fiscal 1967 to help meet the linguistic needs of non-English speakers.

Footnotes at end of article.

The multiplicity of legislation by 1967 resulted in overlapping, and yet too few people were being assisted. The minority view on the Bilingual Education Act nonetheless maintained that existing legislation could give "far greater emphasis" to bilingual needs, since Title XI, e.g., was funding only one institute for bilingual teachers of the total 517 NDEA teacher institutes. Thirty-seven individual bills in the House of Representatives were coalesced, eleven Senators coauthoring similar bills, so as to amend the Elementary and Secondary Education Act "to provide assistance to local education agencies in establishing bilingual education programs, and to provide certain other assistance to promote such programs." Specifically, the Bilingual Education Act permits grants to local school agencies for planning and pilot projects, pre-service and in-service training of teachers and teacher-aides, administration of such programs, acquisition of needed equipment and materials, and securing of teachers to teach their native language where it is the students' dominant one. The general purpose is to help children be comfortable in their own tongue plus English, while appreciating the two cultures represented thereby, in contrast to the former rather mechanical purpose of instructing only in English, as in second-language programs. The children served are to be from three to eighteen years of age and are to come from low-income families.

Passed in late 1967, the Act carried no funds. Finally the Congress appropriated 7½ million for one-year projects beginning in September 1969. Several successful programs were in existence by then, some funded locally, some by state or federal sources, and most by a combination which included federal money. Miami (where the annual cost per student in Coral Way Elementary School was $25 for materials and teacher-aides, funded by the Ford Foundation as the first phase of a larger project), Laredo, Edinburg, and San Antonio were among the best known. Once the $7.5 million was appropriated, school districts, university scholars, private scholarly and research groups, and others flooded the Office of Education with proposals, requesting $41 million for 315 projects in 41 states.

Seventy-six projects were approved.[4] Of these, 65 were in Spanish-English, hardly a surprising percentage, since two-thirds of the children who need to be reached by bilingual education speak Spanish. There was one each in Cherokee, Chinese, French, Japanese, Navajo, and Portuguese. One in Grants, New Mexico, involved three Indian languages, plus Spanish and English. The one at P.S. 1 in the Bronx served 270 children, where 45% are Chinese and 33% are Puerto Rican. More than half the projects were in California and Texas. The program reaching the largest number of students was in San Antonio, involving 1,650 from kindergarten through most of the grades. One component of that program was the training of bilingual secretaries and office workers. The most costly was in Chula Vista, California, where $570,774 was expended for Spanish programs for 595 students, eventually to affect all grades in five urban districts.

The Office of Education required all 76 projects to undergo the usual evaluation procedures plus a new kind of auditing, whereby detached outsiders would also assess results. The total assessments are to be refined into an annual composite, to be sent to those involved in each project and possibly to others who are interested. The Office deliberately made such elaborate preparations, recognizing that the projects represented one of the most enlightened, coordinated attempts at bilingual-bicultural education in the U. S., if not the world, excepting countries like Switzerland, where natural linguistic grouping has historically produced bilingual or even polylingual citizens. The hope was that colleges and universities in the states repre-

sented would cooperate fully as their services were needed, some having been directly involved in a project from the beginning.

The hope has been partly realized. Among the 58 projects approved for 1970–71, Whittier College is providing in-service training for aides, teachers, and others in the Montebello Unified School District project. Hunter and Lehman Colleges are providing bilingual training to teachers and auxiliary personnel. The two have initiated degree programs in bilingual education, in a consortium with the New York City Board of Education that has been funded for $275,000. The 1970–71 projects, costing $8,025,652, have been generally devised in terms of five-year goals, as opposed to the narrow, one-year goals usually imposed in the 1969–70 projects. Spanish again dominates, with 47 of the total 58. One in Chamorro is on Guam, and there are three in French, California has 19 projects; Texas 12. The least expensive is the $20,000 allocated to King City, California, for instruction of Mexican immigrants' children. Except for the $486,666 granted to the Los Angeles schools for instruction in kindergarten and the first grade, by far the most expensive and far-reaching is the $500,000 given the Dade County schools to develop "a national core curriculum for Spanish-speaking children in grades one through three." The curriculum will then be field tested in selected bilingual education programs around the country beginning in September 1971, in a four-year effort.

Meanwhile, some bilingual activity has continued in other governmental groups. The U.S. Commission on Civil Rights, recognizing that an individual's language often helps explain his economic and other difficulties, in 1970 completed a study of the nature and extent of educational opportunities for Mexican-American youths in Southwestern public schools. The Cabinet Committee on Opportunity for the Spanish-Speaking is a dedicated group directly charged with finding possible linguistic solutions. A mark of the increasing sophistication in such endeavors is that the narrower title of *Mexican-American Affairs Unit* of the Office of Education has become *Office of the Spanish-Speaking,* so as to embrace the many Cuban, Puerto Rican, and other non-Mexican Spanish speakers. There are numerous related federal programs, such as the Department of Labor's "Philadelphia Plan," where bidders on federally assisted contracts costing more than a half million dollars must pledge minority-group hiring goals—e.g., 20% of the craftsmen must be Negroes, Orientals, persons with Spanish surnames, and/or American Indians.

Since grants under the Bilingual Education Act go to state and local school agencies, these dramatically expanded their own efforts for a time, until financial retrenchment across the nation began to affect them. Not long ago some states had laws, even constitutional provisions, prohibiting instruction in any language other than English in content courses. States like Colorado, New Hampshire, and Texas have overcome the restriction through repeal, or passage of permissive legislation. Perhaps no state now has such a law. It is hoped that the not-infrequent situation of the past is gone forever, where the teacher gave instructions in English, and the Spanish-speaking child, upon asking what he was supposed to do, was slapped for violating the rule of "English only" which supposedly helped him learn the language faster. This change in attitude is quite recent. Not until 1965 did New York pass the Rodriguez-Ramos-Lopez Act exempting voter applicants from English literacy tests if proof of a sixth-grade education is provided. Only in 1969 did El Paso's Bowie High School (where most students are Mexican-American) abolish the rule prohibiting Spanish on the grounds.

Texas, with the largest number of bilingual programs, had a total of 28 in 1969–70, a rise from the 12 to 15 of 1968–69. It is implementing a new Statewide Design for Bilingual Education, since a half million students, comprising a fifth of the public-school enrollment, have Spanish surnames. Moreover, at least half of these begin formal education knowing little or no English. Arizona, California, Florida, New Mexico, and New York are also dedicated. The Dade County program is so famous that its administrators must spend much of their time in accommodating the stream of observers from around the world. The Office of Economic Opportunity is assisting states through large literacy and other English programs for migrant workers, all federal and state efforts reaching some 1.5 million Mexican-Americans in 1968.

Private and professional groups are equally involved. The Center for Applied Linguistics sponsored conferences in 1969 on the teaching of English to speakers of other languages as a worldwide problem, on a national program for constructing English bilingual dictionaries, and on social dialectology and its pedagogical implications, with particular attention to underprivileged blacks. Ford and other foundations have continued making grants, while the National Education Association conducts workshops and cooperates in various ways.[5] The NEA devoted its Ninth Annual Invitational Conference on Civil and Human Rights in Education, in March 1971, to the theme of "developing an instructional program to implement cultural pluralism.' Regional education laboratories are participating in programs, some being directed by distinguished scholars who have temporarily left university posts to devote themselves full time to the work. *Time* and *Life* magazines collaborated with KOGO-TV of San Diego in making *Mañana Is Today,* a color film depicting a Mexican-American child's difficulties when he enters school with only limited English. Seemingly unrelated movements like Cesar Chavez's *huelgas* in California and Reies Lopez Tijerina's *Alianza* in New Mexico have contributed in their own way to greater public awareness.

As the problem is worldwide, international cooperation would seem to be the best hope for America and other countries. Wales, where half the subjects are taught in English in bilingual schools and where a government-appointed commission recommended that Welsh have equal status with English as the legal or official language, hosted an International Conference in Aberystwyth in 1960. Several successful regional conferences, notably in Africa, have been held. Thirty-six scholars and key federal officials held a National Conference on Bilingual Education in Washington in June 1969, funded by the Office of Education. There, a National Committee for Study of Bilingual Education was formed under the chairmanship of William Mackey, the leading Canadian scholar on the subject and the Chairman of the Laval International Center. The Committee was charged with the plotting of basic research necessary for successful programs; however, it has not met since its formation. The Conference was noteworthy in that almost half the participants were Latin Americans, unlike some previous small gatherings where the handful in attendance might have been called *lagartos* (lizards) by some Puerto Ricans as the counterpart of the blacks' Uncle Tom.

The Conference discussed methods and materials, teacher preparation, evaluation, and language acquisition of the child. A bilingual clearinghouse was suggested, to keep track of the host of ambitious experiments completed or in process around the world, with mushrooming publications and teaching materials, almost too many to read. The paucity of good bilingual teachers was strongly lamented. One scholar noted the paradox that Puerto Rican schools have few native English teachers as models, while mainland schools have few native Spanish models for bilingual education. The Conference discussed colleges of education, which evince interest but still have not substantively altered their traditional curricula in order to create the first real bilingual teacher-training institute in the U.S. Drastic changes are needed in teacher training; perhaps guidelines should be developed, so as to permit existing institutions to break their present unsuccessful molds more easily. Finally, the familiar standardized tests were criticized at the Conference as being both culture-biased and verbal. Many blacks or non-native English speakers usually do more poorly than middle-class native speakers on these tests, but score comparably well on a test that is fair to them. The elaborate San Diego program is developing a placement test which, when available, could help eliminate a common practice of placing the Puerto Rican child on a slower track in school because of his poor score on the biased English test. This practice assures his falling even farther behind and perhaps never reaching the biased admissions tests which may reject him from college. Numerous college departments of anthropology, educational psychology, linguistics, psychology, sociology, and related disciplines need involvement in the construction of appropriate tests at various levels.

A decade ago the general situation for nonnative English speakers in the U.S. was quite bleak. Now it is somewhat brighter in terms of the amounts being spent on the numbers of children and the numbers of programs. The Center for Applied Linguistics is comprehensively engaged in the work, and there is widespread interest in the problems of language minorities. Dozens of university scholars are concentrating on research in bilingualism and/or Negro social dialects. Nonetheless, at least one formidable barrier remains: no reliable means of evaluation has yet been devised.[6] Not only is it not known whether funds for a given program are being spent efficiently to advance selected people toward the right goal, but it is not even known absolutely that the program will ultimately prove helpful in the right way. Past evaluation of a project was primarily by people who developed and implemented it. Since a generally positive assessment was necessary in order to secure funding for the following year, some of their conclusions may have been less than dispassionate. The new concept of "outside" auditors is providing more detachment. Still, it may be necessary for many children to grow up and be closely observed in adult life before the nation can be relatively certain of the real results of bilingual education and can then make any needed refinements toward the kind of national program envisioned in the Dade County plan for a core curriculum.

Two other problems persist. Not nearly enough people are being systematically and progressively reached, and there remains some formlessness in the general direction and national shaping of policies toward bilingualism in the U.S. as elsewhere in the world.[7] Officials in the Office of Education, as well as scholars, acknowledge the magnitude of the dual tasks of informing the nation about the importance and value of bilingualism, and of establishing its direction. One innovation which is being carefully studied is Mexico's large-scale experimentation in beginning with the native Indian language, so as to speed the child's movement into Spanish speech and writing. Peru has a similar pilot project. Actually, American-based groups like the Summer Institute of Linguistics (Wycliffe Bible Society) have been utilizing the premise for some time. They prepare certain Eskimo texts to help the child preserve his language and culture. After he becomes literate in Eskimo, his experience in associating Eskimo sounds with their written representation simplifies his similar association of English sounds with their spelling.

Countries like Canada are constitutionally

Footnotes at end of article.

forbidden to use federal funds for bilingual programs. Strategic provinces like Ontario have had to operate under provincial authority. Yet Canada moves toward the vanguard, particularly because of the resplendent International Center for Research of Bilingualism, subsidized by the Ford Foundation in 1967 through a three-year grant of $400,000 for the purpose of basic research and documentation. There is a new Royal Commission on Bilingualism and Biculturalism, which issues periodic reports, among other contributions. The U.S. has no comparable international center, though the Bilingual Education Act did establish in the Office of Education and Advisory Committee consisting of the Commissioner of Education and eight appointed members.

One compelling fact remains: when a person studies a subject through a language which he knows only imperfectly, he is likely to do more poorly than natives of that language. His performance has rather direct correlation to his possibly dropping out of school later. In bilingual education, he is finally given a real change, unlike his parents, who may be migrant laborers too tired to attend an adult education program when it is available in the evening. Blacks whose social dialect of English is not accepted pose special linguistic problems. They are technically not included under the Bilingual Education Act, since most linguists agree that underprivileged blacks are native English speakers who need command of an additional dialect which will permit them to be accepted socially. A special complication in all bilingual and social-dialect projections is a shifting population. Thus in one Chicago school the Spanish-speaking enrollment went from 300 to 3,000 in two years, in a city where the Spanish-speaking population is estimated at 320,000, as compared with Detroit's 34,000.

In the past, such situations have helped lead to a group of people disregarded by their fellow citizens and country, except for condemnation and perhaps a political backlash if they protest too militantly. Immediate movement toward large scale, sequenced programs in bilingualism-biculturalism and social dialects is imperative in the U.S. and elsewhere. Perhaps not even the restoration of peace in Vietnam and the Middle East has larger ramifications than the problems resulting from the presence of language minorities in given political or geographical areas. The Punjabis are no less serious about forcing India to establish a Punjabi state than are some Chicanos in their muted demand for a Spanish state in the U.S. Of course, it would be hoped that the positive, human advancement would be the real motivation for resolution of linguistic problems, rather than the forestalling of confrontation in the streets and on the campuses.

The implications for higher education are patent. Neither the causes nor the solutions derive from colleges and universities, but it is their responsibility to assist to their utmost those young people of Spanish or other non-English background who have somehow advanced through the present educational system to reach college. That utmost may require abandonment of some cherished precepts and methodology, together with bold experimentation. At present, such students must be accommodated within a structure not designed for them. Meanwhile, higher education must be anticipating the creation of a possible complementary structure to assist future students who, it is hoped, will have been trained and enriched by bilingual programs in pre-college years.

The difficulties at San Francisco State College and then at the City College of New York suggest that higher education may have little alternative, The Black and Puerto Rican Student Coalition at CCNY rejected existing "special programs" as an inadequate response to the shortcomings of urban education. In the spring of 1969 they demanded a quota system for the freshman class, the requirement of black and Puerto Rican history and Spanish-language courses for all education majors, and possible separate degree-granting schools. The ensuing violence helped lead to uniquely positive results. The Board of Higher Education approved a plan of open enrollment for 1970, with all high school graduates to be admitted to the nine senior colleges and seven two-year colleges of the City University. The plan stipulated that "the quality of the degree shall be preserved."

The result is well known: the number of full-time freshmen rose from 20,000 in 1969 to 35,000 in the fall semester of 1970. Some 9,000 of these, from the "low academic" high schools and vocational schools, are engaged in special programs in reading, writing, mathematics, and study skills. Many of the one thousand new faculty members, often holding unrelated research doctorates, are assigned to such remedial teaching. City University officials believe that blacks and Puerto Ricans comprise one-third of the freshman class, as opposed to 22% last year. Of course, the crush of 190,000 students, the critical shortage of space and funds, and other major uncertainties have strengthened pessimists' fears that the open-door policy will become a revolving door for disadvantage students.[8] Optimists are hopeful of success, and undoubtedly the eyes of the educational world are on this critical experiment. The question now is whether there can be expanded funding from cities, states, and federal sources, particularly since Governor Rockefeller has pledged a program of "full opportunity" for the entire state.

Other institutions have taken less ambitious steps. The University of Texas at El Paso instituted a program of Mexican-American and Black Studies in the spring of 1970. Financial difficulties are now causing curtailment of some of these innovative endeavors. One bold plan which is being systematically pursued is at the University of Michigan, which has pledged to raise the enrollment of black students at Ann Arbor to 10% by the fall of 1973. Special recruiting and counseling programs have increased the total black enrollment to 5% in the fall of 1970, so that the plan is apparently on schedule. The Spanish-speaking are not formally included in the quota, for there were only 165 Spanish surnames among the total 32,940 Michigan students questioned in the fall of 1970.

Clearly, admissions policies need adjustment until present culture-biased tests can be replaced by more appropriate measuring instruments for minority-language groups. The individual professor may wish to rethink some of his methods and measurements for these students. There should be optimum use of and addition to existing programs for financial assistance, such as the College Work-Study Program, the Educational Opportunity Grants Program, and Guaranteed Loans for College Students. Efforts to finance special scholarships would be helpful, as in the students' decision at the University of San Francisco to assess themselves an extra $5 each in the spring of 1970 in order raise the $15,000 which the president then matched. At Miami, St. Lawrence, and Southern Illinois, the minority student renders minimum language-teaching services in exchange for a scholarship or assistantship. Slightly different is UCLA's Amigos-Friends, which includes the tutoring of Mexican-American children and a Peace-Corps type of operation in Tecate, Baja California.

Yet temporarily adjusted admissions policies and enhanced financial aid are peripheral to the real needs: the establishment of special teacher-training programs and materials-development centers, cooperation with the Office of Education's bilingual projects and with the numerous local and state programs, and related activities that might well require a consortium of some of the best minds in higher education from various disciplines. Then American colleges and universities can begin to make their necessary contribution toward solution of the complex linguistic problems facing the country. Perhaps some U.S. institution will have the vision to emulate Laval and establish the first comprehensive bilingual institute in America. It might be a miniature university in terms of the disciplines represented and the talent which may have to be borrowed periodically from other campuses and even from outside the U.S.[9]

Comprehensive language programs—in the streets, in cities, and on campuses—will be enormously costly of time, effort, talent, and money. involving the total coordinated commitment of many people. The programs may ultimately require as much professional competence as has the space program that has spent 21.1 billion dollars on Apollo missions to land the first men on the moon. If America can uncomplainingly spend such sums upon preliminary lunar exploration, then surely it can lead the way in a genuine search for the solution of bilingual problems. To do so, the United States must consecrate its compassion and rich resources toward that partly spiritual but very humane goal.

FOOTNOTES

[1] Text of the Bilingual Education Act of 1967, Tables 1–v, pp. 16–23.

[2] Some basic sources on the subject are Uriel Weinreich's *Languages in Contact* (New York: Linguistic Circle of New York, 1953), Einar Haugen's *Bilingualism in the Americas* (University, Ala.: American Dialect Society, 1956), Joshua Fishman's collection *Language Loyalty in the United States* (The Hague: Mouton, 1966), John Macnamara's *Bilingualism and Primary Education: A Study of Irish Experience* (Edinburgh: Edinburgh Univ. Press, 1966), and Theodore Anderson and Mildred Boyer, *Bilingual Schooling in the United States*, 2 vols. (Austin, Tex.: Southwest Educational Development Laboratory, 1970).

[3] See Evelyn Bauer's "Teaching English to North American Indians in BIA Schools," *Linguistic Reporter*, 10 (Aug. 1968), 1–3.

[4] The projects are described in the Office of Education's "Notification to Members of Congress" of 20 May and 29 May 1969. Similar "Notifications" describe the 1970–71 projects, dated 18 June and 30 June 1970.

[5] See, e.g., *The Invisible Minority*, the 1966 Report of the NEA-Tucson Survey on the Teaching of Spanish to the Spanish-Speaking (Washington, D.C.: NEA, 1966).

[6] See *Description and Measurement of Bilingualism*, ed. L. G. Kelly (Toronto: Univ. of Toronto Press, 1969).

[7] Problems beset even long-established literacy movements like Mexico's Campana de Alfabetismo, Paraguay's determined efforts to help Guarani Indians learn Spanish, or largely English-speaking Ireland's policy of using Irish as the language of instruction in the primary grades in the national schools.

[8] Leonard Buder, "Open-Admissions Policy Taxes City U. Resources," *New York Times*, 12 Oct. 1970, p. 1.

[9] An alternative is discussed in Howard Ray Rowland's "A National University: Lost Cause or Hidden Reality," *Educational Record*, 50 (1969), 309–18.

## MRS. RITA HAUSER ON MARRIAGE

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. RARICK. Mr. Speaker, among the prominent Republicans reportedly being considered by the President for appointment to the Supreme Court of the United States is said to be Mrs. Rita Hauser,

presently U.S. Representative to the United Nations Human Rights Commission.

Possibly some of her proponents base her qualifications as a Supreme Court Justice on her speech before a section meeting of the American Bar Association last year when she was reported to have said that laws banning marriage between persons of the same sex were unconstitutional. She is further reported to have said that the notion that reproduction is the purpose of marriage is outdated and that marriage between the same sex could solve the population problem.

I include a related news clipping in the RECORD at this point:

HOMOSEXUAL MARRIAGES DEFENDED BY U.N. AIDE

ST. LOUIS, August 10.—Mrs. Rita E. Hauser, the U.S. *Representative to the United Nations Human Rights Commission,* said today that laws banning marriages between persons of the same sex were unconstitutional.

Speaking on "Women's Liberation and the Constitution" at a section meeting of the American Bar Association, Mrs. Hauser said that such laws were based on what she called an *outdated notion that reproduction is the purpose of marriage.* She argued that overpopulation had made this rationale outmoded.

Limiting reproduction has now become the social goal, she said, "and I know no better way of accomplishing this than marriage between the same sexes."

Mrs. Hauser, a New York lawyer and a prominent Republican, is the wife of Gustave M. Hauser, a vice president of General Telephone and Electronics International, Inc.

## WOC COMMENT

### HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. SCHWENGEL. Mr. Speaker, recently Bill Gress of WOC television in Davenport, commented on the hearings Senator SAM ERVIN will be holding on the relationship between the Government and the press.

It is an editorial that is worth reading:

WOC TELEVISION—AN EDITORIAL COMMENT
SEPTEMBER 16, 1971

Hello, I'm Bill Gress, and this is Comment!

Venerable Senator Sam Ervin of North Carolina has set up a series of hearings later this month that will bear a little watching. The Senate Constitutional Rights Committee, which Ervin heads, will probe into the relationship between the government and the press. As Senator Ervin put it, the subcommittee's study and hearings are prompted in part by recent developments which have caused many Americans to question the vitality and significance of the Constitution's free press guarantee. The North Carolina Senator said it sometimes appears that some government officials assume the role of the press is to present news about government policies and actions in only the best possible light. He added that it sometimes appears that some members of the press unjustifiably interpret any official response to their criticism, other than acquiescence, as a threat to their freedom to criticize. The hearings the Senator proposes to hold can either be a witch-hunt or a really good airing of the whole problem. We hope it is the latter. For it is about time we blew away some of the smoke that has obscured our free American press in the last few years. The whole question of the free press needs a good recharging of the batteries. This sort of thing might be just the right idea at the right time.

Bill Gress, and Comment.

## MINNEAPOLIS HEALTH HEARINGS

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. FRASER. Mr. Speaker, at the recently concluded Minneapolis health hearings, Mr. Robert P. Janes, the Deputy Chief for Health Planning of the Health Services and Mental Health Administration testified.

Mr. Janes presented a lucid and comprehensive statement concerning the need for and activities of comprehensive health planning agencies. As Mr. Janes points out, health planning agencies must be in accord with the needs of the communities which they serve. This emphasis is one step toward insuring that health care becomes a consumer oriented and directed program.

State officials directly concerned with health planning also testified at the hearing. Dr. Ellen Fifer is the health planning director for the State of Minnesota Planning Agency. Her statement was submitted by Mr. Steve Mosow who also discussed the State health program in detail.

One of the main points Dr. Fifer raises in her statement is that categorical grants are a "cumbersome, inefficient, and fragmented method of assisting States and communities"; rather she favors expanding formula and block grants in order to encourage comprehensive services. The statements follow:

STATEMENT BY ROBERT P. JANES

Thank you for the opportunity to be with you today and to participate in Congressman Donald Fraser's public hearing on the important subject of health. I am pleased to have the opportunity to tell you about a relatively new and interesting Federal partnership program under HSMHA sponsorship known as Comprehensive Health Planning. This program is truly a partnership effort. It is a partnership effort between the Federal, State and local areas of government as well as a partnership effort between the providers and consumers of health services. What I'm going to say is partly some of what I have been thinking about comprehensive health planning—the whys and whats of it, if you will—and partly some of the instances the staff have been relating to me—with considerable pride, I might add. They could hardly wait to tell me about the great job the Minnesota State CHP agency did in its study and recommendations on residential care a couple of years ago.

But to go back to the beginning—the why of comprehensive health planning—I am sure this audience knows well the problems that have emerged in our health service system—or our health service non-system, as some call it. Take what health service is costing, for instance: Over $67 billion in 1969–70—more than 18 times what it was in 1940. This constitutes about 7 percent of our gross national product and makes us the highest spenders for health in the world—both in total and capita.

And in spite of all this money spent, health services in every community are imperfect. If a city excells in hospital care, it still may not have enough care for people at home. There may be splendid service for cardiac patients and in all too many instances a mediocre one for keeping youngsters health. I am sure you could fill in many examples.

Along with the increase in expenditures and thus in services have come increases in number of agencies and organizations engaged in health work and an almost unbelievable complexity in the total picture of health services. Some organizations are built around functions, some around diseases or professional specialties and others around the need of specific population groups. The confusion and frustration of ordinary citizens trying to get the health services they know are there somewhere—and that they are increasingly thinking of as a right—is something we all understand, and indeed most of us share.

The realization that something needs doing has brought in recent years various kinds of action from both the public and the private sectors. At the Federal level there were such measures as medicare to help with the costs of care for older pople and medicaid to help pay for health service for people who cannot afford it. The Hill-Burton facilities planning provisions were aimed at holding down the cost of hospital care, closing gaps in services, and eliminating duplication that is expensive in both money and manpower. The Regional Medical Programs set up under the heart disease, cancer, and stroke amendments were aimed at an orderly approach to providing quality services for those and related diseases and to get the fruits of our research to people where they live. In the community mental health centers, there is an effort to simplify and tie together the formerly completely fragmented services for the mentally ill. Similar efforts are being made in mental retardation. Similarly the Health Maintenance Organizations, a new legislative proposal soon to come up before Congress, would be addressed to the need to keep people well, not just care for them when they are sick. I would point out to you that all of these programs are what in the jargon of public health are known as categorical. That is, they are focused on a disease or condition, or on a population group, and usually on an aspect of the total need. Although broader in their impact than programs used to be they are by no means completely comprehensive in nature.

In the private sector, much has been done to overcome obstacles to good health services. For example, in financing medical and other health services, the greatest push has come from private and voluntary insurance. In 1968, almost 80 percent of the population under age 65 had some form of non-governmental health insurance. This is without either medicare or medicaid. Patterns of private health services have also been changing to try to lessen the consumer's confusion. The group practice of medicine, for instance, has grown. In many communities, home care programs offering a variety of types of out-of-hospital health services are not only relieving hospital shortages but providing good care in better circumstances. Even the training of physicians and other health professionals is undergoing change.

With all these developments, governmental and voluntary and private, there has been increasing attention to planning, and it is now generally recognized as an essential for any health activity. No health agency today would dream of rushing into a new service—a home care program, or a mental retardation center, say—without first investing in time-consuming and costly planning, and that planning

almost never involves a single agency or professional group, but must pull together all the potential contributors in the community, both public and private, resolve differences, set objectives, and select the best from among alternative courses of action. This, however, is program planning—planning for a specific program for which a need has already been agreed upon.

Program planning is an essential to good health services. But what programs should be planned for? This is the question, and it has been one that the Federal Government has been to a very great extent deciding by the funds it has made available for particular purposes. Quite rightly, the feds have been asked what gives them the knowledge and judgment to decide what programs should get first attention. Can the wise men in Washington make such decisions for central Minnesota?

Comprehensive health planning is the means to resolve some of these difficulties and overcome some obstacles. It is a *means*, I would emphasize. It is not an end in itself. Let no one think planning has its own virtues, without its products.

Like program planning, comprehensive health planning must be based on a consensus about what the planning needs of a community are—by a community, we mean either a State or an area. To arrive at that consensus, comprehensive health planning must involve all of the people who serve health needs, and who plan their own programs.

What should the consensus be based upon? The pattern of the past was to base it upon a definition of need as defined by professional experts. The categorical programs that have been financed by the Federal Government have, it was felt, represented generally the wishes of the body politic. Generally, people have wanted tuberculosis controlled, mental illness combated, the ravages of cancer minimized. But the determination of what programs should be undertaken and what should come first has been based upon professional consensus, or the closest thing to it that could be obtained. After the decisions were made by the professionals, then in most instances they confided in the people, who incidentally were then asked to pay for and support and respond to these programs. If the people were not always responsive, it was put down to their less-than-professional understanding of their own problems.

Comprehensive health planning is professionals looking at people's health needs with them—seeing how they see them, what they would put first. The law provides that representatives of consumers are to have a majority voice in advisory councils. Comprehensive health planning is partnership—and the consumers are no longer to be silent partners.

Such a change in our ways of looking at health needs, problems, services takes some dedicated effort—effort on the part of consumers to understand the professionals' point of view—and on the part of professionals to see their own interests in new light. It is in the nature of the dedicated specialist to see his own field looming largest, and the results are sometimes almost ludicrous, one of my favorite examples is the instance of a mental health plan I heard about some time ago. It was a careful, well-developed plan, with proper projections of population needs, and it set forth, the numbers of professional man years that would be required to meet them. What it showed was that every graduate of the State's medical schools for the next ten years would have to enter the full-time practice of psychiatry, and a considerable proportion of present practitioners as well. I do not question the dedication and sincerity of the developers of this plan, nor in one sense their program planning competence. But their point of view was limited. Perhaps if they had been planning with colleagues in other fields and with people who represented the public that needs mental health services, as well as other health service, they would have seen some alternatives to their impractical plan. I think they would have seen other ways of serving mental health than a corner on medical manpower.

Many people have been—still are—skeptical about comprehensive health planning, there have been dire predictions of conflict and deadlocks. Well, there are skirmishes, of course. I gather that when things are too calm, our people suspect that nothing is happening. But there are results, too, and let me tell you some I've heard about already.

Yesterday the director of the Miami CHP Agency, Wood McCue, stopped in to see me and left a document showing 1970 accomplishments and 1971 objectives. It's a fascinating piece of reading and you might want to ask him for a copy, here's one point, for instance: in 1970 the agency certified the need for 13 hospital construction projects involving 2,070 beds and about $72.5 million, but it denied certification of need to 17 proposed projects for a total of 2,964 beds and some $10 million dollars. If those three thousand beds had been built, they would have cost the community nearly $60 million a year in operating costs.

Other agencies have been successful in tackling the problem of too many or the wrong kind of hospital beds. In Phoenix, the council recommended a moratorium for a year—not without some opposition, I understand, put on the basis of their data showing the area had enough acute care beds.

In Syracuse, two hospitals located across the street from each other had a history of no communication, not to say cooperation. A study by the CHP agency, and I am sure some gentle prodding coupled with hard facts, has resulted in actual merging of the two.

Environmental concerns have received a good deal of attention, too. In Albuquerque, a water supply study conducted by the mid Rio Grande CHP agency in the fringe area around the city produced recommendations that stirred the city manager's office into a complete review of policies on water and sewer line extension. And through the efforts of the environmental health task force of the Jacksonville council, the city is now spraying open drains and sewers to control mosquitoes and has committed itself to cover these as soon as possible.

These examples are all examples of planning based on orderly assessment of area's priority problems. But, you know, the CHP agency has another kind of task. It is the advocate of all the people in its area, and sometimes just that role in itself provides opportunities that are windfalls. Out in San Diego, the CHP agency director went to a meeting where the main topic was better communications. Some of the talk was pretty high-flown, full of behavioral science concepts and so forth. Dick Jacobsen, the director, went back to his office and put his feet on his desk and thought about it. And it came to him that most of the poor people in San Diego and Imperial Counties speak Spanish and little English, and most of the health professionals who serve them speak English and little Spanish. Well, Dick didn't need much science, just common sense, people he knew, and a little effort. A couple of months later, there were 300 health professionals taking basic Spanish in night courses at the local junior college. That may not be planning but it will make for a healthier community.

In the few minutes I have remaining I would like to indicate some of the advantages that a CHP approach has to offer.

First, it provides means for decision-making about health at the State and local levels. Health needs in Alaska vary tremendously from those in Chicago or rural Alabama or Utica, New York. Furthermore, life style and therefore preceptions about money spending are different in San Francisco from those in Western Massachusetts, in St. Cloud, Minnesota, or Miami, Florida. I cannot prove it, but I am willing to guess that patterns of medical practice vary in the same way from one place to another. While there certainly are standards that can and should be nationally applied, I do not think they need necessarily be applied the same way in Wichita as they are in the District of Columbia.

Second, comprehensive health planning looks at all the factors that affect the health of all the people—including housing, transportation and traffic lights, as well as personal health services. There is an apocryphal story that has gone the rounds, so you may have heard it, about the town that had a terrible accident rate, all centered around one road that suddenly disappeared over a cliff. The local health authorities spent vast sums on ambulances, built new emergency rooms, added hospital beds—but the accidents still happened. The CHP came to the community. The Council members went to the highway people, persuaded them to turn the road before it got to the cliff—and the accident rate went down at once.

That's not as far out as it may sound. The areawide CHP agency in San Diego had been a facilities planning agency, naturally focused on personal health care services. With its first grant from CHP, it had received the word from the Regional Office about becoming comprehensive. So when they were only beginning to move that way, they looked around and discovered that neither San Diego nor Imperial counties had ordinances against open trash burning. And that council, which incidentally has strong medical leadership, went out and stirred up the community and got the county boards to pass such ordinances.

The third concept of comprehensive health planning that I think is an advantage is that it is concerned with bold public and private resources. We heard recently about the effort that one of the areawide agencies was putting into developing coordinated home health services for its area. After some weeks of negotiating (some of it could probably qualify as wheedling), the comprehensive health planning agency had gotten representatives, the four providers sitting together around a table. They found out things about each other they had not known before, and some of the competitive legends that had grown up were dispelled. One of these myths was a notion about the inability of public and private agencies to share or dovetail responsibility. It has not happened yet, but my wager is on that area having a coordinated home health service before too long, and the money will come from both public and private pockets.

Another CHP concept that I believe gives it strength is that it prescribes joint consideration and action on the part of those who provide health services and those who receive them, and for participation by a variety of both. That is, the consumer majority on councils is expected to represent all segments of the State's or area's population, and the providers are expected to represent the variety of health professions and interests. This is a really new pattern and one that has given some people trouble. For instance, at one time, both the Division of Comprehensive Health Planning at headquarters and the regional office received protests about a group which had announced that it was organizing a CHP agency for its area. The protests came from hospital administrators, organized medicine, from local government, a union, and a poverty organization. Our regional staff man went to meet with the group, whom he found to be an assemblage of well-to-do men and women who prided themselves on "doing good" and undoubtedly had in the past done a great deal of good. He began by saying, "I want to

tell you about comprehensive health planning. The first thing about it that's important is that it is planning *with* people, not *for* them." He stopped to look at their faces—and saw real bewilderment. It took a good deal of time and effort, a number of field visits, and much correspondence, and most of all, recognition by local leaders, but that area now has a going CHP agency that represents the community of providers and of consumers—no slight accomplishment.

I do not see Comprehensive Health Planning as becoming the manager of the health service system. In my opinion its value will be greater if it can maintain some space between itself and the system—space to allow for objectivity.

The review and comment responsibilities which Congress has mandated to the CHP agencies may offer some temptation to go the regulatory route: We have however, developed some guidelines concerning these responsibilities. These guidelines describe the purpose of review and comment "to help insure that individual health projects and activities which are Federally funded are in accord with the principles, goals, and priorities of a Comprehensive Health Planning body (and thus with a community's needs)."

Ideally, in time, the CHP agency would have developed a complete set of health goals and priorities and because all interested parties had participated throughout the development process, the proposed project would be in accord with the needs of the community. Thus, the review and comment responsibilities would become routine.

In summary, the future of Comprehensive Health Planning depends of course on the continued interest of the Administration and Congressmen such as Donald Fraser. Definite evidence of this interest exists with the new responsibilities proposed by the Administration and enacted into law by the Congress. The program has also been fortunate in obtaining budgetary increases for areawide planning as well.

I appreciate the opportunity I have had to talk with you this morning. In the time remaining I will try to answer any questions you might want to raise.

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FEDERAL GOVERNMENT'S ROLE IN REFORMING AND FINANCING THE DELIVERY OF HEALTH SERVICES

(By Ellen Z. Fifer)

The Comprehensive Health Planning Program established by the federal congress in 1966 directed us to plan in the areas of health manpower, services, and facilities in order to promote and assure "the highest level of health attainable for every person, in an environment which contributes positively to healthful individual and family living".

Since the Program was established in Minnesota in December 1967, we have proceeded with the advice and assistance of our consumer-provider Advisory Council to develop a "Partnership for Health" to study health problems, establish priorities and issue recommendations which we then attempt to implement through legislation, through state agency action, and through other means. We have worked closely with the Northlands Regional Medical Program, professional associations, and consumers to develop the five reports available at this time: *Goals for Comprehensive Health Planning in Minnesota; Recommendations for Action Concerning Parent and Infant Health; A Policies Plan for the Provision of Residential Care; Summary of the Conference on Health Care Costs;* and a new publication entitled *Recommended Health Manpower Policy*. An examination of these brief reports will give an indication of some of the problems perceived and solutions recommended.

The provision of health services is a highly complex process. The problems do not lend themselves to simple, ready solutions. I will address only a few areas of concern and suggest appropriate action.

HEALTH MANPOWER

The central element of all health care services are the people who deliver the care, including nurses, pharmacists, physicians, therapists, technicians, and aides. There are a number of established specialties as well as new, emerging careers. We need (1) to enlarge the manpower pool, (2) to utilize manpower wisely, and (3) to see that distribution throughout the state is more equitable. In Minnesota we have examined the effect licensure laws have on these three problems and proposed solutions.

*Federal action can be most effectively applied through support of health professions education.* Health personnel are a national resource. Mobility between states makes it unrealistic to expect that the individual states can or should assume the total responsibility. Grants for training to vocational-technical schools, colleges and universities should be provided on a per-student basis, with allied health personnel receiving support as well as physicians, dentists and nurses. Problems of utilization and distribution are being confronted at the state and community level, with legislation in these areas currently before the state legislature.

HEALTH FACILITIES

The mechanism for planning and regulation of health facilities—to see that hospitals and nursing homes are constructed only when necessary to fill a real need in a community—is already becoming established through areawide comprehensive health planning agencies. *Sufficient support for this federal program of comprehensive health planning at the areawide level is essential in order to establish responsible agencies* with trained staff and with consumer-provider boards which can then build and demonstrate planning competence. We have four established and funded areawide comprehensive health planning agencies in Minnesota, including the Metropolitan Council's Metropolitan Health Board. Three areas of the state have incorporated boards, as yet without funds or staff. Only one section of southern Minnesota is as yet unincorporated. Sufficient funds to get these agencies firmly established would be a small investment for the value received. One hospital bed costs roughly $45,000 to build and $25,000 to maintain on an annual basis. Savings sufficient to pay for the planning program could be promptly realized, from one, unnecessary bed prevented or deferred.

HEALTH SERVICES

The organization and financing of health services is the most complex and most critical problem of all. Planning, organization, and management functions should be assigned to states and communities so that consumers and providers can work together in developing systems for more effective delivery. Universal insurance coverage, whether primarily through federal or other auspices, should be developed. Our Council has not taken a stand on which of the many health insurance proposals they consider best. Our experience with Medicare would tend to illustrate the problems that arise with a centralized system. The reduction in payments and tightening up of rules has been most drastically applied to Home Health Care—which is potentially the most important care concept of recent years, important in the sense that it permits earlier discharge from hospitals, postpones nursing home and other institutional care, and utilizes, under public health nursing supervision, personnel who can be readily and rapidly trained for such duties. It is ironic that this, of all programs, should be subject to overly rigid and restrictive federal controls, at a time when home health care agencies were beginning to give effective service. The stress on preventive care, family planning, well-child care, home health care and so-called primary care must be emphasized in any payment program.

A general statement concerning federal support for health services:

Categorical grants are a cumbersome, inefficient, and fragmented method of assisting states and communities, with resulting fragmentation of the health services themselves. One of the major causes of fragmented and specialized health services, which are confusing to the consumer and expensive to the payor, has been the categorical grant system. Formula and block grants must be expanded in order that comprehensive services may be encouraged.

Finally, one comment on the status of the health of the people of Minnesota and the health services provided here. Statistics can be and are being used to prove all points of view relating to health services. Briefly stated, the usually quoted statistical data including maternal mortality, infant mortality and age-specific death rates indicate that Minnesota has an enviable position relative to most other states. Similarly, in terms of gross numbers per 1,000 population, we have more nurses, more physicians and more health personnel than is generally available elsewhere in the nation. The quality of our training institutions and of our personnel is second to none.

We have tremendous assets on which to build, and we are committed to change and improvement in health care for all citizens.

We look to the federal government for assistance, both financial and otherwise, and advice in a real "Partnership for Health," with a sharing of power and leadership with the states, with the planning areas within states, and with the communities where health care really takes place.

Thank you for the opportunity to present our statement.

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## LETTER OF APPRECIATION TO VA HOSPITAL

### HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. BROYHILL of Virginia. Mr. Speaker, under leave to extend my remarks, I would like to call to the attention of my colleagues a most thoughtful letter of appreciation written by my constituent, Mrs. W. J. Austen, to the Director of the Veterans' Administration hospital in Washington, D.C. It is unusual to see such a magnificent display of appreciation for the efforts of our public servants. I know all of my colleagues would be delighted to learn of the outstanding job being performed by the VA hospital here in Washington and how the family of one of our veterans feels about the service.

The letter follows:

SEPTEMBER 21, 1971.

Mr. A. A. GAVASSI,
*Hospital Director,*
*Veterans' Administration Hospital.*

DEAR Mr. GAVASSI: Thank you so much for your letter of Sept. 15, expressing your sympathy to me and my family in the death of my husband, Wenzel J. Austin.

May I take this opportunity to thank you and your staff for the excellent care given my husband while he was a patient in your Hospital.

I can not say enough for the wonderful and deep concern in which they attended him.

Their duty and sincere desire for his medical and emotional well being is deeply appreciated by me and my family.

It would please me greatly if this letter of my appreciation could be publicly displayed and placed in the Congressional Record, so that all who serve on your staff may be duly recognized and commended for their devotion to any and all patients in your Hospital.

Sincerely yours,

Mrs. ELIZABETH AUSTIN.

## PCB'S: POISON IN PACKAGING

### HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. RYAN. Mr. Speaker, another potentially serious source of food contamination from polychlorinated biphenyls, PCB's—the cardboard used to package certain grocery products—has been discovered.

Despite the fact that the Food and Drug Administration knew about this problem in June 1971, FDA has not yet alerted the consumer that the integrity of his food is being threatened. Rather, FDA officials met in a "closed" meeting with representatives of the food and packaging industries on September 14 to discuss this situation.

This is all too typical of FDA's failure to notify consumers of such potentially serious health hazards. There is absolutely no justification for a food inspection agency failing to make timely and full disclosure about the quality of the food supply. Yet, the FDA appears to be more concerned about the image of American industry and its sales figures than the level of public knowledge of the wholesomeness of its food.

Analysis of the FDA's total diet market basket showed PCB residues in the grain and cereal products composite. Further analysis traced the PCB's to shredded wheat biscuits in the composite; and subsequently the shredded wheat packaging material was identified as the source of the contamination.

According to a letter to me from the FDA dated September 24, the manufacturer of the shredded wheat packaging material was immediately inspected by FDA's Cincinnati district office, and it was learned that the firm uses about 95 percent recycled paper to manufacture paperboard containers. Analysis of five different types of the firm's paperboard showed that PCB levels ranged from 1.7 ppm to 433 ppm.

Various types of packaged food products, some of which used this unidentified firm's paperboard, were also analyzed as part of this investigation. Of the 28 packaged food samples examined, nine samples were positive for PCB's in the food portion. With one exception, FDA found that the cardboard containers examined also contained PCB's.

As a result of these findings, the FDA commenced a nationwide survey on September 8 to determine the extent of food contamination from food packaging materials.

According to a report by Robert Walters in today's Washington Evening Star, items to be investigated include crackers, bread crumbs and related products; macaroni and noodle products; pretzels, chips and specialty items; ready-to-eat breakfast cereals; prepared mixes, including cakes, pancakes, and biscuits; dried milk and dried milk products; dried desserts and pudding mixes, including unflavored gelatin; infant cereals; cookies; refrigerated unbaked specialties; rice, oatmeal, and farina; chocolate and cocoa products; dried fruits; and frozen fruit juices.

The implications of this situation are staggering. Not only are we faced with the possibility of massive contamination of our food supply, but unless something is immediately done to remove and destroy these containers, we will face this contamination again and again.

Ironically, this problem is apparently the product of a growing practice related directly to efforts to clean up the environment—the recycling of waste paper for use in packing material.

It is believed that the wide use of "carbonless" carbon paper and its introduction into food packaging material through recycling is the cause of this problem.

The food additive order for pulp from reclaimed fiber—21 CFR 121.2546—clears salvage from used paper and paperboard but specifically excludes "that which bears or contains, or has been used for shipping or handling, any poisonous or deleterious substance which may reasonably be expected to be retained in the recovered pulp." Thus, any food packaging from recycled pulp found to contain PCBs is illegal and subject to seizure. Yet, to the best of my knowledge no plans for such seizure are planned by FDA.

**After the extent of the problem has been fully assessed, the Food and Drug Administration will pursue the appropriate course of action for protecting the consumers from any risks associated with PCB in foods.**

One might well ask what of the known contamination that now exists? A full investigation is certainly necessary, but it is imperative that the FDA immediately undertake all possible actions to eliminate contaminated food and food packaging from the marketplace. What is to protect the consumer from the hazards of the myriad of food products now on the shelves bearing high concentrations of a persistent, highly toxic chemical?

Perhaps the FDA needs another closed meeting with industry representatives to determine what course of action it should follow. After all, FDA seems to think that industry is a better judge of the need for wholesome food than the public. And that is where FDA and I differ.

At this point, I include in the RECORD correspondence with FDA in regard to this situation. I also include an article by Robert Walters, which appeared in the September 27 Washington Evening Star detailing the finding of PCBs in cardboard packaging.

I also include the recent testimony of Dr. Robert Risebrough before the Senate Commerce Committee in regard to the hazards of PCBs and an article by Carl Gustafson that appeared in the October 1970 edition of Environmental Science and Technology.

The material follows:

FOOD AND DRUG ADMINISTRATION,
*Rockville, Md., September 24, 1971.*

Hon. WILLIAM F. RYAN,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. RYAN: Commissioner Edwards has asked me to respond to your letter of September 9, 1971 requesting a full report on the polychlorinated biphenyl (PCB) contamination of certain packaging material from recycled paper.

The FDA learned of this problem in June 1971. Analysis of the FDA's Total Diet market basket showed low level PCB residues in the grain and cereal products composite. Further analysis traced the PCB to the shredded wheat biscuits in the composite and subsequently, the shredded wheat packaging material was identified as the source of the PCB in the food.

The manufacturer of the shredded wheat packaging material was immediately inspected by our Cincinnati District office. We learned that the firm uses about 95 percent recycled paper to manufacture paperboard containers. Analysis of five different types of the firm's paperboard showed PCB levels ranging from 1.7 p.p.m. to 433 p.p.m.

Various types of packaged food products, some of which used this firm's paperboard, were also analyzed as part of this investigation. Of the 28 packaged food samples examined, 9 samples were positive for PCB in the food portion. With one exception, the cardboard cartons examined also contained PCB.

As a result of this limited investigation, the FDA, on September 8, 1971, initiated a nationwide survey for determining the extent of food contamination from packaging material that may contain PCB. Evaluation of the data obtained from this survey will provide us with the necessary scientific information to make an informed judgment of the risk of PCB in foods from packaging material.

The use of reclaimed paper and other fibers is regulated under 21 *CFR*, 121.2546, which prohibits the salvage of used paper and paperboard which bears or contains any poisonous or deleterious substance for food packaging material. The wide use of "carbonless" carbon paper and its introduction into food packaging material through recycling apparently has resulted in this problem. We have been informed that the use of PCB in this type of paper was discontinued in June 1971.

The FDA is evaluating alternative courses of actions for coping with this PCB problem. We have had meetings with the involved industries to discuss this matter. The industries are cognizant of the FDA's limited findings and they are actively exploring solutions to the problem. We will continue to work closely with these groups.

The Interdepartmental Task Force on PCB, which we described to you in our letter of September 8, 1971, has also been fully apprised of this PCB problem. The PCB Task Force brings together the combined resources and authorities of cooperating Government agencies for coordinating a Government wide investigation into the total PCB problem, including PCB in recycled paper.

After the extent of the problem has been fully assessed, the Food and Drug Administration will pursue the appropriate course of action for protecting the consumers from any risks associated with PCB in foods.

Sincerely yours,

M. J. RYAN, *Director,*
*Office of Legislative Services.*

[From the Washington Evening Star, Sept. 27, 1971]

PCB IN CARDBOARD PACKAGES LAUNCHES INVESTIGATION BY FDA

(By Robert Waltors)

**The Food and Drug Administration has discovered a new source of potentially serious food contamination from the industrial**

chemical compound known as polychlorinated biphenyls or PCBs—the cardboard used in packaging 15 popular grocery products.

The items include crackers, bread crumbs and related products; macaroni and noodle products; pretzels, chips and specialty items; ready-to-eat breakfast cereals; prepared mixes, including cakes, pancakes and biscuits; and dried milk and dried milk products.

Others are dried desserts and pudding mixes, including unflavored gelatin; infant cereals; cookies; refrigerated unbaked specialties; rice, oatmeal and farina; chocolate and cocoa products; grated cheese and cheese products; dried fruits; and frozen fruit juices.

The FDA has known for more than three weeks that preliminary tests showed trace amounts of PCBs existed in the packaging materials and in some of the food items, but no notification of the problem has been provided to the public.

Instead, FDA officials convened a secret meeting on Sept. 14, where they discussed their growing concern about the situation with representatives of the food and packaging industries.

In addition, FDA officials here have instructed personnel in their 17 field offices throughout the country to conduct a high-priority survey of the packages and foods in the 15 different categories to determine the scope of the problem.

PCBs are a highly toxic, extremely persistent chemical compound manufactured exclusively by the Monsanto Co. of St. Louis for a wide variety of industrial uses. There is little available scientific data on their effect on humans, but they have caused serious liver damage and birth defects in laboratory test animals.

Rep. William F. Ryan, D-N.Y., who has pressed for a ban on future use of PCBs, said the current case was "typical of the FDA's failure to notify consumers of potentially serious health hazards."

Ryan added: "Unfortunately, the FDA seems to be more concerned about the image of American industry than the level of public knowledge of the integrity of its food supply."

Despite the lack of public notice, the problem of PCBs in packaging materials known within the industry as "grayboard" and "combination board" is reliably reported to be a matter of high concern among both government and Monsanto officials.

During the past year, PCB spills have led to the seizure or hasty withdrawal from the market of wholesale lots of chickens, turkeys, eggs, fish, animal feed, meat by-products and a number of other items.

In most of those cases, federal officials have been able to isolate the contaminated products by identifying the source of the PCB leak and then locating the specific items which came into contact, directly or indirectly, with the chemical compound.

The packaging problem is potentially a far more pervasive and complex one. It also involves an area in which the government's scientific knowledge and experience both are extremely limited.

For example, although the level of PCBs found thus far in food packages is considerably below the 5 parts per million tolerance level established by the FDA for edible tissue in meat, fish and poultry, the FDA has never established any "action level" for PCBs in food packages.

Similarly, although PCBs are generally inert, the FDA is known to be concerned about the possibility that the chemical compound can migrate or transfer to the food itself. The FDA already is reported to have found PCBs in some noodles and shredded wheat.

RECYCLING A FACTOR

Ironically, the problem apparently is the product of a growing practice related directly to efforts to clean up the environment—the recycling of waste paper for use in packaging materials.

Some government officials believe that the PCBs were contained in printing inks used in the original paper, a use for which Monsanto has long promoted the compound.

Another suspected source is the so-called "no-carbon" carbon paper, whose principal manufacturer relied heavily on PCBs until last June. Tests on that paper have shown that it contains PCB levels as high as 30,000 parts per million.

The FDA first disclosed its data on PCBs in food packages to other government agencies at a Sept. 1 meeting. It was at that session that the decision was made to establish an interdepartmental task force, coordinated by the White House Office of Science and Technology, to conduct a government-wide investigation into PCB contamination.

COMPANY EXPECTS ATTENDED

Among the representatives of the food and packaging industries summoned to the Sept. 14 meeting were officials of the Grocery Manufacturers of America, who coordinated the effort within the food industry, and the American Paper Institute, which is conducting technical studies in cooperation with the FDA.

In addition, technical experts from a number of individual companies were present. One industry publication said the meeting "was being veiled in utmost secrecy," but an FDA spokesman objected to that description, explaining that it was simply a "closed" session which was not announced to the public.

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STATEMENT OF ROBERT RISEBROUGH BEFORE THE COMMITTEE ON COMMERCE, U.S. SENATE, AUGUST 4, 1971

My name is Robert Risebrough. Since 1965 I have been employed by the Institute of Marine Resources at the University of California, Berkeley. On July 1, 1971 I joined the staff of the Bodega Marine Laboratory of the University of California, where I am an Associate Research Ecologist. With colleagues from several universities and other scientific institutions I have carried out research in the field of environmental pollution, primarily with the chlorinated hydrocarbons. These substances include several of the insecticides and the polychlorinated biphenyls. With my colleagues I have prepared approximately forty technical and semi-technical papers in this field.

In 1970 I was a member of the panel on Monitoring Persistent Pesticides in the Marine Environment of the Committee on Oceanography of the National Academy of Sciences. I also served as chairman of the Committee on Halogenated Hydrocarbons of the Seminar on Methods of Detection, Measurement and Monitoring of Pollutants in the Marine Environment, organized by the Food and Agriculture Organization of the United Nations in Rome, Italy. Currently I am a member of the panel on Marine Aquatic Life and Wildlife of the Committee on Water Quality Criteria of the National Academy of Sciences.

I am appearing before this committee as a scientist and a private individual. I welcome the opportunity to discuss before this committee the polychlorinated biphenyls, a class of industrial chemicals that have become widespread pollutants in the global environment. The polychlorinated biphenyls, or PCB, are among the toxic substances that would be regulated under the provisions of Senate Bill 1478. I shall therefore try to review briefly our current knowledge of the distribution and environmental effects of PCB. Scientific statements are documented by reference to the original research. The interpretation of these studies and all opinions expressed are necessarily my own, and not those of any public or private organization.

CHEMISTRY OF THE POLYCHLORINATED BIPHENYLS

The structure of chlorinated biphenyls is shown in Figure 1. Chlorine atoms may occupy any combination of the positions of the biphenyl molecule. Many such combinations containing one to 10 chlorine atoms in the various positions are therefore possible. PCB consists therefore of a mixture of chemical compounds. Commercial preparations in the United States, where the Monsanto Company is the only manufacturer, are designated by the tradename "Aroclor" followed by a number that indicates the approximate chlorine composition of the preparation. Thus, "Aroclor 1254" contains approximately 54% chlorine by weight.

PCB is frequently compared to the DDT compounds. Like them it is very insoluble in water, but highly soluble in oils, fats and non-polar liquids. It is highly resistent to degradation by heat, by the biological processes that degrade most chemicals released into the environment, and to chemical attack. These properties have made them useful in many industrial applications.

INDUSTRIAL USE OF PCB

PCB has been used as an additive to sealants, rubber, paints, plastics, adhesives, printing inks, insecticides, and many other commodities. The major uses, however, have been as insulating fluids in electrical equipment and as heat transfer fluids. These are considered to be "closed" systems.

Following the discoveries first made in Sweden (1) and later in other parts of Europe (2, 3) and in North America (4) that PCB had become a widespread and locally abundant environmental pollutant, the Monsanto Company recognized the ecological hazard of PCB, and sought to restrict all usage to that of closed systems. The sale of PCB for plasticizer use was discontinued on August 30, 1970. The industrial and hydraulic fluids manufactured by Monsanto were reformulated to exclude PCB, and a high temperature incineration unit was built by Monsanto at Sauget, Illinois, to destroy waste PCB (5).

OCCUPATIONAL EXPOSURE TO PCB

Occupational exposure to PCB has in the past produced a high incidence of chloracne, a severe skin disease, among factory workers. Although known as "chloracne" the skin lesions are not produced by chlorine gas, nor by inorganic compounds of chlorine. The disease has also been prevalent among workers in factories manufacturing chlorinated napthalenes, chlorinated phenols, and compounds derived from them (6). The literature in this field was very adequately reviewed during the hearings held by this committee in April of 1970 which dealt with the effects of 2,4,5-T on man and the environment. Several of the most important papers in this field were reprinted in the Record of those hearings. The production of chloracne by chlorinated compounds among industrial workers has been extensively studied in Germany. The most potent inducers of chloracne were found to be the chlorinated dibenzodioxins. The chlorinated dibenzofurans were also shown to be potent inducers of chloracne. The structures of both the chlorinated dibenzodioxins and the chlorinated dibenzofurans are shown in Figure 1. Both groups of compounds are highly poisonous (7, 8). Very small amounts of the chlorinated dibenzodioxins will produce embryonic defects in chicks, as Dr. Verrett described to this committee last year (9).

The chlorinated dibenzofurans have recently been discovered to be contaminants in some PCB preparations. The toxicity of three PCB preparations containing approximately the same amounts of chlorine was found to vary widely and to be correlated with very small amounts of the benzofurans present as contaminants. The French preparation was found to be more poisonous than the one

from Germany, while the American preparation possessed the lowest toxicity when all three were fed to chickens (10, 11). The contaminant in the French preparation was estimated to be present in the order of 20 ppm of the PCB preparation (11). So poisonous are the dibenzofurans that the Dutch scientists studying the relative toxicity of various PCB preparations did not wish to work with the pure dibenzofurans.

From the literature it is not clear whether chloracne conditions produced in the past by PCB preparations have been caused by the PCB or by very minute amounts of the contaminants. The Monsanto Company no doubt possesses considerable data on this subject.

A CASE OF NON-OCCUPATIONAL EXPOSURE TO PCB

In 1968 an outbreak of a peculiar skin disease occurred in Japan. More than 300 people were affected. Exhaustive studies were made by a number of Japanese scientists and an extensive series of papers describing their findings has been published. Unfortunately they are in Japanese, but each has an English summary. Several of these are attached as part of my testimony. The results may be summarized briefly. The disease was traced to a shipment of commercial rice oil used for cooking that had been contaminated with PCB used as a heat transfer fluid in the manufacturing equipment. Nine of the women affected were pregnant. Two of the babies were dead at birth, and all showed symptoms of chlorobiphenyl poisoning.

None, however, possessed birth defects. Feeding of the oil to mice and monkeys produced comparable symptoms. One of the studies reported that the concentration of PCB in the rice oil was about 200 ppm, and that the amount of oil consumed by a family of four for over a month was in the order of 1.8 liters. The first symptoms appeared in March 1968 and it had been determined that the contamination occured on or about February 5, 1968. It is of interest to make a very rough calculation to determine how much fish or poultry contaminated with PCB at a level of 5 ppm in the edible flesh a person would have to eat to ingest a comparable amount of PCB. On the assumption that half a liter of cooking oil was sufficient to produce the symptoms, 45 pounds containing 5 ppm of PCB of contaminated fish or poultry might produce the same effect.

It is not clear, however, whether the symptoms produced by consuming the contaminated cooking oil in Japan were in fact produced by the PCB or by very small amounts of the contaminants mentioned above. Studies to determine this should clearly receive a high priority.

It is also of interest to compare the levels found in the fat of the people affected with the few values so far obtained for PCB concentrations in human fat in the United States. Biopsy of samples of subcutaneous fat in the affected Japanese ranged from 13 to 76 ppm.

In our laboratory we have measured PCB in nine samples of human milk from Berkeley, California, and 7 samples from nursing mothers in the Los Angeles area. Concentrations in the fat portion of the milk averaged 2.6 ppm in the Berkeley samples, and 2.1 in the Los Angeles samples. Minute amounts were also detected cows milk. Confirmation of the occurrence of PCB in human fat by mass spectrometry has recently been reported by research workers of the Food and Drug Administration (12).

BIOLOGICAL EFFECTS OF PCB

An earlier study sponsored by the Monsanto Company of the toxicity of the vapors of two PCB preparations, Aroclor 1242 and Aroclor 1254 (13) demonstrated no injury to several animals at concentrations in the air of Aroclor 1242 below 8.6 micrograms per liter. Reversible degenerative changes in some of the viscera were produced by comparable concentrations of Aroclor 1254. A study reported by the United States Public Health Service in 1944 (14) showed that liver and skin damage was produced in guinea pigs, rats and rabbits exposed to Aroclor 1242 by subcutaneous injections and applications to the skin. The skin lesions were comparable to those found in the chloracne condition in man.

Three studies have recently reported data on the toxicity of PCB to birds. A British study carried out at the Monks Wood Experimental Station (15) found that Aroclor 1254 had only 1/13 the toxicity of DDT to Bengalese finches. The Bureau of Sport Fisheries and Wildlife at the Patuxent Wildlife Research Center has reported toxicity data of 6 PCB preparations to mallard ducks, pheasants, bobwhite quail and Japanese quail. In general, the insecticide dieldrin was approximately 4 times as toxic as any of the PCB preparations, and DDT was approximately 4 times as toxic. Toxicity tended to increase with increasing chlorine content of the PCB (16). A Dutch study (10) found, however, that toxicity of PCB preparations containing the same amount of chlorine varied widely because of different concentrations of chlorinated dibenzofurans present as contaminants. Until the amounts of these contaminants have been measured in each PCB preparation, it is not possible to determine how much toxicity derives from PCB and how much from the contaminants. The recent studies of the Monsanto Company, which I have not yet had the opportunity to examine will no doubt clarify this point.

PCB, like most other chlorinated hydrocarbons, and like many chemicals foreign to the animal body have the capacity to increase the activity of certain liver enzymes (4, 17). This is an adaptive response since the enzymes permit the body to eliminate foreign compounds which are frequently harmful. The more highly chlorinated of the PCB preparations, however, appear to induce the sythesis of these enzymes and the associated supporting material known as the smooth endoplasmic reticulum without being degraded themselves. Some of the naturally occurring compounds in the body, including sex hormones and other steroids, are then broken down at more rapid rates than is usual. The regulatory mechanisms, however, cause more of the steroidal compounds to be synthesized so that the levels frequently do not change.

The significance of the phenomenon either to the environment of the human health is not clear. One of the Japanese studies of the Yusho disease reported hypertrophy of the smooth endoplasmic reticulum in liver biopsy specimens. Much of the cholesterol synthesized by the liver is produced in the smooth endoplasmic reticulum fraction. A study carried out in Israel (18) on the effect of organochlorine insecticides on serum cholesterol level in people occupationally exposed to those compounds reported that while serum cholesterol increased with age in both the exposed workers and the control groups, the increase was greater in exposed workers. These scientists concluded that the organochlorine compounds induced an increase of cholesterol synthesis, but that the regulatory processes of the body were able to increase the rate of breakdown in younger people. In older people past the age of 45, however, the regulation mechanism worked less well, and cholesterol levels increased.

Several studies (11, 19) have shown that PCB may produce symptoms in chicks identical to those produced by chick edema factors. These were discussed extensively in the hearings held by this committee to consider the environmental effects of the herbicide 2,4,5-T (9). It is likely that this effect is caused by the dibenzofuran contaminant (11).

PCB IN THE NORTH AMERICAN ENVIRONMENT

PCB is now universally distributed in the terrestrial, fresh-water and marine environments of North America. On the west coast concentration of PCB in a collection of northern anchovies from coastal waters of southern California was in the order of 1 ppm (20). Concentration in the body of a Peregrine Falcon in California was 65 ppm of the wet weight and 2000 ppm of the body fat (4). All specimens examined of several species of petrels and shearwaters from the Pacific Ocean all contained PCB (4). These are pelagic species which rarely approach land. Sixty-five eggs of the Brown Pelican from Anacapa Island, California, almost all of which were broken when found because of excessive shell thinning contained an average concentration of 210 ppm of PCB in the yolk lipid (21).

PCB levels in the coastal waters of southern Florida are somewhat lower. 87 eggs of the same species from Florida, obtained in 1969 and 1970, contained an average concentration of 72 ppm (21). PCB concentrations in the yolk lipids of Ospreys, like the Brown Pelican a fish-eating bird, were highest in Massachusetts and Connecticut with values ranging between 500 and 2300 ppm and lower in New Jersey (22). PCB was found in all plankton analysed from the coastal waters of the northeastern United States. Concentrations were highest in the waters off Long Island and decreased southwards towards Maryland and eastwards towards the deeper water of the Atlantic (21). The PCB detected in the human milk samples most likely came from residues in food.

MOVEMENT OF PCB THROUGH THE ENVIRONMENT

In November and December of 1970 we measured PCB concentrations in the effluent waters of the major sewage treatment plants of California (23). Several were discharging PCB into the local marine environments at rates equivalent to a ton per year. The high concentrations found in the waters near New York and New England most likely derive mainly from sewage outfalls. Once in an aqueous medium PCB readily passes into the fatty tissue of organisms because of its very low solubility in water and high solubility in fat and oils.

In order to look for the origins of the PCB reported in polar bears by the Canadian Wildlife Service we travelled in the summer of 1970 to remote lakes in the arctic terrain of northern Quebec. These are rarely if ever visited by man. All of the fish so far analysed contained measurable amounts of PCB. One lake trout had 12 ppm in its fat, equivalent to the amounts found in many ocean fish (21). We concluded that PCB, like the DDT compounds, is also dispersed through the atmosphere to fall out in areas remote from the sites of application.

ENVIRONMENTAL EFFECTS OF PCB

In attempting to assess the environmental impact of PCB, the pollution ecologist finds himself in a position he was in up to 1968 in attempting to assess the environmental effects of the DDT compounds. Circumstantial evidence suggested effects upon wildlife populations, but the conclusive scientific evidence was not yet in. The most spectacular and the best documented of the environmental effects of pollutants has been the shell thinning of a number of species of fish-eating and raptorial birds. Several laboratories have investigated the possible effects of PCB upon shell-thinning, but no significant effect has been found. The laboratory of the Bureau of Sport Fisheries and Wildlife has fed PCB to mallard ducks and bobwhite quail but has found no shell thinning effects (16). Similarly the PCB given to doves produced no changes in shell thickness, whereas the DDT compound DDE did so (24).

In attempting to determine the environ-

mental pollutants responsible for phenomena such as shell thinning in birds, ecologists have attempted to correlate the magnitude of the effect with the measured concentrations of one or more pollutants. Frequently high amounts of PCB are found together with high amounts of other pollutants such as the DDT compounds. It is therefore difficult to sort out the effects of each pollutant. In examining both west coast and east coast samples of Brown Pelican eggs, containing many different proportions of PCB and the DDT compounds, we have concluded that PCB has no significant effect upon the shell thinning, which correlated well with the measured concentrations of the DDT compound DDE. (25).

An environmental effect that may be caused by PCB is the lowered fertility of some bird populations and the failure of eggs to hatch.

This effect was noted by a commercial poultry breeder who became alarmed at the low rate of hatching of his eggs. The hens were subsequently shown to have accumulated PCB from contaminated fish meal. The source of this PCB was traced to a leak from the heat-exchange fluid in the factory equipment (26). This observation appears to be inconsistent with the findings reported by the U.S. Bureau of Sport Fisheries and Wildlife (16) that PCB had no significant effects upon the reproduction of mallards and of bobwhite quail. The inconsistency could be explained if the PCB in the heat-transfer fluid leaking from the machinery had higher amounts of the dibenzofuran contaminants.

A crucial factor in assessing the environmental impact of PCB is the accumulation rate in "sinks" such as the sea which receive waste materials, including waste chemicals. We can assume that most of the PCB produced is so far still on the land, from which it is slowly leaching into the atmosphere, into sewage systems, and into rivers. It is difficult to estimate the fraction of the PCB now on the land that will eventually enter the sea, because of insufficient data on the amounts of PCB present and on the systems in which it is used. One of the principal research problems in pollution ecology at the present time is to predict future rates of accumulation in the world-wide environment of synthetic chemicals. Most degrade readily to primary materials, but those with certain chemical properties that are produced in large amounts inevitably become pollutants. Necessary data are production figures, reliable estimates of the proportion of total production that will eventually enter the environment, present distribution of the pollutant in the water, air, soil, and biomass, and estimates of the rates of degradation and withdrawal into the sediments of the ocean bottom.

If the amounts of PCB already manufactured are sufficient to increase concentrations in fish in the coastal waters by a factor of 10 over the next 25 or 50 years, the coastal fisheries would be destroyed for the purpose of human consumption. We can not seriously approach this problem, however, without knowing how much is already on the land and how much more is introduced each year. If input were sufficiently low, a steady-state concentration could be maintained in the sea that would be acceptable in environmental terms. We can not yet estimate, however, the magnitude of this concentration. When countries such as Brazil which are now in a state of rapid development begin to manufacture PCB in large quantities, pollution of the sea will undoubtedly become worse.

The toxicity of the degradation products of PCB has not been determined, and I am not aware of any studies in progress. It is not known whether the highly toxic dibenzofurans can be derived from PCB by biological or chemical means in the environment.

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## PCB's—Prevalent and Persistent Intensified Research Is Needed To Minimize Their Dangers

(By Carl G. Gustafson, Federal Water Quality Administration, Athens, Ga.)

During the past three years, a special class of compounds, called polychlorinated biphenyls (PCB's), has claimed the attention of ecologists and pesticide analysts in this country. These compounds were not discovered in the environment until 1966 in Sweden and 1967 in the U.S., despite the fact that they have been available commercially for 40 years. Interest in PCB's has arisen because they are frequently found in fish, bird, water, sediment, and other environmental samples when such samples are examined for chlorinated pesticide residues. That a wide variety of samples containing PCB's has been collected from England, Scandinavia, The Netherlands, Antarctica, Central America, and many different parts of the U.S. makes them truly ubiquitous pollutants.

Polychlorobiphenyls are made by substituting chlorine atoms for one or more of the hydrogen atoms at the numbered positions of the biphenyl structure.

In the process of replacing hydrogen atoms with chlorine atoms, a large number of substitution combinations arise. For example, three monochlorobiphenyl isomers are possible, 12 dichlorobiphenyl isomers, 21 trichlorobiphenyl isomers, and so on. Theoretically 210 compounds can be prepared by this substitution process; a typical example would be 2,4,6,2'4'-pentachlorobiphenyl.

Whenever aromatic hydrocarbons such as biphenyls are chlorinated, the product is a mixture of compounds, including isomers. It is quite difficult to synthesize single, specific chlorobiphenyl compounds in the laboratory unless involved procedures are employed. Consequently few of the individual compounds have been prepared in the pure form for study.

In the commercial process for PCB manufacture, biphenyl is chlorinated with anhydrous chlorine in tall cylindrical towers with either iron filings or ferric chloride as the catalyst. The by-product is a mixture of several PCB's. The degree of chlorination is determined by measuring the specific gravity of the mixture or, when the product is more viscous, the ball-and-ring softening-point test is used. The whole process takes from 12 to 36 hours.

In the U.S., the sole manufacturer of PCB's is the Monsanto Co., which markets them under the trade name Aroclor. PCB's are also manufactured in Europe and Japan, under trade names such as Phenochlor and Clophen. The various Aroclors are differentiated by a four-digit number, with the last two digits indicating the percentage of chlorine in the mixture.

### PROPERTIES

The three most important physical properties of the PCB's are low vapor pressures (they have high boiling points), low water solubility, and high dielectric constants. They are miscible with most organic solvents and compatible with many types of polymers. Although some individual polychlorobiphenyl compounds are crystalline, the Aroclor mixtures are either liquids or resins.

The chemical properties that make PCB's desirable industrial materals are their excellent thermal stability, their strong resistance to both acidic and basic hydrolysis, and their general inertness. They are quite resistant to

oxidation. Monsanto reports, in a technical bulletin on PCB's, that they can be heated to 140° C. under 260 p.s.i. of oxygen pressure "without showing any evidence of oxidation as judged by development of acidity or formation of sludge."

The physiological properties of the PCB's make them potentially significant contaminants of the environment. For any pollutant, two factors are involved: acute toxicity, which is immediately evident because of a high death rate or other maiming effect; and chronic toxicity, which is the result of a slow accumulation of the poison in the body and is a subiethal effect. Whenever acute toxicity is high, a pollutant will be readily recognized and appropriate remedial actions will be introduced. If, on the other hand, acute toxicity is low, the physiological effects will go unnoticed until the chronic effects make themselves evident. When this happens, the problem may have advanced beyond immediate or easy correction.

ACUTE TOXICITY

All studies of PCB's in animals indicate that acute toxicity is not a significant factor. Their acute toxicities are on the order of those of other chlorinated aromatic compounds. Monsanto has sponsored two investigations of the acute toxicities of Aroclor mixtures. In the first, at the Kettering Laboratory at the University of Cincinnati, Dr. J. F. Treon and his coworkers investigated the toxicity of Aroclor vapors for guinea pigs, mice, rabbits, and rats. All animals survived a 24-day exposure to 0.83 p.p.m. of Aroclor 1242 for 7 hours per day on 17 of those days. Even after more prolonged tests, there were no severe effects from Aroclor 1242. In the second investigation, still in process, three groups of beagles are fed Aroclor 1242, 1254, and 1260, respectively, at a rate of 100 p.p.m. in their diets. After three months no significant abnormalities have been noted.

Similar studies on fish have been performed in several laboratories. Dr. Richard Schoettger of the Sport Fisheries and Wildlife Fish-Pesticide Research Laboratory in Columbia, Mo., reports that 96 hour-$TL_{50}$ toxicities of the Aroclors to trout range from 1.17 to 60 p.p.m. Compared to DDT, whose 96 hour-$TL_{50}$ toxicity is 0.002 to 0.009 p.p.m. for trout, the PCB's have a relatively low acute toxicity. With the more sensitive bluegill, the 96 hour-$TL_{50}$ for Aroclor 1248 is 0.278 p.p.m., while that of DDT is 0.008 p.p.m. Aroclor toxicities appear to be inversely proportional to the chlorine content of the mixture.

Shellfish, oysters, and shrimp are more sensitive to PCB's. Dr. Tom Duke, of the Bureau of Commercial Fisheries Pesticide Field Station, reports 100% mortality of juvenile pink shrimp exposed to 0.10 p.p.m. of Aroclor 1254 in water for 48 hours. This concentration of Aroclor 1254 will cause a 100% decrease in shell growth of oysters after 96 hours. To achieve the same effects with DDT in these experiments, only 0.0006 p.p.m. and 0.01 p.p.m., respectively, were required.

There is very little evidence that PCB's are toxic to insects. Studies to date show that they are less toxic than dieldrin or DDT. As with fish, their toxicity appears to be inversely proportional to the chlorine content of the mixture.

Based on the above data, it is understandable why the polychlorobiphenyls, commercially availabe for 40 years, have only recently attracted attention as toxic environmental contaminants.

CHRONIC TOXICITY

The chronic toxicities of PCB's present a more disturbing situation; several chronic effects have been observed. It was discovered, quite by accident, that PCB's have a toxic effect on chickens. Professor E. L. McCune and his coworkers at the University of Missouri found their chickens dying after they were placed in a feeding house, parts of which had been freshly painted with an epoxy paint. Careful investigation revealed that the toxic factor was Aroclor 1242, a binder in the paint. When Aroclor 1242 was fed to the chicks it produced the same characteristic effects as chick edema factor. McCune reported: "Gross pathology included hydropericardium, hydroperitonium, enlarged heart, liver, and kidneys, and hemorrhage of internal organs. Microscopically the kidneys showed marked tubular dilation and numerous casts."

Another chronic effect of PCB's is related in wildfowl. The accumulation of high concentrations of chlorinated hydrocarbons in birds resulted in disruption of normal breeding behavior and in the formation of thin-shelled eggs. A dramatic example of this effect has been observed in the case of the brown pelican. On the Anacapa Islands off the California coast, no young were hatched last year from 300 pairs of nesting birds. The shells of most eggs laid were so thin that a dent occurred when the egg was picked up.

There are two possible causes for the laying of thin-shelled eggs by wildfowl. One is a low calcium reserve in the bird; the other is the inability of the bird to deliver the needed calcium to its oviduct, where the eggshell is forming. The calcium level in the avian biosystem and the calcium reserve in the secondary bone structure or medullary bone, found only in female birds when they are breeding, are controlled by the hormone estrogen. A high estrogen level is associated with the formation of this calcium reserve. Chlorinated hydrocarbons, such as DDT, chlordane, dieldrin, and PCB's, activate enzymes in the liver which transform estrogen into a more water-soluble compound that is readily eliminated from the bird's body. This means that when estrogen levels are low, calcium reserves will also be low, and therefore very little calcium will be available for strong eggshell production. Dieldrin and PCB's are more effective than DDT in this type of enzyme-induction activity. Aroclor 1262 has an estradiol degrading potential four to five times that of *p,p'*-DDE or technical grade DDT.

The ability of the female bird to deliver calcium to her oviduct during the last 20 hours, when the eggshell is being formed, is related to the functioning of the enzyme carbonic anhydrase. When birds that have exhibited the ability to lay normal eggs are injected with a metabolite of DDT (DDE) just prior to the formation of the eggshell, they will lay thin-shelled eggs. This indicates that DDT also inhibits the activity of carbonic anhydrase, the enzyme that controls the flow of calcium from the blood stream of the bird into its oviduct.

Since dieldrin seems to have no effect on carbonic anhydrase, we may assume that neither do the PCB's. However, these compounds delay breeding time significantly. Many ornithologists feel that late breeding has a stronger influence on the reduction of bird populations than does the laying of thin-shelled eggs. If this is true, PCB's are a more potent threat than DDT to our declining bird populations, especially for predatory birds that accumulate fairly high levels of PCB's because they eat smaller animals that already have concentrated PCB's in their own tissues.

Other investigators have produced evidence to show that PCB's are similar to DDT in their activity. Dr. Joseph Street at Utah State University has shown that when PCB's accumulate in the liver, they induce microsomal enzyme activity by bringing about more rapid metabolism of drugs, insecticides, and other foreign compounds. He fed rats a diet containing 50 p.p.m. of Aroclor 1254 or Aroclor 1260. After 10 days on this diet, the test animals were administered hexobarbitol at a dose of 100 p.p.m. to induce sleep. In comparison with a control group, the sleeping time for these rats was reduced by 65 to 80%. Street also found that Aroclor, when fed at the same level, will reduce dieldrin storage in adipose tissue by 90 to 95%; increase aniline oxidation by 200 to 300%; and increase EPN detoxification by 430 to 470%. In addition, the PCB's cause activation of organothiophosphate compounds, which adversely affect the system. This latter effect counterbalances the detoxification of dieldrin.

Normally, when a substrate activates an enzyme, it is converted to a water-soluble form that will be eliminated from the system; however, this is not the case with PCB's. Because they remain in the system for prolonged periods of time, their enzyme induction activity is always present. In this way the normal concentration of important body chemicals may be lowered to the point of bringing about malfunctions in the system. For example, Street believes that the PCB's bring about steroid degradation, which can lead to altered endocrine relationships.

The chronic toxicity to man is as follows:

"Like the chlorinated naphthalenes, the chlorinated diphenyls have two distinct actions on the body, namely, a skin effect and a toxic action on the liver. The lesion produced in the liver is an acute yellow atrophy. This hepato-toxic action of the chlorinated diphenyls appears to be increased if there is exposure to carbon tetrachloride at the same time. The higher the chlorine content of the diphenyl compound, the more toxic it is liable to be. Oxides of chlorinated diphenyls are more toxic than the unoxidized materials.

"The skin lesion is known as chloracne, and consists of small pimples and dark pigmentation of the exposed areas, initially. Later, comedones and pustules develop. In persons who have suffered systemic intoxication, the usual signs and symptoms are nausea, vomiting, loss of weight, jaundice, edema, and abdominal pain. Where the liver damage has been severe, the patient may pass into coma and die."

Sax, N. Irving, "Dangerous Properties of Industrial Materials," 3rd ed., Van Nostrand-Reinhold, New York, 1968.

The ubiquity of PCB's is related to the wide spectrum of applications that have been found for them. The largest single use of PCB's is related to their electrical properties—as coolant-insulation fluids in transformers. For this purpose the Aroclors are also sold under such trade names as Chlorextol (Allis-Chalmers Mfg. Co.), Dykanol (Federal Pacific Electric Co.), Inerteen (Westinghouse Electric Co.), Noflamol (Wagner Electric Co.), Pyranol (General Electric Co.), and Therminol (Monsanto Co.).

Other uses of PCB's include formulation into ballasts for fluorescent fixtures; impregnation of cotton and asbestos for braided insulation of electrical wiring; a plasticizer in wire and cable coatings; capacitors and askareltype transformers; and plasticizers of vinyl transformers; and plasticizers of vinyl chloride polymer films. Because of their thermal stability and fire resistance, the PCB's also find application in high-pressure hydraulic fluids, specialized lubricants and gasket sealers, heat transfer agents, and machine tool cutting oils. Miscellaneous uses include: formulation into some epoxy paints; protective coatings for wood, metal, and concrete; adhesives; and in carbonless reproducing paper. One of the primary manufacturers of carbonless reproducing paper also sells Aroclors in an encapsulated form.

Generally the kinds of applications described above mean that the PCB's will be in many types of products that eventually find their way to the domestic market. When used in manufacture of ballasts for fluorescent fixtures they will be found in kitchens, bathrooms, stores, and offices throughout the country. Wherever office forms are used that do not use carbon paper, one may find PCB's formulated into the microcapsules of dye that comprise the reproducing layer of the

business form. PCB's have also been found on the transparent receipts used in credit card charge forms. As plasticizers they can be expected to appear in many consumer plastics.

Since the chronic toxicities are so significant, it becomes important to know just how extensively the PCB's are distributed in the ecosystem, and just how they find their way into the environment. Rainwater in England, brown seals off the coast of Scotland, white-tailed eagles in Sweden, cod in the Baltic Sea, mussels in The Netherlands, adelie penguin eggs in the Antarctica, brown pelican eggs in Panama, Arctic terns, shrimp in Florida, river water in Japan, waters in the Great Lakes, human hair, and human adipose tissue—samples of all these have been found to contain PCB's, thus making them a class of widely dispersed pollutants.

READILY ABSORBED

The properties of PCB's that make them industrially useful are the same properties that cause them to persist in the environment. These include thermal stability, resistance to oxidation and hydrolysis, solubility in a wide range of organic solvents, water insolubility, high dielectric constant, and compatibility with many types of macromolecules. Their resistance to oxidation and hydrolysis also makes PCB's more stable and persistent than DDT. Consequently, they could eventually accumulate to a higher concentration than DDT, especially if the use of DDT is sharply curtailed in the U.S.

The solubility of PCB's in nonpolar solvents explains why they are readily absorbed into fatty tissue and into the liver. Their resistance to oxidation or other types of chemical degradation explains their persistence in the environment and accumulation in animal tissue. The latter effect is enhanced both by their insolubility in water and solubility in organic solvents. Their chemical inertness and resistance to metabolism account for their low acute toxicity. But as they slowly build up in a living system their concentration approaches toxicity levels, at which point chronic effects make themselves evident.

It has been established that fish-eating birds will accumulate large concentrations of PCB's as in the case of the white-tailed eagle, which has been found to have as much as 14,000 p.p.m. of PCB's. Peregrine falcons taken off the coast of California, were found to have as much as 2000 p.p.m. in their lipid tissue. When shrimp were exposed to 10 p.p.b. of Aroclor 1254 for 48 hours, they accumulated 1300 p.p.b. of PCB's which represents a 130-fold concentration in a very short time. Oysters, exposed to an idenhours and then placed in PCB-free water for four days, still had a concentration of 33,000 p.p.b. of PCB's which constitutes a 3300-fold concentration. This means that even though the concentrations of PCB's are in the parts-per-billion range in the environment, their high lipid, solubility causes them to collect in fatty tissues of lower animals and of a food chain will also accumulate PCB's in their bodies, particularly in their lipid tissue and liver, in much the same way as they accumulate DDT and other chlorinated pesticides.

Because of the low solubility of PCB's in water, when a solution or dispersion of them is discharged into a river or lake, they will accumulate on the sediment in relatively high concentrations. Subsequently, they will redissolve very slowly in the water as conditions change. Therefore, it will usually take a long time to flush out a contaminated area.

ACCIDENTAL OCCURRENCE

The reason that PCB's have not been found in the ecosystem as extensively as DDT, and are not present in environmental samples at as high a concentration as DDT, is that PCB's find their way into the environment accidentally. DDT is deliberately spread because this is the only way its insecticidal properties can be utilized. PCB's are not intended to get into the environment, but they do because their unique chemical properties prevent them from being destroyed by our usual waste disposal methods. Thus, they inadvertently escape and become widely dispersed.

In Sweden, where the use of DDT has been banned, and where the main power source is hydroelectric, investigators find that the concentration of PCB's in the environment is as high as that of DDT.

There are several ways by which PCB's get into the ecosystem. One of these is by incineration. Products containing PCB's, such as carbonless reproducing paper in business forms, plastics (especially polymer film and sheeting that contain PCB's as plasticizers), spent ballasts from fluorescent light fixtures, and objects coated with PCB-formulated coatings, all find their way to the city dump or incinerator for burning. The PCB's do not burn but are vaporized. They are then carried into the atmosphere, where they collect on particulate matter and are subsequently returned to the surface of the earth, into the rivers, lakes, and oceans. In this way they become widely distributed throughout the global environment. Another source is probably land run-off from industrial wastes and dumps. A third source is the point of manufacture and the plants where PCB's are processed into other products. They can escape through the plant ventilation and exhaust systems into the atmosphere and through its waste treatment system into sewers or directly into waterways.

It is interesting to note that the incidence of PCB's in environmental samples is highest in industrialized and urbanized areas. Birds whose primary habitat is the San Francisco Bay area have a larger concentration of PCB's per unit of body weight than those located in Baja, Calif., which is completely rural. Aquatic life in the Archipelago of Stockholm, the most industrialized area of Sweden, were found to have a higher concentration of PCB's than fish samples taken from the western coast of Sweden, a less developed area. Sediment samples taken from southern portions of Lake Michigan have a higher concentration of PCB's than those from other parts of the lake.

Monsanto states that until a recent change in marketing policy (see inset, page 814), sales of Aroclors were increasing at the rate of 8% per year. While this increase does not seem significant, it may be important if the increased consumption was in consumer products and thus would find their way into our normal solid waste disposal systems. Such an occurrence would mean a definite increase of PCB residues in the environment, and therefore a marked increase in their chronic toxicity effects.

DETECTION

PCB's were not discovered in environmental samples until very recently for several reasons. First, as indicated above, they have not been deliberately distributed about the ecosystem. Secondly, because of their relatively low acute toxicities, their presence was not immediately evident. Finally, they are difficult to detect analytically.

The PCB's were first detected as interfering peaks in the gas chromatographic analysis (GC) of environmental samples being analyzed for chlorinated pesticide residues. When PCB's are present in a sample they give a pattern of several GC peaks, whose retention times are similar to those of dieldrin, DDT, DDE, aldrin, and heptachlor oxide. Because the peaks were not large or sharp, investigators tended to ignore them until S. Jensen, in Sweden, and R. Risebrough, at the University of California at Berkeley, identified them as corresponding to common constituents of environmental samples being analyzed for persistent pesticides.

The problem of the interferences of PCB's with the analysis of other chlorinated pesticides has been largely overcome by prior treatment of the sample. Several investigators have used column chromatography to separate PCB's from chlorinated pesticides. At a recent meeting, sponsored by the FWQA's National Water Quality Laboratory, Duluth, Minn., a general procedure was recommended for separation of PCB's from pesticides. In this procedure for biosamples, the sample is extracted with hexane as in regular pesticide analysis. It is then partitioned with acetonitrile to remove fats, the cleaned-up extract is passed through a Fluorisil column and then through a silicic acid column. Finally, the sample is analyzed by gas chromatography, with a chloride-specific detector. In this way the pesticides are retained on the silicic acid column for later elution and identification.

RESEARCH NEEDS

To assess fully the significance of PCB's as environmental pollutants, additional research is needed. No one really knows the extent of the chronic effects of these chlorinated hydrocarbons. Some problems that need to be considered are:

Although PCB's are known to accumulate in human organs we do not know at what concentration they will begin to exhibit toxic effects. Will these chronic effects be similiar to those shown in animals—microsomal enzyme activity, calcium metabolism inhibition, and so on? What are other possible chronic effects?

Which of the many PCB compounds in the commercially available mixtures are responsible for their toxicity? Can commercial PCB mixtures be modified to eliminate the toxic components? Pure samples are required to answer these questions. At the present time work is continuing at the FWQA's Southeast Water Laboratory to separate each of the Aroclor mixtures into its many components, and to identify each component.

We need to know all the uses for the PCB's. What is the annual production of limited and needs to be expanded. These facts should be known if we are to accurately determine how they get into the environment, and take steps to prevent further environmental contamination by them.

In view of the complexity of the isolation and accurate quantitative analysis of PCB's in chlorinated residues, a straightforward, unambiguous measurement of them needs to be developed.

What is the fate of the PCB's in natural waters? More needs to be known of their partition coefficients between bottom sediments and water. This is vital if we are to estimate how long it will take for a river bed to clean itself of contamination. It will also be useful when assessing the effects of PCB's on marine life that feed on the bottoms of lakes, rivers, and estuaries. We should also learn more about PCB solubility in water of various ionic strengths.

Are present waste treatment systems adequate to handle PCB's? Do special measures need to be taken when PCB's are part of the waste effluent being treated?

By trying to get some of these answers now, we may find that we are in a position to control the escape of PCB's into the environment before additional damage is done. So frequently, action is taken only after it is evident that massive damage has resulted from a particular pollutant. In the case of the PCB's we may have an opportunity to resolve the situation before that happens.

ADDITIONAL READING

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## THE HIGH COURT: A TIME OF WEAKNESS

### HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. CORMAN. Mr. Speaker, in the 2 weeks since the resignation of Justices Black and Harlan there has been considerable attention given the future direction of the Supreme Court. For the first time in 30 years a President of the United States has been called upon to fill two Supreme Court positions, simultaneously. The task of the President is an awesome one.

In both newspaper accounts and television news broadcasts, correspondents have repeatedly analyzed the qualifications demanded of a member of the Court and to second-guess who the President's new appointees may be. They have reviewed the Court's role in interpreting our laws for nearly two centuries and have attempted to foresee the monumental responsibility it will have in determining our Nation's future.

Yesterday in the Outlook section of the Washington Post there appeared an article by Philip B. Kurland entitled "The High Court: A Time of Weakness." In his article, Mr. Kurland was successful in not only paying tribute to Justices Black and Harlan whom he described as "assuming the mantles of intellectual leaders of the court" but he also eloquently depicted the wisdom one must exercise when choosing a new Justice to sit on the High Court. I would like to recommend this article to all my colleagues in the House believing that we all have a responsibility to encourage the President to lay political considerations aside and select men for the Court on the basis of their greatness and not their political persuasion. His decision will ultimately affect not only the composition of the Court but the manner in which our laws are interpreted in the ensuing decades which will in turn influence the very fabric of American life.

I submit Mr. Kurland's article for the RECORD in its entirety:

THE HIGH COURT: A TIME OF WEAKNESS

(By Philip B. Kurland)

". . . the court may disintegrate into a purely political body whose decisions are merely euphemistic expressions of partisan preferences."

"And so the great man is gone." This was Justice Brandeis' response to the news of the death of Oliver Wendell Holmes. "And so the great men are gone." This must be the response to the news that both Justice Black and Justice Harlan have departed the court. For it was these two justices who, in recent years, assumed the mantles of intellectual leaders of the court. And, even in the Age of Aquarius, intellect is the stuff of which Supreme Court justices are made.

That the resignation of two justices whose judgments were so often in conflict should deprive the court of the same quality will seem strange only to those who measure votes and not reasons, who are concerned with ends but not means. For Black and Harlan, as for their great predecessors, the obligation of a high court judge was to resolve the issues brought to them only after recognizing and dealing with the complexities of the problems and not by ignoring them.

No matter who their replacements might be, the Supreme Court is likely to be a sadly debilitated institution for some time to come. For history has made it clear that great justices are made, not born; that experience on the Supreme Court is itself a necessary though not a sufficient condition for judicial eminence that it takes time for any new appointee, however vast his prior judicial experience, to meet the extraordinary challenges that inhere in the job. No less accomplished justices than Charles Evans Hughes and Robert H. Jackson have given personal testimony that they felt inadequate to their task during their periods of apprenticeship.

The court, then, would seem to be moving into a condition unfortunately similar to that which resulted when the Roosevelt Court under Stone was transmuted into the Truman Court under Vinson. Indeed, conditions are worse. For during the Truman period the court had the strengths of Hugo Black and Felix Frankfurter and Robert Jackson. There is none left on the present court to carry the same traditions of greatness. Unless Justices Stewart and White, both of whom have the potential, emerge from the shadows to lead the court in justifying its conclusions by adequate reasons, the court may disintegrate into a purely political body whose decisions are merely euphemistic expressions of partisan preferences.

It has been said, and it is true, that justices often have a way of growing into their jobs. Justice Black was himself an example of that phenomenon. Unfortunately, this is not the usual pattern. For the most part, mediocrities appointed to the Supreme Court have remained mediocrities. To appoint a small man, with the hope—it certainly cannot be an expectation—that he will gain stature, is a far greater risk than the appointment of a man of talents who, admittedly, might squander them as some justices have done.

Judge Learned Hand once spoke of the appropriate qualifications of a great jurist. He said: "I venture to believe that it is as important to have a judge, called upon to pass on a question of constitutional law, to have at least a bowing acquaintance with Acton and Maitland, with Thucyclides, Gibbon and Carlyle, with Homer, Dante, Shakespeare and Milton with Machiavelli, Montaigne and Rabelais, with Plato, Bacon, Hume and Kant, as with the books which have specifically been written on the subject. For such matters everything turns upon the spirit in which he approaches the question before him. The words he must construe are empty vessels into which he can pour nearly anything he will. Men do not gather figs of thistles nor supply institutions from judges whose outlook is limited by parish or class. They must be aware that there are before them more than verbal problems: more than final solutions cast in generalizations of universal applicability. They must be aware of the changing social tensions in every society which makes it an organism; which demand new schemata of adaptation; which will disrupt it, if rigidly confined." Such a judge as Hand prescribed was John Marshall Harlan.

Felix Frankfurter, too, spoke many times to the question of what makes the great jurist. On one occasion he said: "Human society keeps changing. Needs emerge, first vaguely felt and unexpressed, imperceptibly gathering strength, steadily becoming more and more exigent, generating a force which, if left unheeded and denied response so as to satisfy the impulse behind it at least in part, may burst forth with an intensity that exacts more than reasonable satisfaction. Law as the response to those needs is not merely a system of logical deductions, though considerations of logic are far from irrelevant. Law presupposes sociological wisdom as well as logical unfolding . . . A judge whose preoccupation is with such matters should be compounded of the faculties that are demanded of the historian and the philosopher and the prophet. The last demand upon him—to make some forecast of the consequences of his action—is perhaps the heaviest. To pierce the curtain of the future, to give shape and visage to mysteries still in the womb of time is the gift of imagination . . . These judges, you will infer, must have something of the creative artist in them; they must have antennae registering feeling and judgment beyond the logical, let alone quantitative, proof." Such a judge as Frankfurter prescribed was Hugo Lafayette Black.

Both the statements of Hand and Frankfurter and the judicial careers of Black and Harlan attest that to talk of "strict constructionists" is to use a meaningless phrase to cover some different criterion. The grand provisions of the Constitution—whether they be "due process of law," "equal protection of the laws," or "privileges and immunities of citizenship," whether they are "cruel and unusual punishment," "abridging the freedom of speech, or of the press," or "the right to a speedy and public trial"—are not susceptible to dictionary definition. These and many others are concepts that have to be adapted to each new development in a swiftly changing society. It is their connotations for today, not their denotations of yesterday, that must guide the Supreme Court to its decisions. Anyone who asserts that there can be "strict construction" of the Constitution is only displaying naivete about the Constitution and the role of the court as its expositor.

For some: "strict constructionist" means one who wishes to return to the rulings of an earlier era. For some, "strict constructionist" means one who readily jumps from the premise that courts cannot by themselves bring about social change to the conclusion that courts have no role at all to play in bringing about social change. For some, "strict constructionist" means only one who rejects the concept that the Constitution is a totally plastic document to be fitted to the whims of the justice appointed to interpret it. In short, there is no "stict construction" of the phrase "strict construction."

What ought to be recognized is that, in a day when more and more power over the lives and fortunes of every American is more and more concentrated in the national government—indeed, in the executive branch of the national government—the vital role of the court is to protect the individual against the incursion of the Leviathan. The court may well be the last bulwark of freedom as well as the schoolmaster of the nation. It would behoove a President of the United States to make his judicial appointments with cognizance of the important and difficult job that he is filling. It would behoove a President to rise above himself and not use the appointments for the satisfaction of partisan political objectives.

Alas, it has been too seldom true in the past, and it is not likely to be true in the immediate future, that quality will be the only measure of the men chosen for the high court. It matters little whether the new justices will vote the way their predecessors did. It matters much that they will perform their task in a way that will preserve the majesty of the law, for "law alone saves a society from being rent by internecine strife or ruled by mere brute power however disguised."

And so, as clerics who were divines before they became politicians used to say: "Let us pray."

## TAKE PRIDE IN AMERICA

### HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's

great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Asked what she liked about America, the 1971 Miss America, Phyllis George said:

Until I became Miss America last year, I never had a chance to travel much. Of course I know that Texans are supposed to be big braggers, but honestly, I hardly knew that there was any other state! But now that I've had an opportunity to see our country, east to west and north to south, and an opportunity to observe so many different people and occupations, I've learned to love it more than ever.

Why?

First of all, because I think Americans have a sense of humor. I like to kid people, and with rare exceptions, they don't mind. I found that Americans usually respond pretty much in kind. The way you behave is the way they react. If one shows interest in another person, it is almost always returned because Americans are basically outgoing, honest, straightforward.

Before I started traveling, I had grown alarmed by what I'd read about extremists and revolutionaries—about terrible things our young people are supposed to say, feel, do. Yet I found that only a small minority think and act in a way that frightened me. Most of them are like me—concerned Americans. Outspoken. Critical. Ready for a change—but wanting to promote it peacefully.

If there's anything I've learned it's that basically the vast majority of Americans are good people. Positive people. Beautiful people. The more I see of them, the more I talk to them, the better I get to know them, the more I want the opportunity to tell them how proud I am to be a part of this great nation.

## THE BUS BACK TO FREEDOM

### HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. BROYHILL of Virginia. Mr. Speaker, Arlington Post No. 139, the American Legion, in Arlington, Va., celebrated its 50th anniversary in ceremonies at the post home on Sunday, September 26, and I was privileged to be the guest speaker for the occasion.

As I told my audience, I might have chosen any number of vital subjects to discuss with them. However, because of its great impact on all the people of this Nation both now and in the future, I chose to discuss forced school busing, its history, the confusion surrounding court decisions concerning it, and the solution to the problems, enactment, and ratification of a constitutional amendment prohibiting it.

As I believe my colleagues would find some of the points made in clarification of this issue of interest, I include my remarks, in full at this point in the RECORD:

THE BUS BACK TO FREEDOM

Commander Cahill; Members of the American Legion Post No. 139: I consider it a great honor to have been invited to speak to you today on the fiftieth anniversary of the first meeting of this Post. We have come a long way since that first meeting in 1921. I congratulate you on this happy occasion.

It is a genuine pleasure to be with you, to see so many familiar faces, to greet so many old friends. I congratulate you especially on your courage over the years in meeting the challenge to American principles, not only with words but also with deeds. Words are important—bearing witness to the truths we believe in is half the battle—but deeds are necessary for the winning of the battle.

I refer especially to your participation in the community service programs here in Arlington, notably the programs pertaining to youth.

All of us know the American principles of limited constitutional government to protect the inalienable right of every individual to life, liberty and the pursuit of happiness—so long as he or she does not interfere with the life, liberty of the pursuit of happiness of others; the principles of human dignity, of honesty, of integrity, of good-neighborliness, of "one country under God"—the principles we fondly think of as basic to the "American way of life."

We all know that today these principles are under attack. Our freedoms as Americans and as individuals are being undermined and are ebbing away at an ever-increasing rate. Certainly the progressive loss of our freedoms has been due in part to the "population explosion," the "technological explosion," and the phenomenal trek of people to cities. It is hard enough to live, much less to exercise liberty and to pursue happiness without treading on anyone's toes when there is no elbow room in an "asphalt jungle."

But our loss of freedom has also been due largely to relaxing our own vigilance while those who believe they know better than we do what is good for us have never been idle. I offer just two examples—one in the realm of persuasive theory and the other in the realm of active enforcement of a Supreme Court opinion at wide variance with the will of the Congress and of the people of the United States.

Harvard Professor Burrhus Fredric Skinner—called by friends and foes alike "the most influential of living American psychologists" has written a book, about to be published, entitled "Beyond Freedom and Dignity." In this he seriously suggests that what threatens the survival of the human race is not the ambition and inhumanity of the rulers of the totalitarian states, nor even the danger that nuclear war might be triggered by human mistake or technological error. Instead, Dr. Skinner declares, according to Time magazine, that the threat to survival is Western man's illusion of individual free will and individual dignity. Freedom and dignity must go, says the professor—they were only illusions anyway. He proposes instead a kind of benign tyranny, a peace on earth arrived at through "behavioral technology," a programming of people by a system of rewards, to behave just as the programmer wishes.

Lest anyone suppose that Professor Skinner has his tongue in his cheek and is merely pulling the gullible public's leg with his "way-out" proposal, or that there are none who, consciously or unconsciously, would engage in behavioral engineering, as a beginning to the implementation of the professor's pipedream, let us consider my second example of men who would deprive us of some part of our inalienable right to liberty and the pursuit of happiness, for what they feel is our own good. I speak of the Supreme Court's unanimous mandate, in the case of *Swann v. Charlotte-Mecklenburg Board of Education*, decided April 20, 1971, to require the busing of public school children out of their neighborhoods for the purpose of achieving racial desegregation.

In considering what subject I should discuss with you today, I might have chosen President Nixon's new foreign policy and "ping-pong diplomacy." I might have chosen the nation's economy and the pros and cons of the wage and price "freeze." I might have chosen the question of future flights to the moon. However, I chose the question of forced public school busing because:

(1) It affects every one of us here present, personally in one way or another; it affects Arlington; and it affects the Nation.

(2) According to the latest poll, eighty-two percent of the American people are opposed to forced school busing.

(3) It is an expression of judicial force which further restricts our freedom of choice.

(4) It callously infringes our inalienable right to liberty which does not infringe the right to liberty of anyone else.

But the main reason I chose forced school busing as my topic for discussion at this meeting is that there is a specific solution at hand. There is a remedy which would restore the freedom we have lost in this field. Under this remedy no public school student—be he or she black, white, American Indian, Chinese, or whatever—would be "assigned to or required to attend a particular school." He or she could "bus" or not "bus" as he or she (or his or her parents) saw fit. This is the purpose of House Joint Resolution 651, of which I am a sponsor. This resolution can become *the bus back to freedom*.

Now before I go into the particulars of House Joint Resolution 651 and what we can do about it, I would like to clarify, if I can, some of the misunderstanding, dispel some of the confusion swirling around our heads and blinding our vision concerning this sizzling "hot potato." I would like: firstly, to give a very brief history of forced school busing in the United States. Secondly, I would like to present the facts as to what the Supreme Court has decreed, what Chief Justice Burger has said, what President Nixon has said, and what the lower courts and the Department of HEW have done, with respect to interpretation of the Supreme Court's mandate. Thirdly, I would like to report a few of the incidents over the Nation which illustrate the madness that has ensued.

BRIEF HISTORY OF FORCED SCHOOL BUSING IN THE UNITED STATES

My friends, we all know that there is nothing new about the public school bus. It is as old, at least, as the Model T Ford. In rural areas the public school bus has for half a century picked up children in the morning, transported them to the nearest school, and back home again in the afternoon. There has been no great hardship involved for the rural children in a fifteen or twenty minute bus ride—or even in a longer one when it has been necessary to reach the nearest school. Certainly a bus ride may be considered a luxury compared to the *walk* of a couple of miles or more, to and fro, that many country children had to take before the time of the public school bus.

No, it is not school busing per se that has hundreds of thousands of parents up in arms and ready to fight. Nor is it the related question of desegregation, per se, which is the cause of their fury today. Many black parents, Chinese parents, American Indian parents and Mexican-American parents are angry and vigorously protesting busing. As regards white parents: It was primarily in the South that *de jure* segregation—that is segregation by law—existed. The Supreme Court's decision in the case of *Swann v. Charlotte-Mecklenburg* dealt with *de jure* segregation only. And in the South, white parents as well as the public authorities have long since accepted the 1954 command of the Supreme Court in the case of *Brown v. Board of Education*, even though the Supreme Court decision in that case infringes the legislative prerogative of the Congress.

In support of the South's record of compliance with the *Brown* decision I submit the following:

On June 18, 1971, the Secretary of Health, Education and Welfare, Elliot L. Richardson, announced the "final results of HEW's sec-

ond national survey of racial and ethnic enrollment in the public schools, comparing the 1968–69 and 1970–71 school years state by state." Mr. Richardson said in part:

"Compilation of the statistics confirms a January 14, 1971, projection by HEW that the 11-state South more than doubled the percentage of Negro students in majority white schools, up from 18 percent in the fall of 1968 to 39 percent in fall 1970.

"Nationwide, the total of Negro students in majority white schools rose from 23 to 33 percent. In the six border states and in the District of Columbia, the regional percentage rose slightly to almost 32 percent in 1970. The 32 Northern and Western states remained unchanged at 28 percent. Hawaii was not included in the survey.

"In terms of numbers, 756,000 more Negro students were in majority white schools in the fall of 1970 than in the 1968 survey. A total of 690,000 of these students were in the 11-state South, and 66,000 in 38 other states.

"The number of Negro students in 100 percent minority schools decreased from 40 percent (2.5 million) in 1968 to 14 percent (941,000) in 1970 on a national basis. In the 11-state South, the decrease in Negro students who are totally isolated with minorities was even more marked, down from 68 percent (2-million) in 1968 to 14 percent (443,000) in 1970. Almost 79 percent of the Negro students in the 11-state South were in schools with 80 to 100 percent minority enrollment in 1968, but two years of change reduced this total to 39 percent."

Thus, it can be seen clearly that neither busing per se, nor integration per se is the cause of the widespread turmoil among parents today. What is making millions of parents angry is the *forced* busing of children out of their neighborhoods, away from the neighborhood school—the school that they have been attending and could be attending still—to another school perhaps miles away, in order to achieve some arbitrary, "unitary," racially "balanced" school system. What is making these millions of parents made is the madness of forced busing. It represents infringement of personal liberty and of cultural preferences "without rhyme or reason." It is what appears to be to many men and women of goodwill, an act, not of justice as it is purported to be, but of injustice.

What, for example, do you think is the ultimate goal of a court order to bus Chinese children out of Chinatown if not to achieve the sociological goal of a fully homogenized society? Do you want that?

The idea of forced public school busing to achieve racial balance no doubt was born in the minds of our social planners long ago, perhaps even before the case of *Brown v. Board of Education*. However, it first surfaced as a potential evil to be avoided in the Civil Rights Act of 1964 which specifically forbade the use of Federal funds for such practice.

In Title IV, Section 401(b) of the Civil Rights Act of 1964, the Congress expressed its will in the following language:

"Desegregation means the assignment of students to public schools without regard to their race, color, religion, or national origin, but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Title IV, Section 407(a) (2) authorizing the Attorney General to file suit to desegregate, is even more explicit. It reads in part:

"Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

Nineteen sixty-six was a big year for the "battle of the buses" fought within the Administration, in Congress, in the courts and in the press.

U.S. Commissioner of Education, Harold Howe II, made headlines with his famous "Guidelines for School Desegregation"; with his attacks on *de facto* segregation in the North and West as well as *de jure* segregation in the South; and with the publication of the *Equality of Educational Opportunity Report*, a report funded by the U.S. Office of Education, of a survey of 645,000 pupils and 60,000 teachers tested in 4,000 schools. Johns Hopkins Professor James S. Coleman, principal conductor of the survey, came up with some pretty explosive findings. Children were tested at the beginning of grades 1, 3, 6, 9, and 12. The tests showed "that achievement of the average American Indian, Mexican-American, Puerto Rican and Negro (in this descending order) was much lower than the average white or Oriental American, at all grade levels . . ." This inequality was due, according to the professor, not so much to unequal buildings and equipment as to unequal social environments; and he recommended, among many other things, educational "parks." The Howe-sponsored "Coleman Report" was both hailed and denounced as a "bombshell." But Commissioner Howe reached the peak of his notoriety with his Office of Education draft bill (leaked to the Congress) entitled "The Equal Educational Opportuntiy Act of 1967." This amazing draft bill (which has been proved to be a blueprint of much that is taking place today) proposed in effect the complete restructuring of the American public school system, this to be accomplished through Federal bonuses (denounced as "bribes" by opponents) to school districts willing to comply.

Howe and his associates proposed that Title IV of the Civil Rights Act of 1964 be amended "to provide grants to support techniques appropriate to correct *de facto* segregation in individual communities." Such techniques might include (according to the proposal) comprehensive, district-wide rezoning of school attendance areas; pairing, grouping, or clustering of ajacent Negro and white schools by grade level; teacher assignment to assure faculty integration at all schools; careful site selection to locate new schools so as to maximize integration of residentially segregated student populations; development of "magnet" high schools, open to the entire school district on the basis of interest rather than ability; supplemental educational centers, comprehensive community schools, and shared time programs to draw district-wide participation (usually called "educational parks"); open enrollment, voluntary enrollment, and free transfers; creation of metropolitan school districts to include urban and suburban areas; suburban-inner-city pupil exchanges; and—yes, you guessed it—*forced busing* of pupils.

Predictably Mr. Howe was roundly denounced by conservatives in Congress and out, as not only wanting to break up the neighborhood school system and local control of education, but also for apparently wanting to go beyond the Supreme Court decision in the case of *Brown* v. *Board of Education* which out-lawed deliberate segregation. Seemingly Mr. Howe wanted legislative action which would lead to deliberate integration. In other words, the color-blindness of equal justice under the Brown decision would be replaced by the acute color-consciousness necessary for the attainment of "racial balance."

An attempt was made in the House of Representatives to restate the intent of Congress expressed in the Civil Rights Act of 1964, defining "desegregation" as not meaning "the assignment of students to public schools in order to overcome racial imbalance" and expressly forbidding busing to achieve racial balance. To accomplish this the Congress added similar language to the 1966 Amendments to the Elementary and Secondary Education Act of 1965.

Debate raged in and out of Congress over what Congress really meant by the terms "desegregation" and "racial balance". Some insisted that the Congress meant that whereas the nation must desegregate and assign no pupils on the basis of race, color or creed, at the same time no Federal money was to be spent for deliberate integration whether by busing or any other means. Others insisted that the Congress meant that while *de jure* segregation must be overcome by whatever means (including busing if necessary), no Federal money was to be spent to overcome *de facto* segregation, that is, segregation in the North.

In the case of *United States* v. *Jefferson County Board of Education*, 372 F. 2d. 836 (1966), the Fifth Circuit Court of Appeals in its opinion asserted: "It is clear . . . from the hearings and debates that Congress equated the term (racial imbalance), as do the commentators, with *de facto* segregation." In other words Federal money for busing was O.K. in the South to overcome *de jure* segregation, but forbidden in the North and West to overcome *de facto* segregation.

Judge Howard W. Smith of Virginia, the then Chairman of the Committee on Rules, did not see it as clear at all that Congress intended to equate "racial imbalance" with *de facto* segregation. In remarks on the floor of the House, during consideration of amendments to the Elementary and Secondary Education Act, Judge Smith said that trying to get a clear explanation of "racial imbalance" was like "trying to catch an eel in a barrel of lard."

Well, there are still Senators, Representatives, judges and Federal and local officials with their hands in the lard barrel, trying to catch that eel. Nevertheless, although "racial balance" certainly means different things to different people, the Congress has expressed its intent not only in the Civil Rights Act of 1964 but in legislation to outlaw forced busing no less than five additional times. Anti-forced-busing provisions were part of appropriate measures for the U.S. Office of Education in the years 1968, 1969, 1970, and 1971. Today the *Commissioner* of Education is prohibited by law to make any Federal grants of money appropriated under P.L. 92–48 for the purpose of forced busing.

Meanwhile, *de facto* segregation was increasing in the North, with many thousands of blacks moving to the big city "ghettos" and many thousands of whites moving to the suburbs. In the South, some re-segregation was occurring under "freedom of choice" plans with many blacks and whites alike choosing their own schools.

In the case of *Green* v. *County School Board of New Kent County*, 391 U.S. 430 (1968), the Supreme Court cracked down, ruling, in effect, that "freedom of choice" plans were only constitutional when the choice would lead to desegregation. The Court also ruled, in *Raney* v. *Board of Education*, 391 U.S. 433, that district courts were to maintain jurisdiction in segregation cases—thus keeping the courts in the business of controlling the affected schools.

While throughout the South freedom-of-choice plans were declared unconstitutional, the Department of Health, Education and Welfare demanded new desegregation plans satisfactory to that Department, which threatened a cut-off of Federal funds unless its demands were met. Before all of these plans were approved, the Supreme Court handed down its decision in the case of *Alexander* v. *Holmes Board of Education*, 396 U.S. 19 (1969), calling for immediate integration—as always, ruling regarding *de jure* segregation only.

In the pell mell rush to obey the new command to avoid the cut-off of funds, the courts and the school boards formulated assignment plans which in some instances simply could not be put into effect without the use of—yes you guessed it again—forced busing. The only alternative to forced busing in some in-

stances was to leave the neighborhood schools as they were or to use some other means of forced transportation. To leave the neighborhood schools as they were under "freedom of choice" was to defy the Supreme Court and risk the loss of funds; and to use Federal funds for forced transportation was to break the law as enacted by Congress in the Civil Rights Act of 1964 and in the current appropriations statute.

This brings us to the case of *Swann* v. *Charlotte-Mecklenburg Board of Education.*

THE COURT VERSUS THE CONGRESS

When, in the case of *Swann* v. *Charlotte-Mecklenburg Board of Education,* the Supreme Court by unanimous decision ruled that "Title IV of the Civil Rights Act of 1964 does not restrict or withdraw from the Federal courts their historic equitable remedial powers", the "nine old men" of the Court apparently caught the eel in the barrel of lard. Those "nine old men" found "no basis for holding that school authorities may not be required to employ bus transportation as one tool of school desegregation". They said that their objective was "to eliminate from the public schools all vestiges of State-imposed segregation . . ." They said that the courts have "broad power to fashion remedies that will assure unitary school systems." They said that the first remedial responsibility of school authorities, "is to eliminate invidious racial distinctions" with regard to faculty, staff, transportation, extracurricular activities and facilities. They said that teachers may be assigned under court order "to achieve a particular degree of faculty desegregation." They said that resegregation must not take place. They said that racial quotas may be permitted—but that the constitutional command to desegregate schools does not mean that every school in the community must always reflect the racial composition of the system as a whole." They said that the existence of a few one-race schools "does not in itself denote a system that still practices segregation by law," but that the court should "scrutinize such schools". They said that the pairing and grouping of noncontiguous zones "is a permissible tool . . ." Et cetera, et cetera.

The press saw this historic decision as having a nationwide impact; and it did. The battle over school busing was raging again. The lower courts looked upon it as a green light to order integration via massive busing, and it was so ordered in many cities throughout the South and in some other parts of the nation as well.

Chief Justice Warren E. Burger must have found the eel slipping back into the barrel of lard because he said, in substance, that he thought the lower courts were perhaps misinterpreting the *Swann* decision and were going too fast, too far.

Senator John Stennis of Mississippi, in righteous indignation, termed the decision discriminatory against the South. He introduced an amendment to the $1.5 billion Emergency School Assistance Act providing for a uniform national policy in dealing with *de jacto* and *de jure* segregation. The measure, together with Senator Stennis' amendment, passed the Senate and is now bottled up in the House Education and Labor Committee. President Nixon announced that his administration would "hold busing to a minimum required by law." He also instructed HEW Secretary Elliot L. Richardson to submit an amendment to the Emergency School Assistance Act that would "expressly prohibit" the use of Federal funds for the purchase of buses.

THOSE WHOM THE GODS WOULD DESTROY

There is an old saying: "Those whom the gods would destroy they first make mad." Let me give you a few examples of the kind of madness that has beset the nation as a result of the Supreme Court's decision of April 20, 1971.

The declared purpose of busing for racial balance under the equal protection clause of the Constitution is to benefit the ethnic minorities, yet there are numerous blacks, Chinese and Mexican-Americans being bused against their will.

Even several years ago Fred M. Hechinger pointed out in the *New York Times* that demands for "black schools for black children," under Negro control, had replaced earlier demands for school integration.

Numerous blacks are now rebelling against the closing of their black schools and being bused to white schools. They are continuing to demand "black schools for black children", following the thinking of James Farmer, former director of the Congress of Racial Equality, who said: "Decentralization and local control may seem a paradox but I see them as a forerunner of integration." He said that through control of their own black schools blacks could develop a sense of "cohesiveness and pride" thus preparing themselves for the "ultimate goal".

The *Washington Post's* black columnist William Raspberry, points out that "convoluted efforts to achieve racial balance are not likely to produce educational improvements for the black children on whose behalf they are undertaken." And Mr. Raspberry adds: ". . . in financially strapped school districts throughout the country, it makes more sense to spend available resources for improving education than tripling bus fleets in order to funish every black child with a white seat mate."

In Hobson City, Alabama, an all-black community, parents are outraged over the HEW plan to bus their children out of town to white schools. Mayor Joe Striplin called the plan "nothing less than the destruction of our school system."

In San Francisco's China Town a group called WLAK (We Love All Kids) planned a boycott of the court-ordered plan to bus Chinese-American children for miles to white or black schools. Dr. Dennis Wong of the Chinese Chamber of Commerce told the Associated Press that he did not think the City of San Francisco could provide enough jails for all who would boycott the busing plan. Dr. Wong explained that Chinese-American parents want their children to have the best of both American and Chinese education. This means attending neighborhood public schools in the morning and private Chinese schools for classes in Chinese languages, history, art, and respect for elders, in the afternoon and evening. Extensive busing would break up this cherished cultural pattern. So the Chinese made good on their threat to boycott and opened four "freedom schools" which still must pass the test of accreditation.

In Corpus Christi, Texas, U.S. District Judge Woodrow Seals ordered the busing of 15,000 Mexican-Americans who were not segregated in the first place—in order to get just the mix he wanted of Anglo-Saxons, Mexican-Americans and blacks.

A mother in La Grange, Georgia, has six children—three in grammar school, three in junior high school. They have been ordered to five different schools, all far away from home.

In Cordele, Georgia, another mother lives across the street from an elementary school, three blocks from a high school, four blocks from a junior high school. Until this year her four children always walked to school. Now two are being bused across town to two different schools; and she complains that she is "not about to join four PTA's."

In Pontiac, Michigan there was violence at the beginning of this school year. The school buses were fire-bombed and burnt in a parking lot by extremists. Women chained themselves to the parking lot gates to try to prevent the remaining school buses from transporting their children against their will. The press reported that the city was gripped in fear, and told how the lives of the people, black and white, were being dominated by that fear. Harold Kunkle, chief of the Pontiac Police Officers Association said that the people were so worked up over busing that *anything* could happen. He said that they were even more tense than during the Detroit riots of several years ago.

And so it goes. Arbitrarily changing from its earlier command that we be color-blind in the assignment of children to the public schools, the Supreme Court now commands that we be acutely color-conscious in the use of quotas, or any other means, in order to achieve not *desegregation* but deliberate *integration.*

This judicial tyranny has caused great divisiveness throughout the country: between the races, among the branches of government, between the Federal government and the states, between the North and the South. It has created a climate of fear and aroused antigovernment feeling and a distrust of the lawmakers and of the courts.

This judicial tyranny has incited violence. Its principle victims have been the children—both black and white. It has undermined public education, and the neighborhood schools. It has made millions of Americans angry. It has robbed us all of a part of our freedom.

It has thown us law-makers into a particular dilemma. We cannot advise doing nothing, "going along" without protest because in this direction lies the loss of more and more freedom.

Happily there is a solution. There is a way out, a way to regain the freedom which both black Americans and white Americans have lost by the Supreme Court's most recent, conflicting and confusing edicts.

Now there are three possible means by which this could be accomplished:

(1) The Court could reverse itself. This has occurred on occasion in the past after a change in the Court's membership.

(2) The Congress, under Title III, Section 2 of the Constitution, could limit the appellate jurisdiction of the Supreme Court in the field of teacher and pupil assignment.

(3) The Congress could pass and the legislatures of three fourths of the States could ratify a Constitutional amendment to return to the American people their freedom from force in the matter of teacher and pupil assignment.

After much thought I have come to the conclusion that there is little hope that the Court will reverse itself (even with the three changes in membership which seem to be pending) or that the Congress will take steps to limit the appellate jurisdiction of the Supreme Court—at least in the forseeable future. I therefore have chosen to sponsor H.J. Res. 651 which provides for a constitutional amendment as the only likely solution. H.J. Res. 651—the "Bus Back to Freedom"—reads in part as follows:

"AMENDMENT—FREEDOM FROM FORCE

"*Section 1.* No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.

"*Section 2.* No public school teacher or other public employee of the United States of America or one of the several States or any political subdivision thereof shall, because of his race, creed, or color, be employed, promoted, or assigned to or required to work at any particular job or location."

In closing I want to stress one point very strongly: H.J. Res. 651 would have no effect whatsoever on the Supreme Court's decision in the case of *Brown* v. *Board of Education* invalidating State segregation laws. Indeed, H.J. Res. 651 would uphold and reinforce the Supreme Court's ban, in the Brown case, on assignment of pupils to schools on the basis of race. It would merely do away with the compulsory assignment. by busing and other means permitted in the case *Swann* v. *Char-*

*lotte-Mecklenburg*, of public school teachers and pupils on the basis of race, creed or color.

I am hoping, and I am sure that other sponsors of the resolution are also hoping, to have the enthusiastic support of Northerners and Southerners, liberals and conservatives, blacks and whites alike—in fact of every one who wants his—freedom to send his children to the school of his choice restored. I am sure H.J. Res. 651 if passed by the Congress and ratified by the States would give us all what we want in this matter—that it would provide a "bus back to freedom." If you agree with me, please write and tell me so.

You have been a wonderful audience. I am grateful for the attention you have given to my remarks. Thank you very much.

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## OUR FIRST PRIORITY—NATIONAL DEFENSE; ADDRESS BY THE VICE PRESIDENT

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### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. CRANE. Mr. Speaker, there is little doubt among military experts that our strategic position in relationship to that of the Soviet Union is at an all-time low. This was confirmed in recent days by reports from the Institute of Strategic Studies in London and from "Jane's Fighting Ships," the recognized world authority on comparative national naval strength.

The naval study, for example, details a phenomenal increase in the strength of the Soviet Navy since the Cuban missile crisis 10 years ago. The Soviet Union now has three times as many submarines as does the United States. It has developed a large, modern surface Navy that now threatens to dominate the Mediterranean, the Indian Ocean, and the North Atlantic. The Soviet Union has also achieved superiority in ballistic missiles and it has test-flown a supersonic bomber while our own B–1 is still awaiting congressional approval.

In the midst of this dramatic change in the world's strategic balance it is particularly surprising to see so many calls for still further cuts in our own defense spending, in the name of what advocates of such cuts call a "reordering of priorities." Addressing the National Security Industrial Association on September 23, Vice President AGNEW pointed out that—

Reordering our priorities has become one of the most bandied about terms in Washington. But it means different things to different people. When it is used by the President, it means that this year, for the first time since 1950, we are spending a greater percentage of the national budget on human needs than on defense. When used by his critics, it means that we have not cut defense costs nearly enough.

How prudent the cuts of the Nixon administration thus far have been is a matter about which military authorities disagree. It is clear, however, that when one of the announced presidential candidates of the Democratic Party, Senator GEORGE MCGOVERN, calls for cutting $40 billion from the defense budget, he is advocating, in effect, an end to the Nation's ability to defend itself. Discussing such political pronouncements, Vice President AGNEW declared that—

He does not specify what could be cut, but he has glibly accounted for $40 billion of the $76 billion total in the national defense budget. That leaves just about enough to pay our already severely trimmed defense forces. The Senator would apparently have us do without aircraft, submarines, carriers, missiles, radars, ground force weapons, and ammunition—and, of course, the research and development so critical in a technological world.

Similar calls for further cuts in the defense budget have been heard from most of the other announced and unannounced candidates for the presidential nomination of the Democratic Party. The former Vice President, in fact, has said that—

We can cut the Pentagon budget to as low as $50 billion a year and still have real security for the United States.

Such statements, argues Vice President AGNEW, are both "reckless and appalling."

When our First President, George Washington, addressed the first joint session of the Congress January 8, 1790, he declared that—

To be prepared for war is one of the most effectual means of preserving peace.

Those who would leave America defenseless before her potential enemies are by no means advancing the cause of peace. Disarmament after World War I, many seem unable to remember, did not bring peace but war. Vice President AGNEW points out that—

In this nuclear age there will be no lead time for leisurely rearmament. We cannot allow a small but influential minority of neoisolationists—in and out of Congress—to cripple our defense capability. Nor can we countenance the false pretense that dismantling our defense establishment is an intelligent way to provide the funds to cure all of our social ills.

I wish to share the Vice President's important and timely remarks with my colleagues, and insert it into the RECORD at this time:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

"To be prepared for war is one of the most effectual means of preserving peace." These words were directed by the first President of the United States to the first joint session of the Congress. The date was January 8, 1790.

And two weeks ago the 37th President of the United States had this to say to a joint session of the current Congress: "If we do not stay a great power, the world will not stay safe for free men."

In President Nixon's time, as in President Washington's time, strength remains the key to peace and national security. It has always been so.

Horace, writing in 30 B.C., said: "In peace, like a wise man, he has provided for the needs of war."

And in 375 A.D., the Roman military authority, Flavius Vegetius Renatus, offered the sound advise: "Let him who desires peace prepare for war."

Preparedness is an age-old lesson that periodically has had to be relearned throughout history. Most of you are aware of the pain with which it was relearned by Americans after World War I and again after World War II. That strength preserves peace while weakness invites aggression is an immutable truth, indelibly inscribed in the pages of history.

Today, incredibly, there are many signs that we may have forgotten that lesson, that we may be on the threshold of relaxing our guard again. To say that we are drifting toward imminent peril, to say that our national survival is at stake is no exaggeration. In this nuclear age there will be no lead time for leisurely rearmament. We cannot allow a small but influential minority of neo-isolationists—in and out of the Congress—to cripple our defense capability on the basis that our disengagement from an unpopular war in Southeast Asia leaves us serene and secure. Nor can we countenance the false pretense that dismantling our defense establishment is an intelligent way to provide the funds to cure all of our social ills.

"Reordering our priorities" has become one of the most bandied about terms in Washington. But it means different things to different people. When it is used by the President, it means that this year, for the first time since 1950, we are spending a greater percentage of the national budget on human needs than on defense. When used by his critics, it means we have not cut defense costs nearly enough.

The call to "reorder our priorities" even beyond the dramatic change already accomplished is heard most often from the presidential aspirants in the Senate, only one of whom purports to support a strong national defense posture for the United States.

The only declared Presidential candidate to date, the junior Senator from South Dakota, has stroked the far left with such rehetoric as this: ". . . I think in addition to the say $20 billion that we might save by ending the war in Southeast Asia . . . . that there is at least another $20 billion in that defense budget that we could cut down."

He does not specify what could be cut, but he has glibly accounted for $40 billion of the $76 billion total in the national defense budget. That leaves just about enough to pay our already severely trimmed defense forces. The Senator would apparently have us do without aircraft, submarines, carriers, missiles, radars, ground force weapons, and ammunition—and, of course, the research and development so critical in a technological world.

And the Senator from Maine, who is always portrayed in the press as the "front-runner" for the Democratic presidential nomination, regularly calls for "reordering our priorities" to give less of the budget to defense and more to social programs. "If this Administration fails to revise our national priorities," he says, "then a new coalition will."

The young Senator from Massachusetts, also considered by the pundits to be a Presidential prospect, is quoted in the June 29th Congressional Record as saying:

"I fully accept the Proxmire-Mathias amendment to limit Pentagon spending to $68 billion for Fiscal Year 1972. (A cut of $8 billion from the President's already carefully pruned request.)

"Today," he continued, "the Senate has the opportunity to translate our action on the SST earlier this Spring into an across-the-board vote on the principle of reordering our national priorities."

(Secretary Laird has said that the Proxmire-Mathias amendment referred to by the Senator would require reductions of up to 50 percent of our planned military and civilian manpower at the end of the current fiscal year, a cutback of up to 40 percent in on-going weapons systems, and a cutback of 30 percent in operational levels.)

And a man who really should know better, the former Vice President of the United States, who was the Democratic presidential candidate in 1968, said: "The priorities of the America of the 1970's are not the ABM and a continued arms race. *We can cut the Pentagon budget to as low as $50 billion a year and still have real security for the United States.*"

I find this sort of talk reckless and appalling.

But I did not come here tonight to castigate my Senate colleagues. All of those gentlemen are well motivated, sincere citizens. But, in my judgment they are terribly

wrong—dangerously wrong—and they should be held accountable if they disastrously tamper with the national security.

None of them, I am sure, would draw any comfort from the fact that Gus Hall, General Secretary of the Communist Party, USA, agrees fully with their oft-stated goal of forcing a U.S. withdrawal from Vietnam and further "reordering" the Nation's priorities. And I'm sure I'll catch a few editorial slings and arrows for using his name in the same speech with theirs. But what he says is germane to our discussion.

Writing in the August 21, 1971 issue of the Communist newspaper, *Daily World*, Mr. Hall says:

"A forced retreat from Indo-China . . . would force an agonizing reappraisal, a basic searching review within the United States. The basic direction of U.S. policy would come under heavy pressure and criticism. It would most likely force a basic realignment of political forces, *a rearrangement of all priorities*. It would be a devastating setback for the military-industrial complex."

The last reference, gentlemen, was to you, and I trust Mr. Hall's contempt for the industrial power that keeps America militarily strong was not misplaced. Congratulations!

I find more rational the opinion of the former Chairman of the House Armed Services Committee, the late Mendel Rivers, who said in a House speech last year:

"Decisions on the defense budget should be based on the simple question of national survival—and nothing more.

"The issue should be 'what is required to survive?'; and not 'how should we allocate the national budget between defense and domestic programs?' "

As President Nixon has said:

"In determining the strength of our defenses, we must make precise and crucial judgments. We should spend no more than is necessary. But there is an irreducible minimum of essential military security; for if we are less strong than necessary, and if the worst happens, there will be no domestic society to look after."

Most of you who have worked so closely with our national defense over the years are familiar with the economic problems that are unavoidable in a period of adjustment from war to peace, and you are equally aware of the pressures to drastically reduce military spending in such a period. The temptation to slash first and think later is almost irresistable. Yet, it is crucial that we maintain our defense capability in a world that has proven no less hostile than the one which spun while the bitter lessons of history were written—lessons that the United States cannot afford to ignore.

Let's look at the current defense budget that some of these critics are so anxious to start dismembering.

It calls for spending $76 billion in the current fiscal year. This is some $3.2 billion more than the Congress allowed last year for defense purposes. But that doesn't mean it will buy more military hardware. It will buy less when we take into account the rising costs of material and the increased salaries of civilian and military personnel. Pay and allowances account for $39.8 billion of the $76 billion total. This leaves $10.6 billion for other operating costs and $25.6 billion for procurement, research and development and construction.

As I said earlier, for the first time since 1950 the Fiscal 1972 budget calls for spending more on human resources than on defense—42 percent for human resources, 34 percent for defense. Now any fair-minded citizen would have to agree that this in itself is a substantial, even ambitious, "reordering of priorities." But I guarantee you it will not satisfy the defense critics. They will be satisfied with nothing less than spending levels that mandate an inferior state of readiness to defend the interests of the United States.

The budget now before the Congress, in the opinion of the President and the Secretary of Defense, constitutes the minimum needed to keep this country secure in the face of ever-growing Soviet power. Secretary Laird warned strongly just this past weekend against cuts which would jeopardize our tenuous military capability.

The special targets for cutting are likely to be such vitally needed strategic arms as the B–1 bomber, which is to replace the aging B–52; the Safeguard anti-ballistic missile system; multiple-missile warheads; and new naval ship construction so vitally needed to modernize our Navy. Defense critics have already singled these out.

Our Navy in particular is in need of a drastic overhaul. Last year the Congress cut $2 billion from the amount the President had requested for modernizing the Navy. But it may be that the axe wielders will be checked this year by the widespread publicity currently being given to the recent edition of *Jane's Fighting Ships*, the recognized world authority on comparative national naval strength, which is published in Great Britain. It has brought new attention to previously unheeded voices in this country.

This report details a phenomenal increase in strength in the Soviet Navy since the Cuban missile crisis 10 years ago. They now outnumber us in submarines by 3 to 1, and have developed a large, modern surface Navy that is showing the Soviet flag in the Mediterranean, the Indian Ocean and in some other areas of the world where it has been seldom seen before. They also now outnumber us in ballistic missiles, have test flown a supersonic bomber (while our sorely needed B–1 is still awaiting Congressional approval), and have developed a large striking force of modern jet fighter planes. Their newest fighter, the Foxbat, is now operational in Egypt and cannot be matched in performance by anything we have in operation. And perhaps most disturbing of all, while our Congress has haggled they have stepped up their spending on research and development and now exceed us by $3 billion a year in that vital area. Their total for research and development was $17 billion to our $14 billion in 1970.

That $3 billion buys a lot of research and development, gentlemen, as you well know. Here's the way Dr. Eberhardt Rechtin, the Deputy Director of Defense Research and Engineering has put it:

"The $3 billion difference per year between the U.S. and Soviet R&D budgets is the equivalent of the development costs of the Minuteman, Poseidons. Polarises, Safeguards, B–1 bombers, F–14 and F–15 aircraft, main battle tanks, Cheyenne helicopters, CS–A, F–111's and several dozen other major systems."

Admiral Moorer, Chairman of the Joint Chiefs of Staff, issued the warning clearly and bluntly in a statement to the House Armed Services Committee last March. The Nation would do well to heed his words:

"The overall strategic balance, during the last five or six years, has drastically shifted in favor of the Soviet Union," Admiral Moorer said. "Our comfortable lead has now all but vanished, and within the next five or six years we could actually find ourselves in a position of overall strategic inferiority."

In the continuous campaign to whittle down America's military strength we always see snide references to the "military-industrial complex". (In prouder days you were known as the "Arsenal of Democracy.") And we read and hear sensational complaints about cost overruns and how you are gouging the taxpayers. Seldom are you credited for the technological advancements and continuing benefits for mankind that have come from your sustained efforts in our aerospace and defense industries. More often, you are charged with greed.

(I was amused to read in National Review some weeks ago that General Elwood Quesada decided to find out just how powerful our dreaded military-industrial complex is. He totaled the market value of the common stocks of the ten biggest defense contractors and compared that with the value of the common stock of one middle-sized company in the consumer-beauty complex. The result: $4.7 billion for the 10 big defense contractors, *combined;* $6.5 billion for *Avon*.)

To sharpen their barb, defense critics are fond of pointing out that President Eisenhower coined the phrase "military-industrial complex" in his farewell address to the American people in 1961 and that he warned the Nation of dangers to its survival from this combination of a large military establishment and the arms industry.

In the few minutes remaining, let's examine *exactly* what President Eisenhower said and the context in which he said it.

"Until the latest of our world conflicts," President Eisenhower said, "the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. But now we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions . . .

"This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every State house, every office of the Federal government. *We recognize the imperative need for this development.* Yet we must not fail to comprehend its grave implications . . .

"In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

"We must never let the weight of this combination endanger our liberties or democratic processes."

It is obvious from this statement that while this revered President and World War II military leader warned of possible, unforeseen abuses of power from the combination of a large defense establishment and the arms industry necessary to its strength and survival, he did not call for the *dismemberment* of such complex, as those who constantly misquote him today seek to imply. He said, to the contrary, "We recognize the imperative need for this development." But you will never see *that* quoted when his words are evoked by the neo-isolationists.

President Eisenhower saw so clearly and saw so well that without strength we could never move from an era of confrontation into an era of negotiation. Hopefully, we are now moving into that era. But it is axiomatic that one can only negotiate from strength.

I share President Eisenhower's admonition, expressed in that same speech, that "a vital element in keeping the peace is our military establishment."

"Our arms must be mighty," he said, "ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

And his former Vice President, Richard Nixon, certainly shares that view.

"Peace requires strength," President Nixon said. "So long as there are those who would threaten our vital interests and those of our allies with military force, we must be strong. American weakness could tempt would-be aggressors to make dangerous miscalculations."

And at West Point last summer he told the Cadets:

"American strength is the keystone in the

structure for peace . . . We all pray for a time when military strength will be unnecessary, but as long as strength is essential, we shall maintain the preparedness which is essential to protect the peace."

With the help of you and all those who understand how vital it is to keep America strong, we shall see that all would-be aggressors never have a chance to make dangerous miscalculations on grounds that we have become weak.

We shall fight those who would weaken us in the Congress and in the public. And we will not let them obscure the issue of this struggle under such hollow rhetoric as "reordering our priorities." There can be no reordering of the priority of peace. And when the American people understand that the stake is liberty, I have no doubt that they will rally around.

## OEO DOES NOT SERVE THE ELDERLY

### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. SCHEUER. Mr. Speaker, last June, Education and Labor Special Field Hearing Subcommittee No. 1, chaired by my distinguished colleague from California (Mr. HAWKINS), conducted hearings in New York on the poverty program.

I was particularly interested in, and astonished by, the testimony of one of the witnesses—Mr. Elly Rosen, who represented the Association of Jewish Anti-Poverty Employees.

Mr. Rosen alleged that, contrary to appearance, there are substantial numbers of poor Jews in New York and throughout the country and that these poor Jews are "systematically" denied participation in the poverty program.

I immediately asked the Office of Economic Opportunity and the New York City Human Resources Administration to conduct investigations of the charges, and also requested the General Accounting Office to supervise the preparation of the reports by these two agencies.

Mr. Speaker, I have now received the two reports and the results are significant. In the words of the OEO report, the allegations, "while imprecise, are not totally devoid of validity."

These two reports highlight a problem which is of concern to all ethnic groups. In essence, the reports find that the 5 million elderly individuals who live below the official poverty line are seriously underserved by the OEO program.

This neglect of the elderly poor—one out of every five poor persons in the country—is the result of two causes. First, many of the aged poor became poor upon reaching old age. Many of them, therefore, continue to reside in the same areas as they did prior to the decline in their income below the poverty line. These areas were never designated as areas with significant concentrations of poor to be served by the poverty program and they are not so designated today. Thus, these individuals are effectively excluded from participation in the poverty program.

Second, in those instances where the elderly poor do reside in target areas, they are excluded from participation for another reason. The poverty program was and still is primarily intended to help poor people change their condition—to break the shackles of the cycle of poverty—and not simply to make life below the poverty line more comfortable. As a consequence, the program has been directed at the young, whom we hope to help move out of poverty. The elderly poor have been more or less written off as condemned to live the rest of their lives in penury below the poverty level.

This emphasis is reflected in the administration of the program. Although the OEO bill, as amended, provides for a special program for the elderly poor, the funding has been parsimonious and niggardly. It is in a real sense a fraud. The appropriation in recent years has not exceeded $8 million—an appropriation which has resulted in an allocation to the city of New York last year of less than $500,000. Moreover, the position of Assistant Director for programs for the elderly has been consistently downgraded since the post was first established in the late 1960's.

Mr. Speaker, I do not disagree with the program's emphasis upon youth, indeed, I applaud it. I do believe, however, that more emphasis ought to be given to the elderly poor—Irish, Italian, Jewish, Puerto Rican, black—and to the poor, whether young or old, who live outside the original target areas.

Therefore, I intend to offer an amendment to the bill which will permit the Director to utilize an additional $50 million for new programs to serve the poor, particularly the invisible elderly poor, who are being pathetically underserved by the current program. I must emphasize the fact that this amendment would provide for additional funds for new programs. It is in no way intended to take funds from existing programs.

Fifty million dollars is a modest amount compared to the $2.2 billion authorization contained in this bill. The National Council on the Aging has indicated that projects totaling at least this amount have already been prepared by the community action agencies but have not been funded due to a lack of funds.

Mr. Speaker, this amendment is designed to enable the Director to help the poor who do not reside in target areas and to strengthen programs for the elderly who do reside in those areas. It will help bring the expertise of OEO in innovative and imaginative programing to bear upon the economic, social, and health problems of the elderly poor and help them to lead useful productive lives. I can conceive of no better way of beginning the year of the White House Conference on Aging than to help the elderly poor.

I hope my colleagues will support this amendment.

The text of the reports follow:

WASHINGTON, D.C.,
*September 23, 1971.*

HON. JAMES H. SCHEUER,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. SCHEUER: By letter dated June 28, 1971, you requested the General Accounting Office to make an investigation relative to testimony by Mr. Elly Rosen before a Special Field Hearing Subcommittee, House Committee on Education and Labor, which charged that Jews in New York City are systematically denied participation in anti-poverty programs. You also requested the Office of Economic Opportunity (OEO) and the New York City's Human Resources Administration (HRA) to make investigations into the charges. As agreed with you during a meeting with our representatives on July 8, 1971, staff members of our Washington, D.C., and New York offices monitored the investigations conducted by OEO and HRA, but did not supervise, or participate in, the investigations.

As monitors we discussed with OEO and HRA officials the approach to be taken in conducting the investigations and followed their progress in periodic meetings held with the officials. On the basis of our review of the final reports of OEO and HRA and our observations during the investigations, we believe that the investigations were carried out in a competent and satisfactory manner. The two reports, which have been furnished to you, seem to be adequately responsive to Mr. Rosen's charges and provide an objective analysis of the extent of participation in antipoverty programs by Jews in New York City.

Sincerely yours,

ELMER B. STAATS,
*Comptroller General*
*of the United States.*

MEMORANDUM OF INSPECTION DIVISION OF OFFICE OF ECONOMIC OPPORTUNITY

During our survey of Jewish participation in the New York City poverty program, staff members in four of the twenty-five area corporations (Crown Heights, Mid-West Side, Lower East Side, South Jamaica) were unable or unwilling to provide an estimate of the ethnic breakdown of their program participants.

In more than one case, management of the area corporations excused their lack of knowledge by explaining that they did not get any reports from their delegate agencies, that these reports go directly to CDA. If this is true, how can they discharge the critical function of programmatic and administrative oversight, normally the key part of any prime-delegate agency relationship?

Furthermore, when questioned, the assistant deputy commissioner of CDA stated "CDA does not require the corporations to submit a statistical record of the participants served."

It is difficult to comprehend how these corporations can select appropriate programs for their areas or adequately administer poverty programs without a comprehensive knowledge and understanding of the beneficiaries of the services.

BACKGROUND

The New York City poverty program is directed by the Council Against Poverty which was established by executive order of the Mayor in 1966. The Council is composed of fifty-one members; twenty-five from the designated poverty areas of the city, seventeen public officials, and nine from the private sector.

The Council is the policy-making body for the distribution of some $70,000,000 annually of anti-poverty funds.

OEO versatile funds account for approximately $16,000,000 annually of the total funding. These OEO funds for the most part are channelled into twenty-six target areas based on a "Fair Share" allocation. "Fair Share" is determined by a formula involving the number of persons receiving welfare, juvenile delinquency rates, number of live births on general service and six other contributing factors.

Each of the twenty-six poverty areas designated is represented by a community corporation which administers the funds allocated to its area.

The elected Board of Directors of each community corporation approves program proposals for its area within its budget allocation which must then receive final approval from the Council Against Poverty.

BASIS OF SURVEY

Mr. Elly Rosen, representing the Association of Jewish Anti-Poverty Employees, testified June 25, 1971 before an ad hoc subcommittee on Education and Labor that "Jews in NYC, are systematically denied participation in anti-poverty programs."

Pursuant to this allegation, Congressman James Scheuer requested Mr. Frank Carlucci, Director of OEO, to look into the validity of the complaint.

METHODOLOGY

All efforts to locate valid conventional statistical data on the current location, number, and income of Jews in New York City were fruitless. It was therefore conceived that the executive directors, board members, and other key staff personnel of the twenty-six area anti-poverty corporations should be able to provide the most reliable ethnic estimates of their constituencies. Consequently, all twenty-six corporatitons were contacted and estimates obtained.

While the technique appears to have yielded reasonably consistent data, there were some exceptions. In the Lower East Side, for example, the staff people interviewed contend that there were less than a thousand income-eligible Jews. More authoritative data from a Census Bureau study and another from the Department of Labor plus information from local settlement houses indicate considerably more.

A similar situation exists in Morrisania and Brownsville, where the staff indicated there were no eligible Jews, yet local Jewish leaders and sociologists contend there is an appreciable number of impoverished elderly Jews living in the areas.

It must also be noted that personnel in four of the area corporations were unable to furnish an estimated ethnic or religious breakdown on the number of participants in the poverty programs in their area. Some of these officials excused their inability to provide this information on the fact that delegate agency reports go directly to the Community Development Agency (CDA), which is the administrative staff of the Council Against Poverty.

In his testimony Rosen also made allegations of specific anti-Semitic incidents. In agreement with the General Accounting Office the Human Resources Administration of New York City will file a separate report on the finding of their investigation into these specifics.

FINDINGS

Mr. Rosen's allegation that Jews are systematically excluded from New York's poverty program participation, while imprecise, is not totally devoid of validity. The two poverty areas (Williamsburg and Crown Heights) with an appreciable number of Jewish poor have good Jewish participation as recipients, staff and board members. This survey strongly indicates two things. First, where and insofar as Jews are excluded from poverty program participation, it is less because they are Jewish than because they are elderly. Second, their group characteristics do not relate to the indices originally used by the Poverty Council to determine target areas. Prime examples of this situation are Far Rockaway and Coney Island. Ninety thousand of the ninety-seven thousand total population of Far Rockaway are estimated to be Jewish.

It is further estimated that approximately eighteen thousand of these are impoverished elderly Jews. The Far Rockaway poverty program, however, limits its services to five small target areas consisting of five thousand poor, of whom ninety per cent are black, eight per cent are Puerto Rican and two per cent of whom are "white" and predominantly Jewish.

A similar situation exists in Coney Island where the poverty program target area encompasses forty thousand poor, seventy per cent of whom are black or Puerto Rican. Yet most of the remaining seventy thousand people on Coney Island are low-income, elderly Jews, many of them living in public housing projects. It is reported that they participate in large numbers in senior citizen organization activities, although these are not funded by OEO anti-poverty funds.

In three other poverty areas, (Lower East Side, Brownsville, and Morrisania) the area corporation staff members interviewed contend there are few if any impoverished Jews. But Jewish leaders as well as other authoritative sources insist these areas contain significant numbers of elderly Jewish poor. The fact that these folk seem invisible to their area poverty program staff gives credence to Rosen's allegation that Jews are underserved.

Unlike most other area corporations which have been operational to some degree for some four years, the Bronx River Corporation is only now becoming incorporated. The lag is reflected in the fact that the BRC has but one active program, Neighborhood Youth Corps, in which participation is estimated at fifty-five per cent black, forty per cent Puerto Rican, four per cent other, and one per cent Jewish. By comparison, Jewish low-income folk are estimated to constitute about three per cent of the target area population. This discrepancy appears to corroborate the comments that a high proportion of the low-income Jews are elderly and that for the elderly all too little provision is made.

The fledgling BRC is now conducting neighborhood surveys to identify needs and Jewish and other elderly participation may rise as appropriate programs are initiated.

By contrast in nearby Tremont, with seven thousand impoverished Jews out of a total target area population of 118,853, the area corporation runs a senior citizens program in which elderly Jewish participation is estimated at almost one-fifth.

The other area corporations have essentially no low-income Jewish residents.

While OEO allocates but $492,000 annually for senior citizens' programs in New York City (out of its $8,000,000 national budget) the City's elderly are not entirely without assistance. The City of New York operates twenty-six senior citizens' centers and these are augmented by like operations funded by private organizations.

The attached table shows the funding and the population and participation breakdowns of the twenty-five area poverty corporations.

ESTIMATED POVERTY PROGRAM PARTICIPATION—NEW YORK CITY—AUGUST 1971

| Corporation | Funding (thousands) | Population (thousands) | | | Staff | | | Percentage participation | | | | Board members Jewish |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Total | Poverty | Jewish-poverty | Jewish | Other | Total | Spanish speaking | Black | Jewish | Other | |
| Fort Greene | $1,100.0 | 102 | 85 | 0 | 0 | 180 | 180 | 40 | 55 | 0 | 5.0 | 0 |
| Bronx River | 137.0 | 160 | 128 | 5.0 | 0 | 22 | 22 | 40 | 55 | 1.0 | 4.0 | 0 |
| Tremont | 697.2 | 119 | 101 | 7.0 | 0 | 57 | 57 | 46 | 37 | (1) | 17.0 | 7 |
| Hunts Point | 1,500.0 | 172 | 154 | 0 | 4 | 198 | 202 | 76 | 24 | 0 | .1 | 0 |
| Morrisania | 1,180.0 | 170 | 136 | [2]0 | 4 | 83 | 87 | 33 | 66 | 0 | 1.0 | 0 |
| South Bronx | 447.2 | 110 | 61 | 0.5 | 5 | 51 | 56 | 50 | 40 | 1.0 | 9.0 | 1 |
| East Harlem | 462.0 | 145 | 101 | [2]0 | 2 | 93 | 95 | 50 | 40 | 0 | 10.0 | 0 |
| Lower East Side | 1,700.0 | 200 | 180 | [3]1.0 | 15 | 85 | 100 | (1) | (1) | (1) | (1) | 2 |
| Lower West Side | 729.0 | 169 | 54 | 6.4 | 3 | 22 | 25 | 53 | 17 | 7.0 | 23.0 | 6 |
| Mid-West Side | 482.0 | 208 | 51 | 0 | 0 | 37 | 37 | (1) | (1) | (1) | (1) | 13 |
| Upper West Side | 480.0 | 209 | 135 | 2 | 1 | 111 | 112 | 48 | 38 | .5 | 14.0 | 6 |
| Central Harlem | 3,600.0 | 287 | 160 | 0 | 0 | 800 | 800 | 5 | 95 | 0 | 0 | 0 |
| Coney Island | 476.1 | 110 | [4]40 | 6.0 | 3 | 20 | 23 | 55 | 45 | 0 | 0 | 3 |
| South Brooklyn | 1,180.9 | 221 | 148 | [4]0 | 0 | 207 | 207 | 47 | 39 | 0 | 14.0 | 0 |
| Sunset Park | 219.0 | 75 | 52 | 0 | 0 | 11 | 11 | 80 | 6 | 0 | 14.0 | 0 |
| Williamsburg | 1,380.3 | 190 | 175 | 33.0 | 55 | 199 | 254 | 39 | 28 | 33.0 | 0 | 13 |
| Bedford-Stuyvesant | 2,100.0 | 476 | 450 | .2 | 6 | 804 | 810 | 20 | 80 | 0 | 0 | 2 |
| Brownsville | 979.5 | 130 | 100 | [2]0 | 7 | 69 | 76 | 34 | 66 | 0 | 0 | 1 |
| Bushwick | 750.4 | 200 | 75 | [2]0 | 1 | 25 | 26 | 30 | 40 | 0 | 30.0 | 0 |
| Crown Heights | 695.0 | 250 | 215 | 56.2 | 7 | 17 | 24 | (1) | (1) | (1) | (1) | 18 |
| East New York | 1,218.0 | 100 | 70 | .7 | 0 | 22 | 22 | 50 | 50 | 0 | 0 | 1 |
| Rockaway | 200.0 | [5]97<br>[4]5 | [5]25<br>[4]5 | [5]18<br>[4].1 | 1 | 20 | 21 | 20 | 75 | 0 | 5.0 | 5 |
| Corona-East Elmhurst | 272.8 | 80 | 36 | 0 | 0 | 21 | 21 | 25 | 75 | 0 | 0 | 0 |
| Long Island City | 547.7 | 78 | 59 | [2]0 | 2 | 15 | 17 | 30 | 70 | 0 | 0 | 2 |
| South Jamaica | 971.0 | 218 | 72 | 0 | 0 | 137 | 137 | (1) | (1) | (1) | (1) | 0 |
| Staten Island | 200.0 | 90 | 15 | .15 | 0 | 14 | 14 | 20 | 70 | 1.0 | 9.0 | 2 |
| Totals: Number | | 4,274 | 2,858 | 138.14 | 116 | 3,320 | 3,436 | | | | | |
| Percent | | 100 | 66.6 | 3.1 | (3.5) | (96.5) | (100) | | | | | |

[1] Sources claim no knowledge.
[2] No known Jewish population but Jewish staff members.
[3] Inaccurate estimate; other sources indicate considerably more.
[4] Target area only.
[5] Total area population.

## REPORT OF FINDINGS ON CHARGES RAISED BY S. ELLY ROSEN REGARDING THE NEW YORK CITY POVERTY PROGRAM AND THE JEWISH POOR

(The Office of Review, Human Resources Administration, September 10, 1971)

### INTRODUCTION

*Occasion for this Report:* S. Elly Rosen ("Rosen") testified before the Special Field Hearing Subcommittee #1 of the United States House of Representatives Committee on Education and Labor ("House Committee") on Friday, June 25, 1971 at the Federal Office Building, 26 Federal Plaza, New York City, N.Y. Rosen's appearance, which had been scheduled through the intercession of Congressman Herman Badillo, a member of the Subcommittee, was in behalf of the Association of Jewish Anti-Poverty Workers, ("Association") of which Rosen is Director. Rosen's poverty work is as a member of the staff of the Crown Heights Community Corporation, which is one of the community action agencies contracted by the Community Development Agency ("CDA")—in behalf of the Council Against Poverty ("CAP")—which administers the Office of Economic Opportunity ("OEO") grants for New York City. The OEO appropriations bill was under consideration by the House Committee at the time.

The purport of Rosen's testimony was that poor Jews were not receiving their fair share of the poverty program.

Following Rosen's testimony, Congressman James Scheuer, also a member of the House Committee, contacted Frank Carlucci, Director of OEO, and requested "a serious investigation" in a letter dated June 28, 1971 (See Attachment 1). Scheuer also contacted Jule Sugarman, Administrator of the Human Resources Administration ("HRA") the New York City social services umbrella agency of which CDA is a part. Scheuer asked Sugarman to cooperate with an investigation into the charges.

Accordingly, Sugarman requested the HRA Office of Review ("Office") to investigate the charges. After preliminary consultations, the Office committed itself to a comprehensive inquiry. At a meeting on July 22, 1971 between staff members of City and Federal agencies, including the Government Accounting Office ("GAO") and the OEO Office of Inspection ("OEO Inspection"), the agencies agreed to work together, with our Office carrying primary responsibility since it is indigenous to the scene of the charges. Reports on matters investigated by OEO Inspection were to be made a part of the report.

On August 2nd, a briefing was held in Congressman Scheuer's Washington Office. Present were staff members of our Office, OEO Inspection, GAO, and a staff member of the House Committee. Preliminary findings on the charges were discussed in general, and over-arching matters were considered in detail. It was understood that our Office would be reporting to the HRA Administrator, and that he would forward copies of the report to the concerned persons in Washington, including Congressman Scheuer, who requested the report by the beginning of the next Congressional Session. This is that report.

*Method of this Report:* The Office has culled the charges, eight in number, from the following sources: a) the typescript of the prepared statement which Rosen made at the House Committee Field Hearing on June 25th (see Attachment 2); b) the typed transcript of the question and answer period which followed Rosen's prepared testimony (see Attachment 3); and c) notes taken at a meeting between Rosen and staff of our Office, GAO, and OEO Inspection which took place on August 4th. The Office, has composed the charges for this report, using direct quotation from Rosen wherever possible, but re-wording the charges where comprehension, clarity, and economy demanded it. Great care has been taken to state the charges in a way faithful to their author.

*Scope and Focus of this Report:* In the next section the reader will find data and information on the context of Jewish poverty in New York City, such as we have come to understand it during our investigation. This is presented as background information necessary to appreciate the charges and the findings, which are given in the following section.

### THE CONTEXT OF THE MATTER: JEWISH POVERTY IN NEW YORK CITY

There are a few general factors which relate to Rosen's charges directly or indirectly. We submit that one can better understand his charges and our findings if these factors are stated at the outset. We acknowledge that our sociology is superficial; these matters deserve more research and thoughtful consideration than is within our time-frame and expertise. Hopefully, however, the following considerations will set the available parameters.

1) There exists no comprehensive and recent hard data on the component ethnic groups of the White poor in New York City—not locally, not nationally; not at the community corporations, not at the Jewish philanthropic agencies. Estimates abound, but despite the claims put forth for them, they are at best approximations of varying unacceptability. What hard data does exist comes to us from the 1950's mainly, and is based on too small a sample to be reliable 15 or more years later.

The records of the New York City social services agencies—CDA, the Department of Social Service ("DSS"), the Neighborhood Youth Corps ("NYC")—equally lack such information. Welfare clients are not required to identify their ethnic or religious background on applications for aid. CDA, in conjunction with the New York Regional Office of OEO has recently revised its management information forms, which the CDA contracting agencies (e.g. community corporations) must use for periodic reporting of the serviced population. A new feature of these new forms is that the Spanish-speaking groups are broken out into Cuban, Dominican Republican, Puerto Rican, etc., which will make the "Caucasian" and "Black" categories more meaningful. However, there will be no breakout of non-Spanish-speaking Caucasians. Jews, Poles, Italians, Irishman, Greeks, etc. continue to be lumped together.

The United States Census of 1970 failed to collect information on the ethnic components of White and Black: it did not ask questions such as country-of-origin and language-spoken-in-the-home, which would have assisted in identifying various ethnic groups.

Nor will the data we now lack become available in the future if plans are not made deliberately to tabulate it. The population and Census unit of the New York City Department of City Planning informs us that a special and expensive project would be necessary to tabulate the ethnic components of the White poor in New York City's neighborhoods from the raw data of the 1970 Census. At present, even Puerto Rican is mixed in with "White and Black".

2) The Congressional legislation which brought the poverty program into being intended to deal at first only with the worst concentrations of poverty. The officials who framed the law expected the OEO appropriations of succeeding budget years to grow to enable the regions to expand their programs into areas of lesser but significant poverty, whether contiguous to or isolated from the original target areas.

As is well-known, OEO funds have not increased since 1965, but decreased.

And poverty in New York City has grown. In the poor areas which were not serviced originally and in some areas which did not need services originally, the living conditions of many individuals and families have worsened considerably. This is reflected in the concept of "the changing neighborhoods," where the middleclass is growing poor and poor poorer.

This has significance for the Jewish poor, many of whom are living not in the original target areas, which continue as the present target areas, but in adjacent neighborhoods which are deteriorating.

3) Two sociological matters regarding the Jewish poor affect the degree of participation in the community action program. Rosen states, and knowledgeable people confirm, that a large number of the poor Jews are Orthodox and that Orthodox Jews avoid public charity. One of the nine indices of poverty which was weighted the most in determining the target areas for the New York City poverty program was welfare-recipiency, which would not lead to enclaves of Orthodox Jewish poor.

The second matter is that a large percentage of the Jewish poor are elderly, estimated by one authority as more than one-half and maybe as much as two-thirds (60+ years of age). (See p. 10, and Attachment 4). Two of the weighted indices—live births in hospital wards and juvenile delinquency—would thus not lead to Jewish enclaves. (For the complete list of indices, see Attachment 5.)

The job of identifying the worst areas of poverty was done by the Office of the New York City Administrator in 1965, assisted by City departments and committees concerned with social services. The results were incorporated into "The Sviridoff Report," the work of the Institute of Public Administration, with which the City contracted to plan the local poverty program. HRA, CDA, and CAP were brought into being on the recommendation of this report, officially called Developing New York City's Human Resources. (See Attachment 5) Thus, as bodies, CAP/HRA inherited the target areas. And, as we have already pointed out, the OEO appropriations shrank in succeeding years and prevented an expansion of the poverty program.

Further, as for elderly persons, the emphasis of OEO has always been on helping poor people escape poverty, not helping those who cannot escape bear it. CDA's high priorities as mandated by OEO for the use of the "versatile" funds are Job Referral, Economic Development, Consumer Action, and Housing Action. Elderly persons can benefit from the third and fourth of these. OEO does grant a small amount of money earmarked for the aged—$329,000., to which CAP adds some of the versatile funds and tax-levy (City) funds to mount a program costing $512,000. in the current fiscal year.

4) What Rosen calls the "poverty program" is NOT the total of the social services available to the poor of New York City. This is important because poor Jews are among the beneficiaries of other kinds of public aid. DSS distributes $2 Billion from the U.S. Department of Health, Education, and Welfare, supplemented by State and City funds, directly to individuals and indirectly via social service organizations, some being Jewish.

We have said that DSS is not permitted to collect data on the ethnic or religious background of its clients. Unofficial estimates are available for certain categories, however.

Referring to the surname, family name, and, especially, affiliated institutions, the Medicare and Medicaid office at DSS estimates that at least 10% of the funds go to the Jewish residents of private Jewish nursing homes. At the DSS-funded senior centers, Jews are said to account for an average 41% of the client participation. There are 35 Jewish-sponsored and DSS-funded children's day-care centers in New York City, where, again by estimate, the majority of the children are Jewish. Other programs funded by DSS are Homemakers, Housekeepers, Foster Care for Children, Foster Care for the Aged, Child Shelters, Telephone Reassurance, and Food Stamps. The DSS Department of Program Planning informed us that Jews participate in all of these programs.

As for income maintenance, Rosen states that Orthodox Jews are culturally indisposed to "seeking welfare." Rosen sees one of the tasks of The Association of Jewish Anti-Poverty Workers as altering some aspects of the Orthodox consciousness regarding societal matters. He also would like to see DSS seek ways to foster the enrollment of Orthodox Jews.

5) Where the applicant for government financial aid is a religious institution, the issue of the separation of church and state is raised. Many Jewish organizations which apply for aid to finance social service programs are religious institutions. Each case would require legal consultation and perhaps interpretation by the courts. The First Amendment to the Constitution stipulates that government money may not be used to support religious institutions.[1] While each case must be judged on its own facts, in a broad sense this has traditionally been taken to mean that the giving of financial aid cannot be classified as conferring a benefit to or a burden upon the particular religious institution.

CHARGES AND RELATED FINDINGS

Note: We batch Rosen's charges according to topic. In order to locate the charges in their context, we give the page number for each. The Prepared Statement is Attachment 2, and the transcript of the Question and Answer period Attachment 3.

We refer to data in discussing some of the charges. In each case, we identify the source. It should be understood that our statement (*supra*, p. 4) that "there exists no comprehensive and recent hard data on the component ethnic groups of the White poor in New York City" is not unsaid by any of the data we offer, most of which refers to larger groupings or to previous periods of time. The available data gives indications only. We have tried, however, to stay away from estimates.

Charge No. 1: Contrary to appearances, there are poor Jews in New York City. (Prepared Statement, p. 1)

Finding: This is true according to everyone consulted. It is the single uncontested fact of Rosen's charges. It is a relatively "new" fact, even to Jews. Ann G. Wolfe, Social Welfare Consultant to the American Jewish Committee, pointed this out in a speech last June at the Chicago Chapter meeting of her organization. (See Attachment 4.)

"In 1969, after three summers of turmoil in our cities, we recognized that the domestic tranquility which we believe to be an ultimate goal, cannot be achieved in a society in which a large number of people subsist on incomes inadequate to maintain health and decency. We moved to help in public welfare reform, and in a rather curious by-path, discovered a truth which had been buried for too long. *In our activity around welfare reform in behalf of the poor, we 'discovered' our own poor.*" (p. 13 of the typescript; the emphasis is ours.)

Charge No. 2: "Jews in New York City comprise the third largest poverty population, right after Blacks and Puerto Ricans." (Prepared Statement, p. 1)

Finding: This is an assumption of Rosen's which there is no hard data to support; although the Jewish philanthropic agencies have estimated it to be true.

There is some hard data, although based on a small sample, on the percentage of each ethnic group that is poor, and the groups can be ranked accordingly.[2] The percentage of families within their ethnic groups which earn less than $3000, a year is as follows:

| | *Percent* |
|---|---|
| Negro | 23.8 |
| Puerto Rican | 16.3 |
| Irish | 13.3 |
| Other Catholic | 12.3 |
| Jewish [1] | 10.8 |
| Other Protestant | 9.5 |
| Italian | 8.2 |
| (Unclassified) | 5.8 |

(See Attachment 6.)

[1] The source data separates "Foreign-born Jewish" from Native-born Jewish. The figures are 15.7% and 5.4% respectively.

However, it is not necessary to make a horse race out of the component groups of the White ethnic poor; Jews, Irish, and Italians stand out as ethnic groups with a notable incidence of poverty in New York City.

Charge No. 3: "Jews in New York City, are systematically denied participation in the poverty program . . ." They do not sit on the boards of directors of the community corporations; they do not receive corporation funding for their programs; they do not serve as members of the corporation staff, "except in Crown Heights, where a diligent Jewish leadership . . . was able to secure its proper share." (Prepared Statement, p. 2)

* * * * *

Morrisania, the north Bronx poverty area, is not "60% Black and 35% Puerto Rican," as Dennis Gardner, the Executive Director, claimed, but "there is a great percentage of Jewish poor there," according to "a Jewish community representative" from the area. Yet "there is no representation on the (Morrisania) Board, not one person, who is Jewish . . ." (Questions and Answers, p. 209–10)

Finding: In the Crown Heights and Williamsburgs sections of New York City, where the concentration of poor Jews is large, they *do* participate in the programs of the two community corporations. In areas where Jews live in smaller numbers and/or where they are inactive. they do not participate in the corporation programs.

CDA has reported the following data on Jewish participation in the poverty programs of the 26 community corporations. The data is taken from corporation reports required once a year for "program package" purposes.

1. Jewish membership on the boards of directors of the community corporations:

Crown Heights, 19.
Williamsburg, 12.
Lower East Side, 1.
Coney Island, 1.
Mid West Side, 1.
(Remaining 21 corporations, 0).

2. Jewish membership on the staff of the corporations and their delegate agencies:

Crown Heights, 22.
Williamsburg, 52.
Qualicap (Long Island City), 8.
Lower East Side, 6.
Brownsville, 5.
(Remaining 21 corporations, 0).

3. Funding for Jewish programs in the corporation areas:

Crown Heights—2 agencies receive $180,772.
Williamsburg—6 agencies receive $254,116.
Lower East Side—6 agencies receive $575,000—(but do not serve Jews exclusively).
(Remaining 23 corporations—0).

Note: The figures in the first and second categories are at variance with information which OEO Inspection collected directly from the executive directors of the corporations. Please see report by OEO Inspection.

The first part of the Morrisania charge appears to be true: HRA data contradict Gardner's figures. The breakout is as follows:

| | Gardner [1] | 1960 Census data [2] | 1965 estimated [3] |
|---|---|---|---|
| Black | 60 | 42.18 | 48.28 |
| Puerto Rican | 35 | 23.64 | 28.13 |
| White | [4] 5 | 34.18 | 23.59 |
| | 100 | 100.00 | 100.00 |

[1] We checked with Gardner, who stands by these figures, claiming that they are based on the 1960 census.
[2] These figures were worked up by the HRA Research Department from 1960 census data.
[3] These figures are estimates made by the HRA Research Department, using 1965 welfare data as a "corrective" to the 1960 census data.
[4] Implied.

Whether the White population of Morrisania is Jewish we do not know, since (once again) figures on the ethnic components of the poor White population do not exist. The "Jewish community representative" to whom Rosen led us is Solomon Leibowitz, who explained that some time ago he approached Gardner and on another occasion Nicolas Quilles, the Chairman of the Morrisania Board, concerning the 10,000 to 25,000 Jews, predominately poor and elderly, whom he claims live in a neighborhood on the western edge of the Morrisania area. That neighborhood is bounded by Webster Avenue on the west, 161st Street on the south, the Concourse on the east, and 170th Street on the north.

Leibowitz states that Gardner and Quilles agreed with him that the neighborhood was within the Corporation area but said that it was not a Corporation priority. Leibowitz told us that he was so discouraged by this that he did not make a formal or written approach to the Corporation on behalf of the neighborhood. When we querried him, Gardner said that he was "not in a position to say how many poor Jews were living in that area," but that he understood it to be a neighborhood in transition. He also explained that the Corporation has funded a senior citizen program for Jews before 1969 but that the "community" had decided to drop it when the Corporation budget began to shrink.

Rosen is correct that there is no Jewish representative on the Morrisania Board. There is one (non-Jewish) White.

Rosen has mentioned several other corporations areas where he claims poor Jews are living unnoticed and unserviced by the poverty programs. These are the Lower East Side, Coney Island, Brownsville, East New York, and Tremont. Ethnic data on this is, of course, unavailable; however, it is instructive to review the 1960 and 1965 population breakdown by "Black," "White," and "Puerto Rican" for those areas.

[1] The exact wording is that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

[2] "Family Income by Ethnicity," *Ethnic and Educational Data on Adults in New York City 1963–1964;* by Jack Elinson, Paul W. Haberman and Cyrille Gell; School of Public Health and Administrative Medicine, Columbia University, 1967, page 63.

| | 1960 census data | 1965 estimated |
|---|---|---|
| **Lower east side:** | | |
| Black | 12.51 | 14.09 |
| Puerto Rican | 23.09 | 24.05 |
| White | 64.39 | 61.86 |
| Total | 99.99 | 100.00 |
| **Coney Island:** | | |
| Black | 7.25 | 8.67 |
| Puerto Rican | 5.23 | 5.42 |
| White | 87.51 | 85.91 |
| Total | 99.99 | 100.00 |
| **Brownsville:** | | |
| Black | 22.35 | 45.58 |
| Puerto Rican | 18.63 | 21.39 |
| White | 59.02 | 33.03 |
| Total | 100.00 | 100.00 |
| **East New York:** | | |
| Black | 8.38 | 20.14 |
| Puerto Rican | 5.35 | 13.93 |
| White | 86.26 | 65.93 |
| Total | 99.99 | 99.99 |
| **Tremont:** | | |
| Black | 6.74 | 19.67 |
| Puerto Rican | 10.12 | 23.33 |
| White | 83.12 | 57.00 |
| Total | 99.98 | 100.00 |

In all of the areas a high percentage of White is immediately discernible. Only in Brownsville and Morrisania is the White population less than 50% of the whole. Some of the Whites are not poor, but middle class, and the emigration rate for Whites since 1965 has been extremely high. These figures, in other words, must be taken only as an indication that there are Whites in the ghettos, from which one can reason that some of them are poor, and that some of those are Jewish.

The 1970 Census data on localities is only now being released. From raw census data provided by the Department of City Planning we have worked up figures on the elderly Whites in the poverty areas. These will serve as a corrective to the foregoing figures on Whites in general.

WHITES WHO ARE ELDERLY (65+) AS OF 1970 CENSUS

| | Number of whites over 65 | Percentage of whites over 65 |
|---|---|---|
| **Poverty areas:** | | |
| Lower East Side | 20,599 | 13.1 |
| Coney Island | 4,594 | 19.3 |
| Brownsville | 4,457 | 12.3 |
| East New York | 9,837 | 9.0 |
| Tremont | 6,886 | 9.8 |
| Morrisania | 3,963 | 7.8 |
| **Remaining corporation areas:** | | |
| South Bronx | 5,905 | 8.5 |
| Hunts Point | 4,350 | 4.2 |
| East Harlem | 7,189 | 7.7 |
| Central Harlem | 479 | 6.7 |
| Lower West Side | 24,279 | 20.3 |
| Mid West Side | 20,934 | 17.2 |
| Upper West Side | 9,343 | 13.8 |
| Corona-East Elmhurst | 1,708 | 6.7 |
| Sunset Park | 4,869 | 12.8 |
| Qualicap (Long Island City) | 8,075 | 14.1 |
| South Brooklyn | 18,765 | 12.0 |
| Crown Heights | 9,860 | 19.5 |
| Fort Greene | 3,086 | 11.5 |
| Williamsburg | 10,168 | 7.7 |
| Bedford-Stuyvesant | 2,452 | 8.1 |
| Bushwick | 8,467 | 9.9 |
| South Jamaica | 3,662 | 16.4 |
| Staten Island | 8,309 | 5.7 |
| Bronx River | (1) | (1) |
| Rockaway | (1) | (1) |
| Total | 203,136 | 11.2 |

[1] Unknown.

Charge #4: "There are pockets of poverty in many parts of the City, particularly in the changing neighborhoods;" that is, outside the community corporation areas, and CDA has not funded programs for the poor Jews living in these pockets, although it has a mechanism for doing so which has been used to reach other groups. (Prepared Statement, p. 6)

Finding: We have been able to confirm this charge only impressionistically, but since that is how Rosen made it—he did not have data either—it should be an acceptable response. Poor Jews are apparently living in small but concentrated numbers in tracts located outside designated poverty areas in Flushing and Bensonhurst. And on the West Side of Manhattan from 96th Street to 125th Street and in Corona, Queens, a portion of the White middle-class Jewish population appears to be gradually subsiding into poverty. In addition to those areas, which knowledgeable people have confirmed to us, Rosen also claims that poor Jews live in Borough Park, East Flatbush, Forest Hills, Laurelton, and Rockaway Park.

The New York City community action program is not in touch with those neighborhoods. According to CDA, the corporations whose target areas are contiguous to those neighborhoods do not have programs aimed at poor Jews or any other poor—including Blacks, Puerto Ricans, Chinese, etc.—who live there.

The reasons for this—that the poverty program has not received the funds for the geographical expansion originally envisioned and that the three weighted indices of poverty used in creating the original target areas do not lead to the Orthodox and elderly who make up the majority of the Jewish poor—we have already discussed. (See *supra*, pp. 6–7.)

Rosen is correct that CDA has a mechanism for reaching specific groups—the City-Wide Program, through which several large organizations are funded to deliver services throughout the City. (See Attachment 7.) And he is right that no Jewish agency is funded via this program. The trend of city-wide funding, however, has been downward for the past few years, due to the shrinking OEO appropriations and the growing "earmarking" of funds for specific purposes by OEO.

Charge #5: "Too often, poverty elections . . . cause a greater (ethnic) polarization in the community than might have existed before." (Prepared Statement, p. 4)

* * * * *

"When anti-poverty elections were held in some communities, Jews who sought to gain entrance into the so-called polling places, were physically prevented from voting, assaulted, in many instances knived. 'Leaders' in the community, would make statements over the microphones, inside public buildings where polling takes places, such as 'Too bad that Hitler did not kill all of you,' etc. Many would-be Jewist voters were literally maimed and taken to the hospital." (Prepared Statement, pp. 2–3)

* * * * *

In Crown Heights "last year, Jews turned away at three voting sites. . . . (Jews) were not permitted at the polls. . . . (In) the polling areas where there are higher concentrations of Blacks than Jews, (some) Jews nevertheless did have to go to these polls" and they "just were forcibly prevented from going to the polls. There were people at the door, and they simply said that you do not come in here. If you come in here, you do not walk out. A few Jews that attempted to walk in were beaten up. They simply were not permitted to vote." (Questions & Answers, pp. 210 & 213–214)

Finding:

It is true that polarization exists within the New York City community action program between certain groups of Blacks, Puerto Ricans, Jews, and Italians; although it is important to state that inter-group cooperation exists also. Election time does heighten polarization since members of the groups openly solicit support at that time. In some areas, large segments of the community seem to be politicized ethnically. Crown Heights is one such area, and recently some Jews have contributed—as have some Blacks. We do not know of any area, however, where the competitiveness reached the extent it did in Crown Heights between 1968 and 1970.

The bulk of the other two statements is exaggerated and rhetorical, especially that which Rosen expressed during the question and answer period, all of which is noticable—and unavoidably—"looser" than his prepared statement.

Rosen told us that these charges referred to the 1969 election in Crown Heights, which occurred on February 18th. His own experience was limited to spending a short time in a polling site at a public school at Schenectady Avenue and Empire Blvd., where he claims to have heard Blacks verbally abuse Jews, including the threat that the Jews would be knived if they did not clear out. Rosen claims to have seen one man with a knife on his person, which lent credence to the threat. That physical assault actually occurred, however, is hearsay, and we have not been able to substantiate it. In fact, Rabbi Gorodetsky told us that physical assault did not occur in the 1969 election. In checking with the Detective Squad, 71st Precinct which covers the subject area, we learned that there were no complaints of assault and no complaints at all from persons with Jewish names on February 18th or 19th, 1969.

The last charge refers to alleged incidents at three election districts north of Eastern Parkway—the part of Crown Heights where Blacks predominate. Again, Rosen told us that his charge was based on hearsay statements. We did, however, check with the Detective Squads at the 77th and 80th Precincts. The record showed no complaints of assault from persons with Jewish names for the 18th.

At Rosen's suggestion, we checked with Rabbi Sholom Gorodetsky, the Crown Heights representative to CAP and a long-time participant in the Crown Heights poverty program. Gorodetsky said that in 1969 he had received complaints from Jewish residents that they had been turned away from polling sites in the Black section of Crown Heights.

He had been unable to verify any of the alleged incidents since when he arrived at the suspect sites nothing irregular was happening.

Gorodetsky further explained that the election of 1968 was the one when assaults on Jewish voters occurred at one or more of the polling sites in the Black area. He explained that the police were summoned, and that they advised the Jews to disperse since they could not guarantee safety to them. The election was re-done in those areas because of the suspicion that the incidents threw on the vote tallies.

The 1968 election was the first election in Crown Heights: its purpose was to set up the Planning Committee. In 1969, the Corporation came into existence. In 1971, things went much more smoothly, since the Corporation and CDA both took steps to prevent embarrassment of voters. CDA monitoring staff spread throughout Crown Heights on election day and cooled out disagreements before they developed into open hostility. (Our Office studied the conduct of this election, as a supplement to our report on the September, 1970 elections, and we found that Jews had ample opportunity to express themselves at the polls, where indeed, most of the winning candidates were Jewish—see Attachment 8.)

Charge #6: Community corporations do not "distribute public relations materials to the Jewish people in the areas. At the present time materials are published in English and in Spanish, and no materials are ever published in Yiddish, except on special request, with the result that the majority of the poor Jews, for whom English is a second language, "cannot obtain service." During the last cor-

poration board election, CAP "issued funds for the Black and Puerto Rican newspapers and radio stations. They turned down requests for funds to the Jewish stations and Jewish Press." (Questions & Answer, p. 209)

* * * * *

In 1970, CAP scheduled community corporation board elections for a Saturday, and ignored the pleas for a change of day from the Jews, who could not vote on the Sabbath. The Association of Jewish Anti-Poverty Workers otbained a show-cause order from the New York State Supreme Court against the Saturday elections, and also obtained a resolution in the New York City Council against it, after which CAP changed the election date in several areas with sizeable Jewish population. (Prepared Statement, p. 3)

Finding: The first part of the first charge is true; the corporations do not as a rule issue materials in Yiddish. Only the Crown Heights Corporation made election publicity available in Yiddish; although the delegate agencies which serve Jews in Williamsburg also distributed election publicity in Yiddish.

The other part of the charge, accusing CAP of authorizing funds for the Black and Puerto Rican newspapers and radio stations but not the Jewish ones during the 1970 election campaign, is not true regarding the publicity allotment in the CAP-authorized election budgets for the corporations, which were not told where to place advertisements. It is true, however, that the city-wide publicity placed by HRA Public Affairs was mandated by CAP/CDA to be spent only on English and Spanish language media.

There is one significant mitigating factor, however. That is that HRA, whose Deputy Director of Public Relations had recommended using the Jewish press (as well as the Italian and Chinese), and whose former and current Administrators had both known of the protest which representatives of the Jewish community made on the issue, mandated that an additional $5000 of public relations money be spent largely in the Jewish sector. Accordingly, there were spot announcements by Jewish radio commentators, advertisements on WEVD, and advertisements in the Jewish press during the week before the election, when most of the publicity occurred.

The second charge is essentially incorrect; although some of the events which Rosen mentioned did occur.

CAP originally scheduled city-wide elections for April 18, 1970, a Saturday. This was announced on January 23, 1970, and apparently the Jewish community made its protest known at that time. When CAP had to postpone the elections, a Tuesday was chosen, namely May 5, 1970. A further postponement became necessary, and CAP moved the elections to September, but mandated that it was up to each corporation to chose a Tuesday—September 15th—or a Saturday—September 19th—for its elections. Four corporations chose the Tuesday (Coney Island, Williamsburg, Bronx River, and Crown Heights: the last was further delayed till Tuesday, March 2, 1971). The other 14 corporations chose Saturday, September 19th.

Since some of the corporation areas which had chosen Saturday contained Jews who were concerned about voting on the sabbath, CDA was prepared to keep the polls open until 10:30 PM, affording Jews the chance to vote after the end of the sabbath.

An injunction against the Saturday election was sought by Suzanne Tannenbaum, an employee of the Crown Heights Corporation who lives in the Mid West Side Corporation area. She was represented by an attorney who Rosen claims to be an associate member of the Association of Jewish Anti-Poverty Workers.

Judge Arnold Fein heard the motion on Friday, September 18th, and ruled that the Mid West Side election could go ahead on Saturday as planned, on condition that the polling sites remain open until 10:30 PM, which HRA/CDA mandated. Judge Fein admonished CAP and CDA through its counsel to be more mindful of the religious dictates of the eligible voters in planning future elections.

Rosen is correct in saying that the New York City Counsel spoke out on the Saturday elections; in Resolution No. 262 entitled "Resolution Requesting That Public Elections for Membership to Community Corporation Boards Not Be Held on the Sabbath," introduced by Councilman Theodore Silverman of Brooklyn. (See Attachment 9). The City Council passed the resolution on September 29th, much too late to have an effect on the September 19th elections.

Charge No. 7: "There is no recourse (in these matters), no place to go for adjudication, for a hearing, for a fair resolution of problems", since CAP, which is the mandated recourse, makes resolutions "strictly on a racial basis" and is hostile to Jews, of whom "several Rabbis were brutally beaten" at a CAP meeting. (Prepared Statements, P. 4)

* * * * *

Except in Crown Heights, where CAP "has been more responsive to the Jewish problems . . . because the Jews in Crown Heights make the loudest noise of any Jewish poor groups in the City," CAP has done nothing for the poor Jews. "We . . . did come down to the Council Against Poverty to protest an injunction against Crown Heights about a year ago and . . . were beaten up. Antisemitic names were thrown around, and a 75-year old Jew had his nose broken. A Jew wanted to use the Council Against Poverty office to telephone the police. He was told this is a staff phone, you cannot use it. No effort was made on the part of the staff to prevent the trouble from happening." (Questions & Answers, P. 215)

* * * * *

CAP has two members who are Jewish elected representatives of community corporations, but no at-large delegates "from Jewish representations." Thus CAP does not have "Jewish participation . . . truly representatives of the Jewish poor, from the various agencies which do still deal with Jewish poor." (Questions & Answers, P. 208)

Finding: These charges are a combination of accurate and exaggerated information.

Rosen's claim in the first charge that CAP adopts resolutions "strictly on a racial basis" is without factual substantiation. Like most organizations, CAP responds to pressures, and most of these come out of the Black and Puerto Rican community groups; although the "loud noise" recently made by the Crown Heights Jews has received a great deal of attention from CAP, as Rosen attests.

Rosen is correct, however, that the alignments in CAP reflect the constituencies of the poverty areas, at least among the 25 of the 51 CAP members who represent those areas. Among those community representatives there are only three Jews; hence voting which accords to the community alignments does not benefit Jews as a group.

The beating of "several Rabbis" is an exaggeration. During the question and answer period Rosen mentioned that a 75-year old Rabbi was punched after a CAP meeting on April 29, 1970. This was a meeting of the Crown Heights Panel of CAP at 349 Broadway—one of a series of CAP meetings in response to the increasing strife between Blacks and Jews in Crown Heights. The community factions attended the meeting in large numbers. A scuffle occurred as they were leaving in order for the Panel to continue in executive session. Apparently, a young Black punched the elderly Rabbi Kellner, who required medical assistance. Another injury was sustained by Elliot Rosman, the Manpower Director of the Crown Heights Corporation. The police were called; although the CAP Director, James Greenidge, did initially deny a request to use the Chairman's telephone.

Rosen told us that Rabbi Wolfe, a member of the Crown Heights community group, had requested the Panel Chairman to insure a safe exit to the Jews, and that the request was denied. We have been unable to confirm this. The several CAP meetings on the Crown Heights problems were all so volatile and polarized that CDA and CAP staff find it difficult in retrospect to distinguish the events of one meeting from those of the others.

Greenidge wrote a report on the matter, which has the most internal consistency of the accounts that we have heard. (See Attachment 10.)

We contacted the Detective Squad of the 4th Precinct, which covers the area, and learned that Rosman filed a complaint of harassment the next day, as Rosman has also told us. The records show, however, that no arrest was made at the time of the incident or afterwards. The offending youth, whose name is not known, was not apprehended. We have been unable to reach Rabbi Kellner.

The persons involved in the punching were members of the community, rather than CAP members. All parties agree that community persons who attend CAP meetings should be able to do so safely. Since that incident and following upon another incident, in which the police entered the CAP chamber and struck a CDA staff member and the Chairman of CAP as well, CAP has paid more attention to security, trying, however, to balance that with the important matter of being accessible to community people.

As of June, 1971, CAP had a total of 51 members, of which 12 or 23% were Jewish. Rosen is off slightly when he says that only two of them represent corporation areas—there were 3 at the time—and then he says that there are no at-large delegates from Jewish "representations"—there was one from the Federation of Jewish Philanthropies (and one each from the Catholic Charities of the Archdiocese of New York and the Federation of Protestant Welfare Agencies). The remaining nine Jewish members are public officials who represent their agencies,

Rosen makes a distinction in this third charge, which occurred during the question and answer period, between Jews who have assimilated into American culture and orthodox Jews who have not. (The latter includes the Hassides sect.) His call for representation of Orthodox Jews, is based on his contention that they constitute great percentage of the Jewish poor, and that they are not represented in CAP. One of the three Jewish community representatives on the Council is an Orthodox Rabbi, Sholom Gorodetsky of Crown Heights. Whether the other Jewish Council members are insensitive to the Orothodox Jewish poor is beyond our competence to determine.

Charge # 8: "Many poor Jewish youngsters are being turned away" from Neighborhood Youth Corps registration on the basis of a mandate from HRA Administrator Sugarman that 50% of the 44,000 summer jobs must go to the children of adults on welfare. This is prejudicial to Jews because many eligible poor Jews refuse welfare, and because "every time a Jewish kid shows up at the window for a job he belongs to the wrong 50%." (Prepared Statement, pp. 4–5)

* * * * *

On June 22, 1971, two Hassidic Jewish youths were derided and assaulted while trying to register as NYC enrollees while several Williamsburg Corporation employees looked on. (Prepared Statement, p. 3)

* * * * *

"Neighborhood Youth Corps regulations are invented against 'Jewish Job Sites', which are mainly (residential) summer camps . . . everyday Neighborhood Youth Corps management in this City invents new provisions, regulations, stipulations all geared to harass Jewish participants." (Prepared Statement, p. 5)

Finding: In the aftermath of the 10% cut in welfare funds by the New York State

Legislature last spring, HRA Administrator Sugarman requested the Youth Services Agency ("YSA") to assign 50% of the NYC enrollment to children of welfare families (see Attachment 11). NYC Director Paul Kurzman told us that about 30% of the enrollees were from welfare families in 1970, and that his office honored Sugarman's request for 50% this year.

Rosen claims that Orthodox Jews are culturally indisposed to welfare and for that reason Sugarman's request has a built-in bias toward poor Jews. The 22,000 NYC slots left for children of non-welfare families, however, would be more than enough for White children whose parents are poor but not on welfare.

Rosen further charges, however, that the registration centers turned non-welfare Jewish youngsters away by claiming that the 50% quota of non-welfare children was already filled for that center. We have not been able to get information substantiating or denying this charge. Impressionisticly, it is inconceivable as a generality; although it is a possibility in densely Black or Puerto Rican areas, especially since the majority of the NYC slots are distributed through the community corporations. (YSA also distributes additional slots directly to the agencies.).

Rosen also charges that children *not* living in poverty areas could not obtain slots; although of the 11 independent organizations having slots two of them are Jewish: the Torah Umesorah (National Society for Hebrew Day Schools) and the Federation Employment and Guidance Service.

Kurzman was unwilling to estimate the total number of Jewish enrollees (except for the summer camps, see *infra*, p. 39) since in his view a guess would be so impressionistic that it would mislead.

The recent date of the incident described in the next charge afforded us the opportunity to obtain specific information.

According to Beverly Jackson, Director of the Williamsburg NYC, some Jewish youths attempted to enroll on June 22, 1971 and were harassed by a group of Puerto Rican and Black youngsters, who threw tomatoes, rocks, and bottles from a school yard facing the registration center at 50 Humboldt Street, Brooklyn.. Two Jewish boys were reported to have sustained minor injuries. Registration for Jewish youths was moved to the YM-YMHA for June 24, 25, 28 and 29, 1971. Subsequently, it was resumed at 50 Humboldt Street for July 13, 14, 15, 16, 1971, without further incident.

The last charge concerning harassment is an exaggeration.

There are two kinds of regulations for the residential summer camps. The first is the 15-page "Summer Camp Guidelines" issued by NYC-Central which explains how a camp may qualify and what it obligates itself to do in the 1971 Summer NYC program. The document is clear, comprehensive, and, in our view, not unduly strict. (See Attachment 12.)

The other regulations on the camps come from the United States Department of Labor which funds the NYC program. The Labor Department was not going to permit residential camps as work sites in the 1971 Summer program because of their dubious programmatic accountability in past summers. The newly-organized Association of Orthodox Jewish Camps of which former NYC Director Rabbi Samuel Schrage is the chairman, and Rosen was at the time the Liaison Officer, was formed as a self-policing organization made up of representatives of the camps. The Association helped convince YSA and the Labor Department that it would succeed in making the camps accountable, and the Labor Department rescinded its decision.

Four stipulations were made, however:

"1. That all appropriate steps be taken to insure that all enrollees are adequately supervised and that all safety regulations are strictly enforced.

"2. That assignment of Neighborhood Youth Corps enrollees shall not be based directly or indirectly on religious affiliation.

"3. That employment of enrollees shall not result in the displacement of regular employees or in the release of other employees for the performance of religious duties.

"4. That enrollees assigned to camps run by sectarian organizations shall not participate in religious activities during working hours."

It is conceivable that some camps have found these regulations troublesome, but that is a far cry from what Rosen has charged. We have heard both sides on the day-by-day, blow-by-blow difficulties of last spring when camps were being signed up, and the differences do not amount to harassment. Schrage told us that only two camps were disallowed by NYC, which he considered a just decision.

This year there are 55 Jewish camp sites with about 1200 enrollees. (There are 16 non-Jewish camps and six mixed.)

## SKYLAB

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. TEAGUE of Texas. Mr. Speaker, in 1973 the National Aeronautics and Space Administration will embark on one of the most significant man-benefit oriented programs of the space age. While doing this, NASA will simultaneously conduct the most comprehensive scientific astronomical observations of the sun ever devised and undertaken. These two diverse, but complementary objectives, will be done in the Skylab program—a program of three manned visits to a low earth orbital workshop. This workshop is a third stage of a Saturn V rocket converted to a laboratory and launched, unmanned, by the first two stages of a Saturn V. The Skylab hardware is a dividend from the highly successful Apollo lunar landing program modified to provide a prototype space station.

As a layman I have been interested and concerned as to our opportunities and limitations in using space for man's benefit as well as for new knowledge and exploration. A recent study conducted by the McDonnell Douglas Astronautics Co. for NASA defined 19 basic areas of investigation in manned space-based research. These were further divided into 136 research areas. My initial reaction as a layman to the formidable list of research activities was one of confusion. However, an ingenious answer to a layman's examining the merit of these opportunities was found by Mr. George Butler of McDonnell Douglas Astronautics Co. By using Mr. Butler's relatively simple evaluator I was able to satisfy myself that there are at least 20 areas of investigation in manned space-based research that are of significant national importance, low enough cost and within our current capability that they not only should, but must be undertaken.

To arrive at this conclusion I employed Mr. Butler's evaluator to ask a number of questions:

What experiments can be done for less than $5 million each in Skylab?

How many of these experiments can be available before 1975?

How many of these experiments can be attached to the Skylab?

Which of these experiments will require intermittent manned activity?

Which of these experiments will provide major national and international benefits?

Which of these experiments will provide direct benefits to man?

Which of these experiments will provide economic social and/or political benefits?

Which of these experiments can be instituted on the Skylab?

In manipulating the evaluator device I found 20 areas which satisfied all eight of these practical benefit questions:

Identification of volcanic activity.

Crop inventory and land use.

Soil type mapping.

Crop identification.

Crop vigor and yield prediction.

Photographic and multisensor mapping.

Rock and soil type identification.

Mineral and oil deposit discovery.

Identification of land forms and structural forms.

Detection and monitoring of atmospheric pollutants.

Determination of Pollution in Water Resources.

Flood Warning and Damage Assessment.

Synoptic Inventory of Major Lakes and Reservoirs.

Survey of Hydrolic Features of Major River Basins.

Ocean Pollution Identification, Measurement, and Effects.

Solar Energy Partition and Heating in the Sea Surface Layer.

Ocean Population Dynamics and Fishery Resources.

Ocean Currents and Tide Forecasting.

Ocean Solid Boundary Processes.

Ocean Surface Activities Foresting.

As a layman some of these listings are not familiar. Undoubtedly an investment of more than $5 million in several of the more familiar areas would bring returns many times greater than whatever investment is made.

It seems to me that the most important result of this exercise is to highlight the practical importance of the Skylab flights of 1973. Additional hardware also will be available for one additional Skylab system. Based on Mr. Baker's ingenious evaluator it is obvious to this layman that it would be a prudent and wise investment to fly a second Skylab while a low-cost space shuttle is being developed. With the space shuttle available a permanent manned space station will be economical based on the accomplishments and promise of Skylab.

## YAKOV A. MALIK'S ANTISEMITISM MUST NOT GO UNCHALLENGED

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. KOCH. Mr. Speaker, today our colleague BENJAMIN S. ROSENTHAL and I issued a statement which we would like to bring to the attention of the House

commenting on the anti-Semitic slurs uttered by Yakov A. Malik, the U.N. delegate of the Soviet Union.

We, as Members of Congress and as Jews, believe it imperative that we respond to the remarks made by Yakov A. Malik in a debate which took place on Saturday in the United Nations Security Council on the subject of Jerusalem. That debate centered on the issue of the actions taken by Israel after reuniting Jerusalem following the 6-day war in 1967. Our observations are twofold and relate to the issue of Jerusalem, but what is even more personally and immediately demanding is the need to respond to the abusive anti-Semitic statements by Yakov A. Malik, the Soviet delegate to the United Nations during the Council's meeting. We will not dwell on his shameful references accusing Israel of "Hitlerite tactics." Those who are familiar with the Soviet Union, its repression of minorities, its concentration camps, its murder of millions of its own citizens since the Soviet Union was formed in 1917, are most assuredly not going to accept those slurs upon Israel uttered by the spokesman for a ruthless and totalitarian government.

But Mr. Malik's other slanderous remarks cannot go without challenge. The Soviet delegate is reported as having said—

> Zionism and Fascism are both racist ideologies . . . the chosen people, people elected by God—in the 20th century, this is a criminal and absurd theory.

Surely it will shock the consciences of decent people everywhere to have "Zionism," expressing the love that Jews have had for their ancestral homeland from time immemorial equated with Fascism. There are many Jews and non-Jews who believe in the ancient ties of the Jewish people with the land of Israel and believe in the covenant made between God and Abraham. Here we are, proud Members of the United States Congress devoted to the United States and also proud to be referred to as "Zionist."

The Soviet Union does in fact define Zionism as a crime. Even in the Soviet Union it is not acceptable to openly encourage anti-semitism, and so, an acceptable codeword, "Zionism" has been found, making it respectable for Soviet citizens to revile Jews in the Soviet Union—only they are reviled not as Jews but as Zionists. When a Russian of Ukrainian origin lives elsewhere in the Soviet Union or even the United States, he has a special place in his heart for his old homeland and speaks in loving terms of his ancestral Ukrainian Republic. This is acceptable, as it should be, even in the Soviet Union. Indeed we here in the United States always have found it not only acceptable but admirable that those of us of Italian, or French, or Irish extraction, or the many other nationalities represented in our pluralistic society, think lovingly of our ancestors and cherish our traditions and heritage.

The attempt by Mr. Malik to stir the bestial prejudices that rise so quickly when sparked is abundantly clear. His intent to slur the Jews and the phrase, "chosen people," which we do indeed employ . . . and which appears in ancient Talmudic writings and in the Old Testament revered by Jews and non-Jews alike was a blatant attempt to set Jews and non-Jews against one another. So many religions have cardinal principles which set them apart from other religions and this is accepted by all as it should be. To illustrate, the Japanese have their national Shinto religion maintaining that the Emperor is the direct descendent of the Gods, and the Christian faith for many is based on a virgin birth and an ascent unto heaven by one having the body of a mortal but the divinity of God. Those who do not accept these creeds do not scorn them or revile them but indeed respect them. Would Mr. Malik make similar references and use his crude obscene language to the Japanese delegation or to any of the Christian delegates sitting at that table. We know he would not dare. What then brought him to this fury so as to make him lose even an outward show of decency? It is clear why. On past occasions the only delegate in the United Nations willing to stand up to the Soviet Union and unmask Mr. Malik's pretense and expose his savagery, has been the delegate from Israel. Yes, the small State of Israel.

Let us tell you what the phrase "the chosen people" really means. But first let us tell you what it does not mean. It does not mean that the Jews see themselves as superior human beings. Indeed the history of the Jews refutes that. Surely Mr. Malik knows that one of the most revered women in the history of the Jews, a progenitor of King David, is Ruth, a non-Israelite who converted to Judaism. Mr. Malik might also be interested in knowing that while Jews do not proselytize because we respect the religious traditions of all people, any non-Jew, without regard to his or her race, nationality or place of origin, may convert to Judaism if that is his or her desire.

Now let us tell you what the concept of the "chosen people" is. The Jews believe that God imposed upon the Jews, and the Jews willingly accepted the obligation, no matter what the cost, to speak out against injustice and to be ever faithful to God and to the concept of monotheism. Rather than give up these cardinal principals, Jews through the centuries have died horrible deaths in almost every country—Russia being one of the foremost to have that infamous honor. A single prayer uttered around the world every day and at every service, "Shema Yisrael, Adonai Elohenu, Adonai Echud" which means "Hear oh Israel, the Lord Our God, the Lord is One" sets forth our devotion to God.

This is not the time or the place to instruct Mr. Malik. We feel compelled to make one more reference to the concept of the "chosen people." It also means that we have taken on greater obligations than are required of others in pursuing the adoration of God. To Jews this means that a non-Jew who fulfills the seven laws of Noah will find his place in heaven while Jews are required to carry out the 613 commandments.

Our distress today is even greater than it would otherwise be had Mr. Malik uttered his obscenities free from response by others in Moscow. We are distressed because not one delegate other than Israel's rose to challenge or denounce Mr. Malik's anti-Semitic remarks and our own delegate, George Bush, sat silently by. Once again the United States stood mute while the Jewish people were being slandered.

We have commented before concerning the unification of the city of Jerusalem. We will not restate the reasons why it would be utter insanity to divide the City of Jerusalem now that it has been reunited. Those familiar with what Jordan did when it occupied East Jerusalem and the old city of Jerusalem know whereof we speak. They desecrated the holy places of the Jews and literally demolished the Jewish synagogues in the old walled city. And they violated the ancient Jewish cemetery on the Mount of Olives using the tombstones for road building. For us and we hope for many others, Jews and non-Jews alike, the memory of the holocaust will always be with us and new Jew-baiters will be denounced when they raise their ugly heads, wherever they may be, including in the United Nations.

We think that the response by Benjamin Disraeli in 1837 to another anti-Semite is particularly appropriate for Mr. Malik:

> Yes, I am a Jew, and when the ancestors of the right honorable gentleman were brutal savages in an unknown island, mine were priests in the Temple of Solomon.

## HEXACHLOROPHENE: A HEALTH HAZARD

### HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. RYAN. Mr. Speaker, hexachlorophene has been extensively used for the past 20 years as an antibacteral agent in soap, detergents, deodorants, antiperspirants, mouthwashes, toothpastes, cosmetics, and infant preparations. Yet, recent scientific evidence has linked hexachlorophene to severe neurological disturbances in children and laboratory animals.

These studies have disclosed that infant burn patients who were washed daily with hexachlorophene detergent suffered brain seizures and that laboratory animals fed high doses developed paralysis, brain lesions, and poisoning.

The implications of these findings are obvious. In light of the multitude of household products in which hexachlorophene is used, it is essential that the responsible Federal agencies take every possible action to insure that the consumer is protected from the possible hazards of this chemical. Thus, on September 12, I called upon the Food and Drug Administration to undertake a comprehensive program to safeguard the public from any danger from hexachlorophene, including restriction of its use and adequate labeling to alert the citizen to the hazards presented by this chemical.

In its response to me on September 22, FDA acknowledged that it was "cognizant of the concern for possible hazards" of hexachlorophene, and that it was undertaking an investigation into the matter.

With this I am entirely in accord. Comprehensive research into this matter is essential. But although such study is needed, I do not believe that we can af-

ford to wait until all the evidence is in before the public is alerted to the potential harm from this chemical. The public should be made aware immediately of the current status of research in this field and the severe hazards it has uncovered.

It is my firm belief that at the present state of our knowledge, the unnecessary use of concentrated hexachlorophene preparations should be curtailed. If the Food and Drug Administration is unwilling to undertake regulatory action at this time, then consumers must be alerted to the potential dangers hexachlorophene poses, thus allowing them to curtail use of this chemical voluntarily.

Therefore, I am including in the RECORD my correspondence with the Food and Drug Administration and a number of recent articles relating to the health hazards of hexachlorophene.

The first of these articles is by Dr. Renate Kimbrough. Entitled "Review of the Toxicity of Hexachlorophene," it appeared in the Archives of Environmental Health, volume 23, August 1971.

The second article is entitled "Dermal Absorption of Hexachlorophane in Infants" from the Lancet, August 7, 1971, written by August Curley, Robert Hawk, Renate Kimbrough, George Nathenson, and Laurence Finberg.

I also include an article by Ellen Graham which appeared in the Wall Street Journal of March 30, 1971, and a news story from the August 22 edition of the New York Times.

The articles follow:

HOUSE OF REPRESENTATIVES,
*Washington, D.C., September 12, 1971.*

Hon. CHARLES EDWARDS,
*Commissioner, Food and Drug Aministration, Rockville, Md.*

DEAR COMMISSIONER EDWARDS: I am deeply concerned by the medical hazards of hexachlorophene, widely used as a disinfectant in soap, detergents, cosmetics, mouthwashes and infant preparations.

Recent studies have linked the use of hexachorophene with severe neurological disturbances in children and laboratory animals. These studies have disclosed that infant burn patients who were washed daily with hexachlorophene detergent suffered brain seizures and that rats fed certain doses developed paralysis, brain lesions, and poisoning.

In light of the wide variety of products in which hexachlorophene is used, I urge you to take every possible effort to insure that the consumer is protected from its hazards, including restriction of its use and adequate labeling which will alert the citizen to the dangers presented by this chemical.

I would appreciate a full report on all steps taken by the Food and Drug Administration in regard to hexachlorophene, including any studies or reviews you have undertaken.

With kindest regards,
Sincerely,

WILLIAM F. RYAN,
*Member of Congress.*

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FOOD AND DRUG ADMINISTRATION,
*Rockville, Md., September 22, 1971.*

Hon. WILLIAM F. RYAN,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. RYAN: This is in reply to your September 12, 1971 request for a full report on all steps taken by the Food and Drug Administration in regard to hexachlorophene, including any studies or review undertaken.

We are fully cognizant of the concern for possible hazards which have been suggested as attributable to the use of hexachlorophene.

Scientists in the Food and Drug Administration are completing comprehensive investigation of hexachlorophene which includes methods of chemical analysis, amounts of contamination of commercial samples with toxic dioxins, toxicologic studies in man and animals and metabolism of hexachlorophene *in vivo* and *in vitro*.

In the near future a report will be prepared which will consolidate the information we have on hexachlorophene. When this report is completed we will forward a copy to you together with any other information we have available at that time.

If we can furnish any further assistance, please let us know.

Sincerely yours,

M. J. RYAN,
*Director, Office of Legislative Services.*

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UPDATED RESPONSE STATEMENT ON HEXACHLOROPHENE—JUNE 16, 1971

(To be used to answer inquiries)

(Prepared by the Office of Public Information, FDA)

Hexachlorophene has been used extensively for the past twenty years as an antiseptic for application to the skin. In addition to soaps and solutions, it has also been used in recent years as a constituent of some deodorants, anti-perspirants, feminine hygiene products, mouthwashes, toothpastes, cosmetics, and certain OTC drugs.

Hexachlorophene as an active ingredient in various formulations was cleared for safety through the new drug procedure early in the history of the 1938 Food, Drug and Cosmetic Act. More recent experience has indicated that in certain circumstances toxic amounts can be absorbed. Studies by FDA toxicologists and other FDA scientists, as well as outside investigators, are currently under way to extend our knowledge of hexachlorphene under various conditions of use.

FDA scientists have also asked cosmetic manufacturers (as reported in the Cosmetic, Toiletry and Fragrance Association, Inc. *Scientific Newsletter*, April 1971) to re-evaluate the use of hexachlorophene in their products, with respect to its need, and the optimum levels required. With these data, FDA will then be better able to ascertain the need—if any—to curtail its use.

A CT&FA survey conducted last year indicated that hexachlorophene is used at levels as low as .0003% and as high as 3%. Most uses were, well below 1%.

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HOUSE OF REPRESENTATIVES,
*Washington, D.C., September 24, 1971.*

Hon. CHARLES EDWARDS,
*Commissioner, Food and Drug Administration, Rockville, Md.*

DEAR COMMISSIONER EDWARDS: This letter is in further regard to my correspondence of September 12, 1971, relating to the possible health hazards of hexachlorophene.

In his letter to me of September 22, Mr. Ryan, Director, Office of Legislative Services, informed me that the Food and Drug Administration is currently undertaking a comprehensive investigation of hexachlorophene and its uses. Although such a study is absolutely essential, I believe that the public should be made aware immediately of the findings of past research in this field and the severe hazards that it has uncovered.

Specifically, I bring to your attention the article by Dr. Renate D. Kimbrough which appeared in the Archives of Environmental Health, Vol. 23, August 1971, and the study by August Curley, Robert Hawk, Renate Kimbrough, George Nathenson, and Laurence Finberg which appeared in the Lancet, August 7, 1971, entitled "Dermal Absorption of Hexachlorophene in Infants."

These studies have linked the use of hexachlorophene with severe neurological disturbances in children and laboratory animals. The conclusions of both these articles raise serious questions as to the safety of this chemical, and indicate that excessive or unnecessary use be avoided.

In light of these findings and the wide variety of products in which hexachlorophene is used, I urge that the Food and Drug Administration make every possible effort to alert the public of the potential harm of hexachlorophene and that the FDA advise a restriction of its use, pending the final results of those studies currently being undertaken by your agency.

Again, I urge you to take all appropriate action to insure that the consumer is protected from any dangers that might be posed by this chemical.

I look forward to receiving a full report on any steps taken by the Food and Drug Administration in regard to hexachlorophene including the results of those studies that FDA now has underway.

With kindest regards,
Sincerely,

WILLIAM F. RYAN,
*Member of Congress.*

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[From the Archives of Environmental Health, August 1971]

REVIEW OF THE TOXICITY OF HEXACHLOROPHENE

(By Renate D. Kimbrough, M.D.)

Hexachlorophene has been used extensively as an antibacterial agent for the past 20 years. A review of the literature revealed several cases of human poisoning. A single dose of 250 mg/kg of hexachlorophene administered orally seems to be fatal in children, and daily doses of 20 mg/kg taken for three days cause toxic symptoms. Hexachlorophene is also absorbed by the intact and denuded skin. Central nervous system symptoms developed in a normal infant who was treated with a 3% hexachlorophene solution as a lotion after bath for four days. Work in our laboratory and reports in the literature indicate that rats and pigs develop paralysis when they are exposed to high doses, but the effect on the central nervous system is reversible when exposure to hexachlorophene is discontinued.

Hexachlorophene, 2,2'-Methylenebis (3,4,6-trichlorophenol), was patented in 1941 by Gump (US patent 2,250,480). For the past 20 years, it has been used extensively as an antibacterial agent. It is incorporated in soaps, cosmetics, and antiseptic solutions, and is used by many people in the United States and foreign countries.[1] According to Hirschler, it has anthelmintic properties against liver flukes (Inaugural Dissertation, College of Veterinary Medicine, Vienna, 1957). It is also used for the treatment of chlonorchiasis sinensis in China.[2] More recently, hexachlorophene has occasionally been used as a broad-spectrum fungicide and bactericide on food crops. It is also recommended for the control of rust mites on citrus and rhizoctonia in soil.[3]

Throughout the years, a number of cases of human poisoning have been reported in the literature, most of which were cited by Gump[1] in his review article. Wear et al[4] reported the accidental ingestion by ten patients of a preparation containing hexachlorophene. In most instances the preparation was mistaken for milk of magnesia. The major symptoms of toxicity were anorexia, nausea, vomiting, abdominal cramps, and diarrhea. Dehydration was sometimes severe and associated with shock. The radically fatal dose of hexachlorophene (2 to 10 gm) was contained in 67 to 300 cc of the preparation used.[4] Lustig[5] reported a fatal case of poisoning in a retarded six-year-old child who drank about 4 or 5 oz of hexachlorophene lotion (pHisoHex) and died nine hours later. It was estimated that the ingested lotion

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Footnotes at end of article.

contained approximately 250 mg of hexachlorophene per kilogram of body weight. The autopsy findings disclosed that the hexachlorophene was an irritant poison.

Liu et al [2] observed some toxic reactions to hexachlorophene in eight patients who received three successive doses of 20 mg/kg/day. One patient in this group became comatose during the fourth day with temporary loss of light reflex, alternating dilation and contraction of the pupils, and positive py-amidal signs. Fundus examination showed mild papillary edema; there was also low-grade fever, This patient improved and completely recovered within three days. Diarrhea occurred in one half to two thirds of the patients, usually within one to two hours after medication, accompanied by mild abdominal pain. Vomiting also occurred in some patients; gastrointestinal irritation was marked in this group. In patients with pronounced reactions of the central nervous system, the gastrointestinal symptoms were usually mild. On the other hand, those with severe diarrhea usually showed less neurological reaction.

Herter [6] described a newborn infant who after being discharged from the hospital was treated by the mother with a 3% hexachlorophene lotion after his bath. The lotion was left on the skin. After four days of this treatment, excoriations appeared on the infant's buttocks and face, and there were slight twitchings of the arms, legs, and face which progressed to convulsions. The child was admitted to the hospital when he was 11 days old. The skin of the entire body was diffusely red, the arms and legs jerked, and the face twitched. There was roving nystagmus. The left side of the child's face was paralyzed. On the 16th day of hospitalization, except for peeling skin, the infant was in good health and was discharged.

Pilapil [7] observed a case of hexachlorophene intoxication after continued oral administration of hexachlorophene to a 17-day-old infant for seven days. On the fourth day of this treatment, the child developed bulging of the fonticulus anterior. He also showed spasms of the extremities with twitchings of the face, sucking movements of the lips, and lateral shaking movements of the head. The mistake of treating this child with hexachlorophene apparently was the result of erroneously pouring the hexachlorophene preparation into a Gantrisin-labeled bottle. After the hexachlorophene administration was discontinued, the infant recovered gradually and, by the end of that week, showed only persistent spastic flexion of the fingers, hands, and arms. By the end of a month the hands were only slightly flexed at the wrists and were not spastic.

The horizontal nyatagmus noted at that time cleared up later. In this instance it was estimated that the infant received approximately 257 mg/kg of hexachlorophene in divided doses for one week. In a study by Larson,[8] blood levels of hexachlorophene were determined in burned patients to whom 3% hexachlorophene detergents had been applied. Larson found that these detergents pass readily through the burn wound. When serum levels of hexachlorophene become sufficiently high, convulsions may result in both the child and the adult. Other symptoms produced are diplopia, weakness of the lower extremities, nausea, vomiting, and irritability. Thus, if 3% hexachlorophene solutions are used to wash patients with large burns, it should be remembered that toxic symptoms secondary to absorption of hexachlorophene may develop.

Larson also discussed burn encephalopathy,[8] which he says has been cited frequently in the literature to describe the burned patient who develops stupor, coma, confusional status, muscle twitching, conculsions, cerebral deficits, choreo-athetosis, hyperkinesia, and cerebral edema. Burn encephalopathy has been found predominantly in children. He points out that a review of the literature presents many etiologic possibilities, such as cerebral edema, colistin sulfate, massive intravenous doses of pencillin, and hypoxia. His recent survey of possible causation of this syndrome in burned children at the Shriner's Burn Institute, Galveston, Tex., has suggested hexachlorophene treatment as a possible etiological agent.

Newcomer et al,[9] describing a melanosis of the face termed "chloasma," state that the etiological factors have varied from time to time and from place to place, but are generally caused by externally applied cosmetics or are of occupational origin. In their study, hexachlorophene was the only active ingredient common to the cosmetics employed by each patient. However, they were not able to produce any pigmentation experimentally which could be attributed to hexachlorophene. McDonald and Woodruft [10] reported 12 cases with a reaction of the scrotal skin to hexachlorophene detergent solution. Prolonged contact of the scrotal skin with the lotion produced severe, painful dermatitis.[10,11] It was advocated that a few extra seconds be devoted to rinsing the hexachlorophene detergent solution off the scrotum, following preoperative preparations, to obviate this distressing complication.

Toxicity studies performed in animals, which Gump [1] discussed in details, have not been cited again in this article. Larson [8] exposed the skin of rats and pigs to hexachlorophene detergent solutions. The rats were subjected to 40% scale burns before they were treated with hexachlorophene. All exposed rats died within two to 15 days. The pigs were washed vigorously for 20 minutes with 3% hexachlorophene detergent prior to obtaining skin grafts for burned patients. Five days later, the pigs that were used in this experiment exhibited weakness in their hind extremities.

We studied the oral toxicity of hexachlorophene in Sherman strain rats in our laboratory (Atlanta Toxicology Branch, FDA). During the course of these experiments, it was found that two weeks after onset of exposure, rats fed 500 ppm (25 mg/kg/day) hexachlorophene in their diet showed weakness in their hindquarters, which progressed to paralysis. Microscopic examination of the brain and spinal cord of these rats revealed a peculiar edema of the white matter resembling spongy degeneration of the white matter in infants.[12] When the animals were removed from the poisoned diet, they recovered gradually over a period of weeks.

Carroll et al [13] studied the absorption of isotopically tagged antimicrobial agents by exposing the tail of a rat to solutions of hexachlorophene labelled with carbon 14 at various stages of injury. They found that the hexachlorophene labelled with carbon 14 in a detergent solution is absorbed by the intact tail skin of the rat at the average rate of 1.7$\mu$g/sq cm of exposed surface area per hour. Immediately after the development of the second-degree burn, the average absorption rate increases to 2½ times that of the normal skin surface. After 24 hours, the absorption rate drops to normal or even subnormal levels. A similar pattern of hexachlorophene absorption is noted with the traumatized rat tail, except that immediately after injury the rate of absorption is greater than that observed after second-degree burns.

Following oral ingestion, hexachlorophene is excreted mainly in the feces, and only a small amount is excreted slowly in the urine. [14, 15] The remainder, and possibly a large proportion of the ingested amount, is thought to be metabolized in the body. Maximum excretion occurs during the first 72 hours, and after five days only very minor amounts may be excreted.[15] Absorption in the intestinal tract is affected to a certain extent by solubility, the pH of bile in intestinal fluids, and also the degree of diarrhea occuring after ingestion.[14] According to Carroll et al,[13] hexachlorophene is absorbed through the intact skin and even more through denuded skin. Manowitz and Johnston [16] found that hexachlorophene was left on the skin after soaking in a bath containing very low concentrations of it. A great amount of hexachlorophene can be rinsed off in a shower, according to these authors. However, a residue was found on the skin when it was cleaned with alcohol after it had been rinsed with water.

It can be concluded from published data that large doses of hexachlorophene affect the central nervous system of both rats and humans Pigs are similarly afflicted, although histologic examination of their central nervous system has not been reported. Hexachlorophene is absorbed by the gastrointestinal tract and by the intact and denuded skin. It is possible either that infants and children are more susceptible to the toxic effects of hexachlorophene than adults or the absorption of the chemical may be more efficient in them. Apparently, a single dose of 250 mg/kg hexachlorophene is fatal in children.[5] This is comparable to about 300 mg/kg or more in adults.[4] It is possible, of course, that somewhat lower doses may still be fatal. Repeated oral doses of 20 mg/kg seem to cause toxic symptons in children.[2] This dose is comparable to the dosage level of hexachlorophene in rats (25 mg/kg/day) which produces symptoms of toxicity when given repeatedly. *The United States Pharmacopoeia* [17] lists hexachlorophene liquid soaps which should contain 225 to 260 mg/100 gm of liquid soap or more. This would correspond to at least a 0.2% solution. Hexachlorophene preparations are available commercially as bar and liquid soap containing 2% to 3% of hexachlorophene which would correspond to 2 to 3 gm/100 gm of soap.[18] When these preparations are applied to the skin, they are usually further diluted with water. Dermatologic preparations are applied undiluted in concentrations of 0.25% to 1% of hexachlorophene. The amount of hexachlorophene applied depends on the surface area of skin covered, the number of applications, and the time interval between the applications. Gump [1] recommends that hexachlorophene-containing preparations should not be left on damaged skin, especially on large denuded areas of burns where systemic toxicity may lead to convulsions.

The information reviewed previously shows that severe toxic symptoms develop from certain high exposures; however, toxicity data from controlled scientific studies are meager. No comprehensive studies to establish a "no-effect" level (the highest level of administration at which no toxic symptom is shown) have yet been performed in man or in any animal species. It is well established that hexachlorophene is absorbed through the intact skin, but no comprehensive studies to establish the quantitative relationship of absorption under different conditions and degrees of exposure have yet been made. At the present state of our knowledge, the unnecessary use of concentrated hexachlorophene preparations should be curtailed, and residues on food products should be reviewed and restricted when appropriate.

FOOTNOTES

[1] Gump WS: Toxicological properties of hexachlorophene. *J Soc Cosmetic Chemists* 20:173–184, 1969.

[2] Liu, J, Wang C. Yu J, et al: Hexachlorophene in the treatment of chlonorchiasis sinensis. *Chinese Med J* 82:702–711, 1963.

[3] 2,2'-Methylenebis (3,4,6-trichlorophenol): A broad-spectrum foliage fungicide and bactericide, in *Farm Chemicals Handbook*. Willoughby, Ohio, Meister Publishing Co, 1969, p E219.

[4] Wear JB Jr, Shanahan R, Ratliff RK: Toxicity of ingested hexachlorophene. *JAMA* 181: 587–589, 1962.

[5] Lustig FW: A fatal case of hexachlorophene (pHisoHex) poisoning, *Med J Aust* 50 (1):737, 1963.

Footnotes at end of article.

[6] Herter WB: Hexachlorophene poisoning. *Kaiser Foundation Med Bull* 7:228, 1959.

[7] Pilapil VR: Hexachlorophene toxicity in an infant. *Amer J Dis Child* 111:333–336, 1966.

[8] Larson DL: Studies show hexachlorophene causes burn syndrome. *Hospitals J Amer Hosp Assoc* 42:63–64, 1968.

[9] Newcomer VD, Lindberg MC, Sternberg TH: A melanosis of the fact ("chloasma"). *Arch Derm* 83:284–299, 1961.

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[From the Lancet, August 7, 1971]

## Dermal Absorption of Hexachlorophane in Infants

(By August Curley, Robert E. Hawk, Renate D. Kimbrough, Gerald Nathenson, and Laurence Finberg)

### SUMMARY

Hexachlorophane is widely used as an antibacterial agent. It has been reported that repeated high oral doses of hexachlorophane (25 mg. per kg. per day) in rats produced paralysis and a pronounced oedema of the white-matter of the central nervous system. To see whether hexachlorophane may be absorbed through the intact infant skin, its concentration in the blood of the umbilical cord of fifty infants and in the blood of the same infants obtained on discharge from hospital was determined by gas chromatography. While in the hospital the infants were washed several times with hexachlorophane solutions to prevent staphylococcal infections. The range of hexachlorophane levels in the umbilical cord was 0.003–0.182 p.p.m. (μg. per g.), with a mean of 0.022 p.p.m., and for the blood at the time of discharge from the hospital 0.009–0.646 p.p.m., with a mean of 0.109 p.p.m. It is suggested that infants' skin be rinsed after the use of hexachlorophane.

### INTRODUCTION

Hexachlorophane [2,2'-methylene-bis-(3,4,6-trichlorophenol)] is used extensively as an antibacterial agent. It is incorporated in soaps, cosmetics, and antiseptic solutions. Kimbrough and Gaines have found that high doses (25 mg. per kg. per day) of hexachlorophane given for 2 weeks in the diet of adult rats was followed by paralysis of their hindlegs.[1] After a single dose of 100 mg. per kg. hexachlorophane given by stomach tube, weaning rats became paralysed.[2] Histological examination of the rats' brains revealed striking vacuolisation of the white-matter. Electronmicroscopy disclosed that the large vacuoles in the white-matter lined by portions of myelin sheaths. The vacuoles contained very little electron-dense material or seemed to be completely empty. These lesions were interpreted as oedema of the cerebral white-matter, and resembled the diffuse spongy degeneration of the white-matter of the brain described in infants.[3] They seemed identical with the lesions produced in animal brains with triethyl-tin.[4]

A review of the toxicity of hexachlorophane[5] suggested that this compound when applied dermally might be absorbed through intact skin. This was substantiated in animal experiments and by analysis of human blood from fourteen adults with no unusual exposure to this compound.[6]

Washing of newborn infants with hexachlorophane emulsions is advocated to reduce stapyhlococcal colonisation and infections in hospital nurseries.[7] It is also recommended that thorough rinsing be avoided to allow a film of hexachlorophane detergent solution to remain on the infant's skin.

To test for absorption of this substance through the intact skin, hexachlorophane concentrations were determined in the umbilical cord blood of fifty healthy newborn babies at birth and in their blood after several washings.

### METHODS

Fifty newborn infants at a single hospital during the late autumn of 1970 comprised the study population. The established nursery routine specified daily washings with hexachlorophane following the technique of Gluck and Wood.[7] No new instructions were issued during the study period. The hexachlorophane washes had been in use for 2 years after a staphylococcal outbreak in the nursery.

At birth 1.5 ml. of cord blood was collected in an oxalated tube. A second sample of 1.5 ml. of blood was collected in an oxalated tube from a peripheral vein of each infant on the day of its discharge from the hospital. During the hospital stay, 1–11 days, the infants were washed once daily with a diluted 3% hexachlorophane detergent solution. The diluent varied from 50 to 100 ml. of warm water. At times, the hexachlorophane solution was gently rinsed off and at other times it was left on the skin according to to the interpretation of the physicians' instructions by the individual nurses. The amount of the applied commercial hexachlorophane-containing detergent solution averaged approximately 3.5 g. The hexachlorophane applied was thus slightly over 100 mg. Except for seven cases, accurate records of the washings were available in the infants studied.

1 ml. of blood was taken from each sample and extracted with 4 ml. of ether. The method described in detail by Curley and Hawk[6] was used for the determination of hexachlorophane.

The extracts were methylated with diazomethane in ether. The diazomethane was prepared from N-meth'-Nyl nitro-N-nitrosoguanidine by the method of Stanley[8]. The extracts were allowed to react at least 4 hours. The methylated extracts were evaporated to dryness at 35°C and purified on silica-gel microcolumns.

Electron-capture gas-liquid chromatography ('Varian 2100') was done on a ¼ in. × 16 in. column of 3% diethyleneglycol succinate/2% phosphoric-acid on 30/60 acid-washed 'Chromosorb W'. The column and injector temperatures were 190°C and 215°C, respectively. The carrier-gas (nitrogen) flow-rate was 50 ml. per minute. The retention-time of the derivative was approximately 4 minutes. The minimal detectable amount of the methylated derivative was 0.04 ng. or less, depending on the settings of the instrument. The results were expressed as ug. hexachlorophane per g. whole blood (p.p.m.).

### RESULTS

The concentrations of hexachlorophane for whole cord blood ranged from 0.003 p.p.m. to 0.182 p.p.m., with a mean of 0.022 p.p.m., standard error ±0.005. For whole blood taken at time of infant's discharge from hospital, concentrators ranged from 0.009 p.p.m. to 0.646 p.p.m., with a mean of 0.109 p.p.m., standard error ±0.016. In most cases the hexachlorophane concentration found in the blood of the infants was higher on the day of discharge from hospital than at birth. The highest concentration (0.646 p.p.m.) was in a baby boy after five washings. After fourteen washings the concentration of hexachlorophane in another infant was 0.250 p.p.m. The concentration of hexachlorophane in five infants was higher at birth than it was at the time of their discharge. In one infant, hexachlorophane was not detected in the cord blood, but was present in the discharge blood. Neither weight nor sex seemed to influence the hexachlorophane blood-levels.

### DISCUSSION

Any hexachlorophane found in umbilical cord blood, assuming it was not a contaminant during delivery, would have had to pass through the placenta. In an earlier study,[6] hexachlorophane blood-levels were determined in fourteen blood-samples from adults with no unusual exposure to the compound. These blood concentrations ranged from <0.001 to 0.089 p.p.m., with a mean of 0.028, S.E.M. ±0.008 p.p.m. Three cord-blood samples had concentrations higher than that of the highest adult concentration. The use of hexachlorophane preparations by the mother (e.g., in a vaginal spray) may have contributed to the higher blood-levels. In addition, a "prep" solution containing hexachlorophane was used on every woman varying from several hours before to immediately before delivery. Large variations in the concentration of hexachlorophane in the blood were found at the time of discharge of the infants from the hospital. This fact could not be correlated with the number of washings. Two factors might have influenced these concentrations. Probably, less hexachlorophane was absorbed when the material was rinsed off after washing, but we do not know which babies were rinsed or how thoroughly rinsing was carried out. The interval between the last washing and the time when the blood-sample was taken could possibly influence the concentration of hexachlorophane in the blood.

After oral ingestion in animals hexachlorophane is metabolised in the body, and excreted in the urine and to a greater extent in the feces. Maximum excretion is reported to occur during the first 72 hours.[9] When a dose of 10 mg. per kg. of hexachlorophane 3% detergent solution was applied to intact rabbit skin, the highest mean blood-level (0.424 p.p.m.) was reached in 7 hours. After 48 hours, the mean concentration in blood was 0.074 p.p.m.[10] The work of Shemano and Nickerson[11] indicates that hexachlorophane accumulates on the skin even through gentle rinsing for 30 seconds is practised. Whether hexachlorophane is absorbed or metabolised as rapidly in man as it is in laboratory animals is not known.

The dietary intake of 100 p.p.m. (5 mg. per kg. per day) hexachlorophane in rats for 97 days or longer slightly affected the brains of some rats and slightly reduced the survival rate of offspring of the $F_1$ but not the $F_2$ generation.[2] The concentration of hexachlorophane in the blood of these rats ranged from 0·985 to 1·48 p.p.m., with a mean of 1·21 p.p.m., S.E.M. ±0·17 p.p.m. These concentrations were not reached when infants were washed with hexachlorophane-containing solutions. The highest level obtained in the infants (0·646 p.p.m.) was about two-thirds that of the lowest concentration of hexachlorophane in the blood of rats showing a slight toxic effect.

Our findings indicate that hexachlorophane is present in the umbilical cord blood of infants at birth, implying, in the absence of direct contamination during delivery, a placental transfer. After birth when hexa-

Footnotes at end of article.

cholorophane has been applied to the skin the blood concentration generally increases. Some of it may be ingested if the material is left on the babies' hands, but most of it is absorbed through the skin. Thus far, no toxicity has been described in infants washed in this way. Convulsions in an infant 4 days after repeated applications of the 3% emulsion to the skin without subsequent rinsing have been reported.[12]

These data raise questions about the safety of hexachlorophane when it is allowed to accommulate on the skin without rinsing and suggest that the technique of washing infants with hexachlorophane be re-evaluated. It would seem advisable to rinse the skin carefully after the application of hexachlorophane.

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[From the Wall Street Journal, Mar. 30, 1971]

GOVERNMENT STUDIES NEUROLOGICAL EFFECTS OF HEXACHLOROPHENE—WIDELY USED DISINFECTANT TIED TO BRAIN SEIZURES IN INFANTS, PARALYSIS, LESIONS IN RATS

(By Ellen Graham)

Hexachlorophene, widely used as a disinfectant in soap, detergents, cosmetics, mouthwashes and infant preparations, is being carefully scrutinized by the government after several recent studies have linked it to neurological disturbances in children and laboratory animals.

The studies have disclosed that infant burn patients who were washed daily with hexachlorophene detergent suffered brain seizures and that laboratory animals fed high doses developed paralysis, brain lesions, and poisoning.

Industry suppliers of hexachlorophene products and officials of the Food and Drug Administration assert that adverse effects on humans have occurred only in cases where hexachlorophene was misused, and that its toxic effect on animals came only after high doses were administered. Nevertheless, FDA officials concede they're continuing to take a careful look at the bactericide—particularly its effect on infant and on human mucous membranes.

In a paper presented at the American Chemical Society's annual meeting in Los Angeles, two chemicals with the federal Environmental Protection Agency report that some rats fed five parts of hexachlorophene per million parts body weight for 258 days showed signs of cerebral swelling. Most of the rats fed five times this daily intake developed brain lesions and paralysis, and those given a single oral dose of 50 parts per million hexachlorophene were "acutely poisoned".

August Curley and Robert E. Hawk, research chemists at the agency's Pesticides Community Problems division in Chamblee, Ga., began their toxicity study two years ago after hexachlorophene was proposed for use as a broad-spectrum fungicide and bactericide for agricultural products. The agency currently registers 300 to 400 products containing hexachlorophene, mostly for household use.

FOUND IN HUMAN BLOOD

The government researchers also reported that they detected low levels of hexachlorophene, ranging from one to 89 parts per billion, in 14 human blood samples taken from persons who had been exposed to the disinfectant.

In an interview, Mr. Curley said he couldn't be sure whether the hexachlorophene in the patients' blood had been absorbed through the skin. "There are many ways these patients could have been exposed to the material," he said—swallowing a hexachlorophene-containing product such as mouthwash soap, shaving lotion or toothpaste, for example.

However, rabbits he treated with hexachlorophene showed blood levels of the substance that increased with time, beginning one hour after application, reaching a maximum within seven hours and beginning to decrease between 14 and 24 hours after application. "The hexachlorophene was rapidly eliminated from the body," he added.

Even rats that became paralyzed after being fed high doses of hexachlorophene recovered when removed from the diet, Dr. R. D. Kimbrough, an associate of Mr. Curley's, said. Dr. Kimbrough has reported in earlier studies that rats fed extremely high doses of hexachlorophene after a month developed paralysis in their hind legs due to edema, or swelling in the white matter of the central nervous system. "But when we removed them from hexachlorophene they recovered in several months," she said.

There are indications that hexachlorophene absorption in humans can occur most rapidly when patients suffering from burns or abrasions are washed repeatedly with the disinfectant.

CHILDREN HAD SEIZURES

Dr. Duane Larson, chief of staff at the Shriner Burn Institute, Galveston, Texas, noticed several years ago that several children being treated for burns at the hospital developed brain seizures.

"After six children had seizures in six months, and after ruling out other causes, we decided to test the 3% hexachlorophene detergent we were using to clean their wounds," he said in an interview.

A group of rats injected with hexachlorophene developed seizures and Dr. Larson, also associate professor of surgery at the University of Texas Medical Branch began a study of 300 rats with burns. The injuries were washed daily with hexachlorophene detergent, and, within three weeks some of the animals developed neurological symptoms, including paralysis and seizures. Autopsies showed the affected rats were suffering from severe cerebral edema, he said. Samples of blood taken from the animals during the test showed that hexachlorophene blood levels increased after each successive washing with the detergent. Similar results showed up in tests with pigs and dogs."

Human burn patients also showed increasing higher levels of hexachlorophene in their blood and cerebral spinal fluid after repeated washings with the detergent. Dr. Larson said. However, nurses, who wash their hands repeatedly with hexachlorophene, showed "no significant levels" of the disinfectant in their blood.

"We've stopped using hexachlorophene deterent in the treatment of burn patients," Dr. Larson said, adding that there haven't been any cases of seizures since the hospital discontinued its use.

Reports from other physicians using hexachlorophene in the treatment of burns indicate that when the substance is well diluted and is properly rinsed off the patient's skin, difficulties don't arise, Dr. Larson said.

FDA TESTS TO CONTINUE

The Food and Drug Administration will continue to test hexachlorophene, particularly its effect on infants.

"I'll guarantee you we're going to continue to investigate hexachlorophene," said Dr. Dale Lindsay, FDA assistant commissioner for science. "However, any good germicide has to be toxic to be effective." Hexachlorophene is a particularly valuable antiseptic aid because its effect lasts longer than similar disinfectants, he explained, adding: "It would be an awful blow if it turned out to be as hazardous as some studies seem to indicate."

The Winthrop Laboratories division of Sterling Drug Inc., which makes pHisoHex, a leading hexachlorophene-containing cleanser, asserted that its product has been used "safely and effectively" for 20 years to reduce bacteria on the skin and that it is particularly effective against staphyloccocic bacteria, which cause most wound infections.

A company spokesman said that "pHisoHex has been used by millions of people of all ages in and out of hospitals and all over the world without harmful effects.

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[From the New York Times, Aug. 22, 1971]

DETERGENT SOLUTION USED IN BABY BATHS VIEWED AS A PERIL

Hexachlorophene, a common ingredient in many germicidal products recommended for the bathing of infants, can be absorbed through the child's skin in quantities approaching potentially toxic levels, a team of doctor's and pesticide researchers has found.

They note that it is common practice in many hospitals for babies to be washed daily with a detergent solution containing hexachlorophene to kill dangerous staphylococcal bacteria.

The findings, the researchers reported in a recent issue of Lancet, a British medical journal, "raise questions about the safety of hexachlorophene when it is allowed to accumulate on the skin without rinsing and suggest that the technique of washing infants with hexachlorophene be re-evaluated.

"It would seem advisable to rinse the skin carefully after the application of hexachlorophene," the article said.

The researchers said that studies in which rats were fed high doses of hexachlorophene showed the animals developed varying degrees of paralysis. Although no babies are known to have been affected by hexachlorophene, the studies reveal that infants washed in the conventional way develop concentrations of the chemical approaching the lowest level at which rats showed evidence of mild toxicity.

The research was done by August Curley, Robert E. Hawk and Renate D. Kimbrough of the United States Environmental Protection Agency's Division of Pesticide Community Studies in Chamber, Ga., and by Gerald Nathenson and Laurence Finberg of the Albert Einstein College of Medicine in the Bronx.

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## UNITED NATIONS REFORM

### HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. SIKES. Mr. Speaker, the Christian Science Monitor frequently provides the

best available analyses of major world problems. More than most publications, it gives the pros and cons of a controversy and it does not editorialize the news to the extent that it is unpalatable and distorted. I have noted a number of cogent discussions of the United Nations in recent issues of this publication. One, which appeared on September 21, is entitled "Empty Coffers Underline U.N. Flaws."

It brings out the fact which I have referred to on more than one occasion, that U.N. finances are in deplorable state. The article does not say this, but it is true that the U.N. to a very considerable degree is operating on the American contribution. That contribution is $108 million a year.

On the same date there was a sound editorial about the need for U.N. reform.

I submit both for inclusion in the CONGRESSIONAL RECORD:

EMPTY COFFERS UNDERLINE UN FLAWS

(By David Winder)

UNITED NATIONS, N.Y.—The United Nations is in urgent need of reform, and everyone here from the Secretary-General and member states to individual Secretariat staff members knows it.

This is the depressing cloud that hangs over the international organization as its General Assembly session gets under way.

It is a gloom that has not been dispelled even by the revived public interest in the world body occasioned by the possible entry of Peking.

A senior spokesman of one major Western country says: "It goes without saying that a good deal of the members feel the UN has reached a very critical point in the need for financial and administrative reform."

He bluntly describes the situation as "extremely critical" and adds, "I really feel the UN is right smack against a financial crisis and I believe that if between now and the end of the General Assembly there is no breakthrough I seriously see the prospect of the UN Secretary-General cutting back UN personnel."

FORCED TO BORROW

A working-capital fund has long since disappeared, and the world body has been forced to borrow from trust funds to meet its financial obligations. Secretary-General U Thant himself has spoken of the great difficulties in reaching the UN's payroll on several occasions during the past year. He said he was saved only because some member nations had agreed to pay their contributions before they were due.

"The United Nations, after 10 or more years of deficit financing of peace-keeping operations, must very soon face the fact that it is a bankrupt organization," the Secretary-General wrote in his new report.

The acute financial situation is taken as a reflection of a much deeper malaise within the UN.

The problem is not entirely centered in the 38-story plate glass UN Building fronting the East River. New irritation is also directed abroad at France and the Soviet Union, whose unwillingness to pay their contributions to the UN peace-keeping operation assists the UN financial slide.

The whole question of peace-keeping operations is in itself a conspicuous example of the UN's sagging morale these days.

One view is that "it is scandalous the committee of 33 [the Special Committee on Peace-keeping Operations] achieved absolutely nothing" last year.

Because of the $400 million peace-keeping operation in the Congo in the 1960's, the world body is still faced with a disastrous financial burden. On this operation alone the UN still owes contributing states $19 million.

With the Cyprus operation, the Security Council's debt to member states is more than $13 million.

Beyond any single issue though, there remains the pervasive feeling here that the need for the UN to get its house in order is imperative. The call specifically is to secure bold, vital leadership for financial and administrative reform.

NEW DYNAMISM URGED

The reason is that despite loyal, faithful, and conscientious service, Secretary-General U Thant comes under attack for allowing the UN to drift into a state of administrative disorderliness.

One Western ambassador speaks strongly of a "desperate" need now for a new dynamic secretary-general to correct this.

A French Secretariat member cites various draft resolutions that he believes, with stronger leadership, could have subsequently proved more innovative in their approach and purpose.

U Thant—who, many believe, regards himself as a servant of the UN rather than a figure to take a strong lead—attributes much of his present difficulty to the fact that his power is so severely circumscribed. In his annual report he pleads for the world organization to give his successor more power.

In choosing his successor, administrative qualifications seem to be a much greater determinant than in the past, though obviously not the exclusive factor.

This is precisely why a Western ambassador thinks that a Soviet preference for the secretary-generalship—Dr. Gunnar V. Jarring, Swedish Ambassador to Moscow and the UN special representative in the Middle East—will not prove acceptable. Besides, in the ambassador's opinion, being "too old" and "not rigorous enough," Dr. Jarring "hasn't the administrative drive, hasn't the leadership the UN desperately needs now."

This is one indication why Finnish Ambassador Max Jakobson is so well thought of right now.

According to representatives of a country whose approval of a new secretary-general really counts: "He is a brilliant diplomat and observer. A very impressive operator in the UN, and he knows [it] backward" and forward.

RUSSIANS POSE SNAGS

There are, however, Russian snags to his candidacy. One objection is that his Jewish ancestry makes him offensive to the Arabs. The other arises from the Russian tactic that seeks to maximize the Security Council and minimize the secretary-generalship through the selection of a weak compromise candidate.

To U Thant and to the man who follows him, the most important and pressing problem is undoubtedly the financial dilemma facing the UN.

The gravity of the situation was quite clear even last year. Then U Thant gloomily reported that "the organization's financial situation is worse than ever before and steadily deteriorating."

The financial sky becomes blacker this year. The principal cause: delay in some member states' payments, and a refusal of others, among them France and the Soviet Union, to maintain costs arising from past peace-keeping operations.

$164 MILLION ARREARS

Unpaid assessed contributions to the regular budget amounted to $164.5 million by last June. Aside from France and the Soviet Union, concern is also voiced about U.S. faith in the UN. It is so because of a congressional subcommittee decision to withhold a $20 million appropriation for projected UN building expansion in New York.

The concern is that this will further increase the groundswell to transfer a number of Secretariat offices from New York to Geneva.

And as if the financially squeezed UN has not enough problems, the staff is despondent over pay conditions and threatens a strike.

All these are telltale signs that all is not well in that collective international state known as the United Nations. It also underlines the enormous problems and responsibilities facing the incoming secretary-general.

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REFORM SHOULD BE A PRIORITY, TOO

The United Nations 26th General Assembly now getting under way promises to be more than usually interesting.

Two issues of major importance will dominate the debates: the question of Peking's admission and the elusive search for peace in the Middle East.

The Assembly also will have to choose a new Secretary-General to succeed U Thant, who has confirmed his intention to withdraw after 10 years' dedicated service as the world's top civil servant.

With People's China almost certain to be admitted to the UN this year or next, a panel of American experts on international affairs has called for still wider application of the principle of universality and "political relevance" in the organization. The panel, which included such prominent statesmen and diplomats as Nicholas deB. Katzenbach, former Undersecretary of State, and Harlan Cleveland, former Ambassador to NATO, urges the admission of all divided countries—the two Germanys, the two Vietnams, and the two Koreas.

U Thant, in his annual report, also recommends admission of the divided nations on the ground that this would facilitate solution of their problems.

However, we do not believe that the world is yet ready for such a pragmatic step, however logical it might seem in the light of the growing momentum behind the drive to seat People's China. If the two Germanys can reach a satisfactory modus vivendi in the wake of the four-power agreement on Berlin, this might well open the way to the wider acceptance of East Germany as a sovereign state and eventually to the admission of both German states to the UN. But in the two halves of Vietnam and Korea the situation is very different, and the question of their admission to the international organization would seem at the least to be premature.

At the beginning of every Assembly there is always hope that a stronger UN will emerge before the session is over. Unfortunately, as Assembly after Assembly comes and goes, the tendency is to feel that nothing will ever come of the reform moves and that the organization will drift on as before, in a state of semibankruptcy and with its wings severely clipped in the vital role of peace-keeping which should be its main concern.

Reforms can only come if the big powers contribute their goodwill and good offices. Until this happens, there is little the UN can do to reform itself. But the demands for reform must be pressed ceaselessly. This is where such voices as those of the American panel of experts can help. The panel has put forth a list of recommendations for strengthening the UN which deserves close attention.

U Thant himself, in his annual report, reaffirms his conviction in the "potential and absolute necessity of the UN." He admits there is much to criticize in what it does or does not achieve, but adds: "I am convinced that the institution itself is sound, and that it can, must and will be made to work."

Yes, the UN is an "absolute necessity." It must be made to work. We would like to see reform of the institution being treated as one of the top priorities of the 26th Assembly.

## MINNEAPOLIS HEALTH HEARINGS

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. FRASER. Mr. Speaker, Mrs. Jane E. Thomas, R.N., was unable to attend the hearings I recently held in Minneapolis due to illness. However, Mrs. Thomas set forth her views on the need for reform, based on her personal and professional experience. Mrs. Thomas made two recommendations concerning the universality of health insurance. One, she strongly recommended that health care be available to all, without the stigmatization attached to those who cannot afford to pay for the insurance. The administration's bill would keep the various insurance programs separate, based on ability to pay, and would therefore continue this outrageous practice. Second, Mrs. Thomas recommends that public health insurance cover all expenses, including home care, hospital care, and office visits.

I strongly support these recommendations made by Mrs. Thomas and am hopeful that the Congress can provide enlightened leadership in reforming our health-care system. Her remarks follow:

MINNEAPOLIS, MINN.,
*February 22, 1971.*

Congressman DONALD M. FRASER,
*Fifth District, Minnesota,*
*House of Representatives,*
*Washington, D.C.*

DEAR SIR: I cannot attend your health care hearings this month because my family is ill, but I want to tell you anyway that I strongly support your "Health Security Act of 1971."

As a registered nurse, I have often thought that my critically ill patients' recovery was obstructed by worry about how they would *pay* for that recovery. I have seen fathers hospitalized for heart attacks who wept because they couldn't think how to pay their medical expenses, without considering how they would handle the living expense of their families while they were incapacitated. They were unwilling to accept the complete bed rest *essential* for their recovery because they thought they had to get back on their feet and earn a living. I have seen others who allowed malignant tumors to grow beyond hope of treatment because they couldn't afford the operations they knew they needed. And as a young emergency room nurse, I have seen *countless* children whose illnesses had advanced to the serious or critical stage because their parents had tried to avoid the expense of an office call. These were not only poor and ignorant people, but often those whose financial condition had seemed stable until illness swept away their savings and earning capacity.

Now my family and I are suffering the consequences of illness ourselves. During the past three years, we have paid about $1,500 each year for medical expenses not covered by our "good" health insurance policy. (There are three of us, my husband and I and a baby born in August, 1970.) During the year preceding November, 1970, I was hospitalized three times, for surgery, a depression, and the delivery of our baby. Our son was born with a birth defect requiring an operation in November and possibly more surgery later. Now my husband has a ruptured disc which may require surgery. For the past week, I have cared for him in traction at home, although he should have been in the hospital, to save expenses. In January, 1971, we paid about $150 in medical bills just for office calls and traction equipment.

As it happens, we are a middle-class family, for whom such high costs are not (yet) catastrophic. We are paying our bills and even saving a little bit. But our savings would hardly pay for another year of luck like the last one. And we can't imagine how people with more children or smaller income can manage.

On the basis of my experience as a registered nurse and as a private citizen, I know that such a bill as the one you propose is urgently needed. I am especially pleased by your hope to establish local health boards, because I think matters of health care must be considered close to home, so that the laws are as flexible as possible. I also support your interest in helping "all of us," for I have seen the contempt of some nurses and doctors who were caring for patients stigmatized by the labels of "AFDC" or "welfare." I further recommend that public health insurance cover all expenses, including hospital costs and also office and home care and medicines and dental care, beyond a certain minimum. Perhaps that minimum could be on a sliding scale taking account of income and the number of people in a household. In any case, the non-hospital expenses should be paid to encourage people to seek treatment early, before their illnesses become critical, at a time when they can be treated as easily, successfully, and inexpensively as possible. I also hope that the laws and paper work will be as simple as possible to avoid burdening sick people and their doctors with clerical concerns. I further urge that patients be allowed a free choice of doctors.

I am sure you will have to buck opposition from organized medicine to achieve your goal of good health care for everybody. I wish that I had an M.D. after my name to add weight to my views. But if I can help you as I am, I will be delighted to do so.

Sincerely,

JANE E. THOMAS, R.N.,
Mrs. Richard L. Thomas.

## REPORT TO NINTH DISTRICT RESIDENTS

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 27, 1971*

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following commentary on a proposed consumer protection agency:

WASHINGTON REPORT—SEPTEMBER 27, 1971

The National Commission on Product Safety, which recently completed a two-year study of consumer complaints, reported that 20 million Americans are injured each year—30,000 of them fatally—from incidents connected with common household items. Accidents with such products as household chemicals, power tools, lawn mowers, children's toys, or appliances—to name a few—cost more than $5 billion annually in time lost, disability, patient care, and physical or mental distress.

Despite the efforts of 39 federal departments and agencies now conducting more than 100 consumer programs, state programs, and industry's own efforts, there is growing interest in consumer legislation.

Consumer complaints have already prompted the Congress to enact stringent laws governing food inspection, flammable fabrics, drugs, automobile and highway safety and the manufacture of children's toys. This year, legislation was introduced to permit class action lawsuits, new standards for warranties, auto insurance reform, and increased powers for the Federal Trade Commission.

The focus of Congressional activity, however, has been on the creation of a consumer product safety agency. The Senate Commerce Committee has completed extensive hearings on legislation to establish a consumer protection agency and is expected to offer it for a Senate vote in the near future. Even if the bill is approved by the Senate, however, it is doubtful that it can be cleared by the House before the end of the current Session.

The Senate hearings have centered on two proposals which differ on the administration of the agency and the extent of its authority. The Commission on Product Safety has recommended the creation of an independent agency, free of restrictions by any parent government agency, and which would have strong powers to set minimum safety standards and to remove dangerous products from the marketplace.

The President has recommended an agency with broad powers to outlaw dangerous consumer products, but asks that it be under the administration of the Department of Health, Education and Welfare (HEW), and its actions subject to administrative and judicial review. Other major differences include:

THE SETTING OF STANDARDS

Under the Commission plan, the consumer agency would declare a product as hazardous and invite "outside" individuals or organizations to develop standards to eliminate or reduce the hazard. The maximum time between the decision that a product is hazardous and the implementation of new safety standards would be about one year. Under the President's plan, industry would have extensive opportunity to participate in the setting of safety standards, and there would be no time limit on making a standard effective.

A CONSUMER ADVOCATE

The Commission plan would establish a consumer advocate to represent the public in government safety proceedings. The President's plan would not.

BANNING A HAZARDOUS PRODUCT

Both approaches contain provisions to remove products from the market if (1.) the products are too hazardous to allow sales until new standards are developed, and (2.) when the hazard cannot be reduced by new safety standards. The President's bill would remove hazardous products through federal court action, while the Commission plan would permit the safety agency to act without court approval.

RIGHTS AND REMEDIES

The Commission plan would (1.) permit full public disclosure of investigations of a hazardous product, including trade secrets, if necessary, (2.) permit a person injured by a product violating a safety standard to sue the company for treble damages, and (3.) require manufacturers to notify all purchasers of newly-discovered hazards in products and to remedy any product defect without charge to the consumer.

The President's plan would (1.) prohibit the disclosure of trade secrets in any agency investigation and permit the company to respond to the agency's charges before they are made public, (2.) authorize any person to sue for enforcement of a safety standard, and (3.) require manufacturers to notify the public of new hazards and make repairs, replacements, or refunds.

It has been estimated that perhaps as many as 80 percent of the injuries associated with consumer products probably cannot be prevented, no matter how much is done to promote safety. Nevertheless, the remaining 20 percent represents 6,000 lives and about 4 million injuries each year, 22,000 of them disabling injuries.