EXTENSIONS OF REMARKS

A LEGISLATOR ASSESSES THE ATTITUDES TOWARD BLINDNESS

HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES

Monday, November 1, 1971

Mr. RANDOLPH. Mr. President, last Friday afternoon I had anticipated addressing a National Invitational Symposium on Attitudes Toward Blindness, sponsored by the American Foundation for the Blind, in New York City on the occasion of the foundation's 50th anniversary.

This symposium, devoted to a discussion of attitudes on the subject of blindness, was the first such meeting of its kind to afford an opportunity for both national and regional discussion. The American Foundation for the Blind is to be strongly commended for promoting a review and analysis of this vital area. Attitudes have a very real impact on the degree of progress in resolving critical issues and I feel this is particularly true when viewed in the context of programs and opportunity for our blind citizens.

Regrettably, due to the Senate consideration of the Foreign Assistance Act, it was impossible for me to participate personally in the symposium. However, the prepared address was delivered at the luncheon session by Phil McGance, legislative assistant on our staff.

Additionally, at this session Mr. Harold Russell, Chairman of the President's Committee on Employment of the Handicapped presented on behalf of the Committee a plaque expressing appreciation and commendation to the American Foundation for the Blind for "50 years of service to persons who are blind or visually impaired." This is truly a well-deserved tribute to the foundation, an organization which has demonstrated such effective leadership in the development of policies and programs for the blind. As a member of the President's Committee, I am gratified to call attention to this award.

Mr. President, I ask unanimous consent that my remarks, together with a news release, fact sheet, and program for the symposium be printed in the Extensions of Remarks.

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

[Committee on Labor and Public Welfare, American Foundation for the Blind 50th Anniversary, National, Invitational Symposium on Attitudes Toward Blindness]

A LEGISLATOR ASSESSES ATTITUDES TOWARD BLINDNESS

(Remarks by Senator JENNINGS RANDOLPH)

I welcome the opportunity to participate in the American Foundation for the Blind's 50th Anniversary Symposium on Attitudes Toward Blindness. Yours is the first such meeting which affords an opportunity for both national and regional discussion. In a sense this occasion provides a truly new dimension to aid the vital efforts toward programs for the blind and other handicapped persons. I certainly view it as such with regard to my activities in the legislative area.

Why a symposium on attitudes toward the blind? I believe this question is answered well in an HEW paper on "The Structure of Attitudes Toward the Disabled." It states:

"Our attitudes toward the disabled are complex and less enlightened than we imagine. We need more light on the formation of such attitudes, for this can suggest points at which we can intervene to shape or alter them. Without such insight, negative rather than favorable attitudes are apt to be formed, and once formed are not only very hard to change but also quite damaging to the rehabilitation process."

Blindness is not a burning national issue; nor will it generate great national debate within the Halls of Congress, in high government circles; and among the people of our Nation. It is characteristic that issues which are not accorded a prominent position in the scheme of national debate, discussion, and decision making become obscured, little understood, and subject to misinformation and elaborate myths, with substantially poorer opportunity for effective solution. It does not follow, however, that the issue which becomes the focus of "great national debate" is assured of true understanding, followed by an affirmative remedy. The validity of this statement comes to us very quickly—poverty, hunger, racism, and Vietnam, all of which have received extensive, continuing and often volatile debate. To claim that any of these issues have been resolved would be unrealistic. But to claim that each of them has been moved significantly closer to a solution would be a fair and reasonable assertion, backed by tangible evidence. So at the very outset those of us who endeavor—and I include in this reference the blind themselves, the professional in the field of blindness, and lay persons—to foster and create a social structure under which the blind can achieve human fulfillment must realistically view the challenge as it exists. It is in this context, I believe, that we must view the critical effort to find effective methods of altering or changing attitudes toward the blind.

I certainly feel that all of us participating in this symposium accept the thesis that attitudes toward the blind have impeded the progress of blind or visually impaired persons in achieving that "human fulfillment" to which I have referred. To the extent possible, I crystallize and define what I mean by human fulfillment. My conception of this goal is embodied in the words of the famed American novelist, Thomas Wolfe, in his Promise to America. "To every man his chance; to every man, regardless of his birth, his shining, golden opportunity. To every man, the right to live, to work, to be himself, and to become whatever his vision and manhood can combine to make him. This, seeker, is the Promise of America."

That Promise of America is one toward which blind persons strive. The attitudes of our society on blindness present a very real obstacle in the path to this goal.

Clearly, the subject of attitudes toward the blind can be viewed from many vantage points. The groups I referred to earlier—the blind themselves, the professional, and the lay person—all formulate their perspectives or attitudes from differing bases of experience and impacts. It is equally clear that opinions as to what leads to certain ideas about the blind and blindness as a handicap will very sharply, even to the extent of assessing completely opposite causes. I comment on this point to emphasize that my concept of attitudes could differ from those of you who have been participating in this symposium.

I am confident, however, that my understanding is much closer to yours than that of the public generally. And from my vantage point, I may have a better grasp of the feelings of the majority of persons in our society.

I think you will be interested in knowing that the general subject of welfare reform has brought home to me a very critical deficiency in the public's understanding and attitude toward the blind and other handicapped persons, and the programs for them.

Letters to my office reflect a deep and genuine concern over existing welfare programs—and in many cases extreme opposition to these programs and all pending welfare reform proposals. Yet, the writers of many of these communications hasten to point out that they strongly support *welfare* or *income* maintenance for the blind and handicapped. While stressing the absolute requirement for job training and opportunities for welfare recipients generally, they seem to say that the blind and other handicapped persons are probably not interested in jobs or job training. We know that feeling is far from the truth. The discouraging aspect of such attitudes—and I feel they are extensive—is that these individuals are content to dismiss programs for the blind as strictly welfare-oriented.

I also sense that these persons possess the belief that an elaborate and effective system of programs supported by tremendous government and private expenditures "to take care of" the blind exists in our country today. We recognize that this is not a valid assertion. As Mr. Donald A. Schon stressed in his research report on the "Blindness System" in which he includes all the interrelated network of people, organizations, rules, and activities involving the blind: "The official blindness system provides services to only a relatively small fraction of those who are actually blind and eligible for assistance. Since the services offered are largely education, rehabilitation, and care, only about 20 percent of the total blind population are actually being served today. In general, these 20 percent are either children with the single handicap of blindness or adults of working age and potential for employment." Mr. Schon adds that: "The 80 percent who receive no services tend to be those without apparent potential for employment or educational advancement: the aged, the multiple-handicapped, the poor, and the low-skilled. Such persons are shunted off to other systems which provide minimal income-maintenance or custodial care, or are ignored. A substantial portion of the 80 percent may receive some form of support from the informal system of family, friends, and community."

Assuredly, those of us here recognize that the ability and earning power of the blind have been effectively demonstrated to counter commonly held stereotypes of abject helplessness and subsistence on welfare.

This demonstration has contributed in large measure to public and Congressional acceptance—to the degree it presently exists—of the value of rehabilitating the handicapped, not only from a humanitarian standpoint, but also from the standpoint of turning tax consumers into taxpayers through restoration of the handicapped to gainful employment. It has led to the substantial improvement in the previously dormant programs of rehabilitation. The concept of restoring the handicapped to useful, normal lives and to gainful employment is well accepted, well established, and of proven

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practicality for those closely involved with the handicapped. But, it is not, in my opinion, generally accepted by the public.

And we have a long way to go to make sure that every handicapped person, particularly those who have severe handicaps, are assured of adequate service. Too many blind, deaf-blind, and other severely handicapped individuals are not being served. Too many with a real potential for competitive employment are being placed in sheltered workshops when more intensive efforts by rehabilitation workers could open better job opportunities for them. We need to greatly expand the total rehabilitation program; and in that expanded program, we need to refocus priorities to make sure that the blind and others with severe handicaps are given the services they need and that the rehabilitation specialists who work with them are given the time necessary to provide proper service.

You are aware of my particular concern for employment opportunities for the blind. This is a task to which I have devoted effort over a period of many years.

In 1936, as a member of the United States House of Representatives, it was my privilege to coauthor with Senator Morris Sheppard of Texas the measure which established the blind vending stand program. This legislation has given the opportunity for blind men and women to become self-supporting, taxpaying citizens while demonstrating to the public that individuals with this handicap can be capable and productive workers. Congress authorized the program. Blind persons themselves did the rest. They have worked diligently as small business entrepreneurs serving Government employees and the public in snack bars and other types of vending facilities.

When the Randolph-Sheppard Act became law, employment opportunities for blind persons were severely limited and the public equated blindness with helplessness and the beggar on the street corner. I feel—and I believe you share this feeling—that blind concessionaires, now over 3,400 of them have contributed greatly to changing that image of helplessness into one of ability. Their demonstrations of ability facilitated the acceptance of all types of handicapped workers by industry and influenced the establishment of public policy to provide training and job opportunities for our handicapped citizens. Now we are embarked on a major effort to improve and expand this program—a necessary effort if it is to continue as a viable opportunity program for blind persons.

Yet, polls reveal that 50 percent of persons in a national sampling favored institutionalizing a blind young man; only 45 percent favored sheltered employment for him; and only 44 percent believed he could work side-by-side with others at a regular job. More than half the people interviewed believed that handicapped persons should not—I emphasize not—be in regular employment. Yet, the development of programs of employment must take into consideration this overwhelming need to change the attitudes of our citizenry. Despite case histories of those employing handicapped individuals replete with records of success, government and private agencies have not been fully successful in communicating the facts to the public. In all probability, those who read or hear of such successes think it is wonderful but do not see how it applies to them. Information on ability of the handicapped worker must be tailored to the specific industry and business.

I do not know whether it is symptomatic, but only a very few of the bills introduced in Congress to aid the handicapped involve job opportunities or rehabilitation toward employment. I firmly believe—and I hope you agree—that this emphasis must be altered to a better balance between direct aid and rehabilitation and employment services. Out of a total working age population of over 110 million persons there are approximately 11 million persons who are handicapped or possess a handicap serious enough to interfere with earning a living. This is an average of one out of every ten. Obviously, the segment of the population which must be reached is present—and it is high. But we can and we must bring into being an understanding of the problem and succeed in solving it—and hopefully in the near future.

The catastrophic nature of blindness—possibly the most dreaded of handicaps—results in a very complex pattern of attitudes. As I stated earlier, more complex than we imagine.

While many persons feel the needs of the blind are being fulfilled, others who might be motivated to foster the cause of the blind are impeded by the so-called "it could happen to me" anxiety. Together with this attitude, is the seeming depression which grows from close-association or continuing work with blind people. This depression, I feel exists, even when able-bodied persons are working with those handicapped individuals who "have made it" so to speak. Rather than sharing the joy of accomplishment with the blind, people tend to concentrate only on the affliction. Now, I realize that this particular attitude can be lessened by a continuing association with the blind. But, it does present a barrier to initial involvement and many concerned persons never breech this initial barrier.

At the same time, blind people are viewed as being inwardly unhappy and full of self-pity. How often have we heard the comment regarding a blind or handicapped person: "How, can he be so cheerful?" This attitude presupposes an abnormal emotional state and an inability to adjust to a severe affliction. The rejection of a "happy and fulfilled" blind individual works against normal relationships with the blind.

Possibly you will feel that my emphasis on the impact of attitudes on programs for the blind is misplaced. I am the first to acknowledge that overly stressing programs can result in damaging attitudes, particularly when such programs are formulated and dominated by those who are not blind. Even for the professional with a history of work with and for the blind, there will be many, many times when he does not know what is the most effective solution to the problem area. This, of course, is true in larger degree for the volunteer or lay person. The blind know best what their requirements, desires, and needs are and how best to secure them. This may seem self-evident, but we have not translated it into a guiding principle in the administration of programs for the blind.

Dr. Schon asks the question "Why have the design and mix of official services been so unresponsive to changes in the needs and capacities of the blind?" His response is: "That for good bureaucratic reasons, agencies tend to behave as if they believed that the blind need, or should have, the service which happen to be offered by the agencies rather than that agencies should modify services in response to changing characteristics of the blind population. This is true both of the kinds of services offered and of the methods or techniques by which such services are to be delivered."

Obviously, responsiveness to the needs of the blind is enhanced by greater input and control from the blind. Today, the issue of promoting increased client control and input strongly influences much of the discussion of government aid. It involves substantial and vital areas of public concern.

I am grateful for the opportunity to present a legislator's assessment of attitudes toward blindness. My comments certainly do not encompass even the majority of problem areas, but they do reflect those aspects which in my opinion are critical. Your symposium is investigating in depth the many complex attitudes. And I am confident that from your work will come constructive and meaningful suggestions and recommendations. You may be assured of my intense interest in your reports. We will work together to create a better life—toward a new era of opportunity for the blind.

SCIENTISTS FROM 12 COUNTRIES TO PARTICIPATE AT SEMINAR OF AMERICAN FOUNDATION FOR BLIND ON 50TH ANNIVERSARY

Sixty scientists and technologists from a dozen countries will converge on New York late in October for a three-day seminar (Oct. 25–27) sponsored by the American Foundation for the Blind. The conference will be keyed to the theme "Science and Blindness: Retrospective and Prospective." The Foundation, a national, non-profit advisory agency serving the entire field of blindness, will conduct the seminar as part of a week-long series of activities marking its fiftieth anniversary.

Other major events for the week will be a two-day symposium directed towards attitudes on blindness (Oct. 28–29), and presentation of the 1971 Migel Medal to Dr. Jerome B. Wiesner, president of the Massachusetts Institute of Technology, at a banquet Oct. 27. Dr. Wiesner will receive the medal, awarded annually by the Foundation for outstanding service in the field of blindness. The medal is named for the late M. C. Migel, first president of the Foundation. The Foundation is honoring Dr. Wiesner for his efforts in fostering technological research at M.I.T. which has been designed to alleviate the problems of visually impaired persons, especially in the areas of reading and mobility. The same evening will see Lord Fraser of Lonsdale receiving the Helen Keller International Award for Outstanding Service to Blind Persons, presented by the American Foundation for Overseas Blind. The latter is an affiliate of the American Foundation for the Blind. The British industrialist, blinded in action during World War I, was cited for the Helen Keller Award because of his work as board chairman and as the inspirational leader of the famed St. Dunstan's Rehabilitation Center for the Blind in England.

All of the functions will take place at the Plaza Hotel and will be by invitation only.

John S. Crowley, president of the Foundation, will be general chairman of the science seminar. Dr. Wiesner will be honorary chairman. Joseph Kohn, executive director of the New Jersey State Commission for the Blind, will be chairman for the attitudes on blindness symposium.

Dr. Irving F. Lukoff, associate professor of social work research, Columbia University, and Oscar Cohen, national program director of the Anti-Defamation League of B'nai B'rith, will be the keynote speakers at the symposium. Senator Jennings Randolph, (D-W.Va.) will be the luncheon speaker on Oct 29.

AFB'S 50TH ANNIVERSARY, 2-DAY NATIONAL INVITATIONAL SYMPOSIUM ON ATTITUDES, FACT SHEET

A two-day symposium devoted to a discussion of attitudes on the subject of blindness. The first such meeting of its kind which will afford an opportunity for both national and regional discussion.

It is the opinion of many leaders in the field of services to people who are blind that attitudes conceived from misinformation have dogged the footsteps of progress for hundreds of years.

This symposium will in part reflect the American Foundation for the Blind's concern for the field it represents, and at a time when the exploration of attitudes in the American society seems to be so appropo.

Approximately 120 persons will be invited to attend this symposium. Attendance will be by invitation only. It is hoped that as broad a representation from throughout the

country as possible can be achieved, since one of the objectives of the symposium is for the conduct of a like symposium on attitudes later within each of AFB's six regions.

Mr. Joseph Kohn, Executive Director of the New Jersey Commission for the Blind, will serve as symposium chairman. The two major speakers will be Dr. Irving F. Lukoff, Associate Professor of Social Work Research at Columbia University, and Mr. Oscar Cohen, National Program Director of the Anti-Defamation League of B'nai B'rith.

SYMPOSIUM ORGANIZATION

The morning of Thursday, October 28th, will be devoted to the presentation of two master papers by each of our two outstanding speakers. During the second half of that day each invitee will participate in a section to which he has been assigned prior to the symposium. The discussion sections will consist of approximately 30 to 35 persons each. The sections will be:

1. The role of people who are blind and their families in the development of attitudes.

2. The role of agencies and professionals in the field of services to people who are blind in the development of attitudes.

3. The role of agencies and professionals, outside the field, providing services to people who are blind in the American community, in the development of attitudes.

4. The American community, which includes media, legislation, education, etc., in the development of attitudes.

Each of the discussion sections will begin with a reactor's presentation, which would represent a prior distillation of the two morning papers as it applies to that section. The discussion will continue through Thursday afternoon and pick up again on Friday morning. There will be a general session Friday afternoon at which time the recorders of each of the discussion sections will submit their reports. On both Thursday and Friday all the invitees will be guests of the AFB's at a special luncheon.

The purpose of this symposium is twofold:

1. To bring into focus attitudes as they now exist throughout the American community related to people who are blind and blindness—to explore methods of altering or changing attitudes, should this be desirable, for the benefit of people who are blind.

2. The American Foundation for the Blind, as an expression of its intense concern for this problem, has planned to support and give leadership to a symposium, following the same format, in each of its six regions. The selection of invitees to the New York symposium, therefore, will be based partly upon geographical location, since it is hoped that these persons will be prepared to give leadership on the regional level.

The organizational format of the New York symposium should supply the field with six products—a paper from each of the two principal speakers, and a paper from each of the four reactors—which will be distributed in addition to those materials resulting from the regional symposiums.

PROGRAM, NATIONAL INVITATIONAL SYMPOSIUM ON ATTITUDES TOWARD BLINDNESS, OCTOBER 28–29, 1971, 50TH ANNIVERSARY

DEDICATION

Over the years, blindness, as a social challenge, has attracted the concern and imaginative involvement of some truly outstanding persons.

Father Thomas J. Carroll was one of those persons.

He died April 24, 1971.

His innovative leadership will be sorely missed by all of us.

His concern for "Attitudes" as a vital issue which must be dealt with had much to do with the development of this symposium.

It is indeed both fitting and proper that this symposium be dedicated to "Father Tom."

JOHN S. CROWLEY,
President, Board of Trustees,
American Foundation for the Blind, Inc.

A STATEMENT

"The great need to do away with the false notions about blindness generally current and to replace these with true ones is obvious . . . this involves doing away with the 'living in darkness' idea of blindness . . . as helpless, dependent, pitiable people who are somehow 'different' from the rest of us who make up 'normal' society . . . replacing all these misconceptions and sterotypes which result from them with accurate and concrete ideas . . it means getting across the truth that blind people are individuals who have a severe handicap certainly, but a handicap that can be overcome so as to make normal active living not the exception among blind persons but the general rule."

Rev. THOMAS J. CARROLL.

Blindness (what it is, what it does and how to live with it).

PROGRAM

Thursday, October 28, 1971

General Meeting—9:00 a.m.–Noon

Symposium Chairman—Mr. Joseph Kohn (Executive Director, New Jersey Commission for the Blind.)

Innvocation

Welcome

Mr. John S. Crowley—President, A.F.B. Board of Trustees.

Introduction and orientation

Mr. Harold G. Roberts (A.F.B. Associate Director for Service).

Introduction of Dr. Irving F. Lukoff (Associate Professor, Social Work—Columbia University) by Miss Elizabeth Maloney (Assistant Executive Director—The Industrial Home for the Blind).

Introduction of Mr. Oscar Cohen (National Program Director—Anti-Defamation League of B'nai B'rith) by Mr. William T. Snyder (William T. Snyder Associates—Baltimore, Maryland).

Thursday, October 28, 1971

Luncheon—Noon–2:00 p.m.

Chairman—Mr. Harold G. Roberts (A.F.B. Associate Director for Service).

Introduction of Mr. David Huffman (Broadway Production—"Butterflies are Free") by Prof. Theodore F. Childs (Director, Special Educational Services Program—Long Island University).

Introduction of Miss Gloria Swanson (Broadway Production—"Butterflies are Free") by Judge Reese Robrahn (President, American Council of the Blind) (Judge, Magistrate Court—Topeka, Kansas).

Presentation to A.F.B. by Miss Jean R. Hebeler (President, Council for Exceptional Children) (Head, Special Education Department—University of Maryland).

DISCUSSION GROUPS

Thursday, October 28, 1971

2:00 p.m.–4:30 p.m.

Group I—Blind Persons and Their Families

Discussion Leader: Mr. Donald F. Simpson, Commissioner, Region V—Social and Rehabilitation Services, Department of Health, Education, and Welfare, Chicago, Illinois.

Reactor: Dr. David Mendelson, Assistant Director, State Department of Rehabilitation, Sacramento, California.

Recorder: Miss Jessamine Cobb, A.F.B. Regional Consultant—Region III.

Group II—Agencies and Professionals in the Field of the Blind

Discussion Leader: Mr. Clay Coble, Superintendent, School for the Blind, Donelson, Tennessee.

Reactor: Dr. Charles Stewart, Dean, Graduate School of Social Work, University of Georgia, Athens, Georgia.

Recorder: Mr. Oraien E. Catledge, A.F.B. Regional Consultant—Region IV.

Group III—Agencies and Professionals Outside the Field of the Blind

Discussion Leader: Mr. Bernard Posner, Deputy Executive Secretary, President's Committee on Employment of the Handicapped, Washington, D.C.

Reactor: Mr. C. Owen Pollard, Director, State Bureau of Rehabilitation, Augusta, Maine.

Recorder: Miss A. Marie Morrison, A.F.B. Regional Consultant—Region II.

Group IV—American Community—Media, Legislation, Education

Discussion Leader: Mr. Burt L. Risley, Executive Director, State Commission for the Blind, Austin, Texas.

Reactor: Mr. Con Shea, Executive Director, State Department of Social Services, Denver, Colorado.

Recorder: Mr. Edward R. Murray, A.F.B. Regional Consultant—Region V.

PROGRAM (DISCUSSION GROUPS)

Friday, October 29, 1971

9:00 a.m.–Noon

Group I—Blind Persons and Their Families.

Group II—Agencies and Professionals in the Field of the Blind.

Group III—Agencies and Professionals Outside the Field of the Blind.

Groups IV—American Community—Media, Legislation, Education.

Friday, October 29, 1971

Luncheon

Noon–2:00 p.m.

Chairman—Mr. M. Robert Barnett (Executive Director—American Foundation for the Blind).

Introduction of Senator Jennings Randolph West Virginia (D.), by Dr. Peter J. Salmon (Administrative Vice President—The Industrial Home for the Blind).

Presentation to A.F.B. by Mr. Harold Russell (Chairman, President's Committee on Employment of the Handicapped).

FINAL REPORT MEETING

Friday, October 29, 1971

2:00 p.m.–4:30 p.m.

Symposium Chairman—Mr. Joseph Kohn (Executive Director, New Jersey Commission for the Blind).

Group I—Blind Persons and Their Families

Reporter: Miss Jessamine Cobb, A.F.B. Regional Consultant—Regional III.

Group II—Agencies and Professionals in the Field of the Blind

Reporter: Mr. Oraien Catledge, A.F.B. Regional Consultant—Region IV.

Group III—Agencies and Professionals Outside the Field of the Blind

Reporter: Miss A. Marie Morrison, A.F.B. Regional Consultant—Region II.

Group IV —American Community—Media, Legislation, Education

Reporter: Mr. Edward R. Murray, A.F.B. Regional Consultant—Region V.

SYMPOSIUM PLANNING COMMITTEE

Service Advisory Committee members

Miss Elizabeth Maloney, Chairman (Assistant Executive Director, The Industrial Home for the Blind).

Mr. Joseph Kohn (Executive Director, New Jersey Commission for the Blind).

Mr. Leland C. Sanborn (Former Superintendent, New York State School for the Blind).

A.F.B. staff

Mr. Robert H. Carolan, A.F.B. Regional Consultant—Region I.

Mr. Harold G. Roberts, A.F.B. Associate Director for Service.

Mrs. Doris P. Sausser, A.F.B. Director, Community Services Division.

Mr. Benjamin Wolf, A.F.B. Regional Consultant—Region VI.

Miss Marion V. Wurster, A.F.B. Director, Program Development Division.

Symposium coordinator

Mr. R. Roy Rusk, A.F.B. Director, Program Planning Department.

URGE BUFFALO HONOR PULASKI AT BICENTENNIAL FETE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. DULSKI. Mr. Speaker, planning is beginning at all levels of Government for the observance in 1976 of the bicentennial of the American Revolution.

This is an important anniversary in our Nation's history and it is my sincere hope that every opportunity will be seized to make the most of the occasion. I feel we have a golden chance to rekindle our patriotic spirit in our country.

I am somewhat concerned about the seeming delay in getting some planning underway. Proper arrangements for such an important event need to be crystallized early so that every segment of our population will have an opportunity to take part, and every possible variation on an observance can be considered.

In my home city of Buffalo, N.Y., I have proposed as the key to our observance that the community erect a memorial to Gen. Casimir Pulaski, a hero and patriot of the American Revolution.

I made the recommendation in a speech recently to the Buffalo chapter, Sons of the American Revolution. I am gratified by the favorable response which my recommendation has received.

I want to compliment the organization and, in particular, its president, Mr. Chase Viele, for their support and cooperation in our effort to get Buffalo's planning for the bicentennial underway.

In suggesting the memorial to Pulaski, I feel it is most appropriate for our community, in view both of the city's large Polish-American population as well as the significant role which was played by Pulaski in the fight for independence nearly 200 years ago.

At the dinner I was pleased to receive the SAR Good Citizenship Medal. Also, honored with a similar award was Dr. Charles A. Messner, professor emeritus of foreign languages at Buffalo State University College and a former SAR chapter president.

Mr. Speaker, as a part of my remarks, I include the text of my speech at the 3d annual Victory Dinner of the Buffalo chapter.

ADDRESS BY HON. THADDEUS J. DULSKI AT THIRD ANNUAL VICTORY DINNER, BUFFALO CHAPTER, SONS OF THE AMERICAN REVOLUTION, OCTOBER 22, 1971

Mr. President, members of the Buffalo Chapter, Sons of the American Revolution, distinguished guests, ladies and gentlemen:

It is a special honor for me to be invited to join with you at this third annual victory dinner. You are here observing the anniversaries of the British capitulations at Saratoga on October 17, 1777, and at Yorktown on October 19, 1781.

I am quite well aware of the purposes and the objectives of your organization. While fundamentally a patriotic group, your interests extend as well to the historical and educational aspects of our Nation's fight for independence 200 years ago.

Perhaps more than ever in our history, we need the active influence in the community of organizations such as yours. Many, many men—and women, too—have given up their lives over the years to protect our Nation's independence and to improve our way of life.

REASON FOR CONCERN

This is not what I came to discuss, but I do not want to pass up the opportunity to say to you that all of us have reason to be greatly concerned about some of the things which are going on in our country today.

I am an American—and very proud of it! I do not have the long line of American ancestors that all of you have. That's just the way it was to be.

But, while I may not be able to trace my ancestors back to the American Revolution, you may be assured that the United States of America is my country. There is no greater country in the world and I am thankful that my family made it possible for me to be a part of it as a native-born citizen.

What I would like to talk with you about tonight is the forthcoming bicentennial of the American Revolution. It is quite true that the bicentennial year of 1976 is still over four years in the future, but it is none too soon for adequate and appropriate planning.

Indeed, at the outset, perhaps I should explain why I feel I have reason for concern about bicentennial planning. It is not only a concern, but a sincere disappointment about the progress of bicentennial planning at the national level and elsewehre.

LACK OF ENTHUSIASM

You will not be surprised to hear that there is a problem of money. But—and far more important, I believe—there so far appears to be a vital lack of enthusiasm. I am not nearly as concerned about the funding at this point as I am about the lack of enthusiasm.

If we can trigger the enthusiasm and the inspiration at the planning level, I think we will find that the pocketbooks—public and private—will begin to open.

Let me emphasize as strongly as I can that I have not lost faith on prospects for an appropriate bicentennial observance on a national scale. I will admit that I am trying to be a realist in these matters, and I certainly would not want to mislead you in any way about the current status of national planning.

Last February President Nixon designated Washington, D.C., as the focal point for the national observance of the bicentennial. There had been five cities which had sought the designation in the original presentations two years ago.

The Washington aspect is divided into three parts. First, there is the Federal phase which will coordinate the effort of the entire Federal Government. The second phase is the special observance to be arranged on behalf of the District of Columbia as a community. The third phase—and perhaps the one which will be the most conspicuous to the average visitor—is the ceremonial and pageantry phase.

ONLY INTERIM OPERATION NOW

The original bicentennial commission in the Nation's Capital has passed out of existence and there is only an interim operation at this time. This has led to some misunderstanding that the Washington operation was faltering. In fact, the Washington operation is just about to get under way in massive fashion, and I expect that a formal announcement will be made in a matter of days on the over-all concept which has been developed for the bicentennial observance in the Nation's Capital.

As you might suspect, the civic leaders are thinking big in terms of probably 40 million visitors, including some 6 million from abroad. There are plans for an international transportation show. But there are no plans for an international exposition in Washington.

Philadelphia has been designated as the site for an international exposition in 1976 if it can muster the backing and cooperation which are necessary for such a huge undertaking.

The road toward developing Washington's role in the bicentennial has been a rocky one because of the diverse interests and the dependence upon financial support from the Federal Government. The budgetary problem has not been worked out yet but, as I said earlier, the money will come along when the enthusiasm and inspiration for the observance becomes more evident.

NEW YORK HAS STATE GROVE

Besides the planning in the Nation's Capital, there is an attempt to coordinate the efforts throughout the 50 States. The State of New York already has its own bicentennial commission—and rightly so. Historians tell me that one-third of all the battles of the American Revolution were fought here in the Empire State. Thus, there are many historic sites and much intimate relationship of New York to the American Revolution.

In its planning, the New York State Bicentennial Commission has encouraged local observance and that is where we come in here at Buffalo.

What I want to talk with you about in particular is what we might do here in our own city in 1976. It is interesting to know what others are planning to do, but what we do here will have to be done by us. It is none too soon to be making preparations.

As I indicated earlier, I feel sincerely that we have at hand a golden opportunity to rekindle our patriotic spirit in our country—an opportunity that we cannot afford to let fizzle out.

Members of the Sons of the American Revolution are perhaps more keenly aware than many other individuals of our priceless American heritage, of the sacrifices of our forefathers, of the trials and tribulations as our country grew and grew until today it is the world's greatest power.

HARDER WHEN ON TOP

As you well know and understand, the problems which we encountered on the way up the ladder are only a sample of the problems we face when we reach the top. Indeed, it is usually easier, in many respects, to climb the ladder than it is to stay on top once you reach that top rung.

There is a goal ahead and an inspired drive on the way up. When you get to the top there is so often a loss of push. There is a tendency to ease off and to let apathy set in.

That is why I am so concerned that all of us join vigorously in supporting a tremendous outpouring of national patriotism in connection with the forecoming centennial.

We cannot afford to take this occasion for granted either for our own sake or in the eyes of the rest of the world.

An interesting factor about the American Revolution was the role played by so many outsiders who were concerned with American freedom. They joined not for their own gain, but because they felt deeply in the basic issue of freedom for our people and wanted to help them in their fight.

The cause of American freedom attracted the support and help of liberals and patriots of many nationalities. These included many men of outstanding military background and training who crossed the Atlantic to join the American forces in their revolutionary struggle. And that was in the days when the

trans-ocean trip was no jet flight of a few hours.

FOREIGN PATRIOTS JOIN CAUSE

From the land of my own forefathers, Poland, came Pulaski and Kosciuszko. From France came Lafayette and Rochambeau. From Prussia came von Steuben. These are just to name but a few of the great patriots in their own right who came to the aid of the American Revolutionary Forces two hundred years ago.

The first name I mentioned was Pulaski, a name very familiar to Buffalonians because of our large community of Americans of Polish descent. Each year for nearly a half century the Pulaski Day parade has been a community-wide event.

However, even with the wide local recognition of the name, I venture to guess that most people who are not students of American history probably do not realize that we honor Pulaski as one of the great heroes of the American Revolution.

It is true, of course, that Casimir Pulaski was a hero and patriot in his own native land before he came to America at the age of 29. He was a fighter for freedom in Poland, and he won wide acclaim.

The Polish rebellion of 1768 was a failure, both for the nation and for Pulaski. It resulted in the arrest and death of his father, in the confiscation of his family's property, and eventually in his own exile.

Besides his efforts on behalf of freedom in Poland, Pulaski also had joined in freedom efforts in Turkey and in France.

FIRST MET WITH FRANKLIN

Indeed, it was in Paris that it was first suggested that he go to America to the aid of the American insurgents. He was put in touch with Benjamin Franklin who wrote a letter of introduction to George Washington.

Funds were advanced for his trip, and he headed across the Atlantic to meet with Washington who, in turn, gave him a letter to the Continental Congress.

During the first 18 months of the war there had been no cavalry, but four units had been included in the proposed military reorganization. Washington wrote John Hancock and suggested that Pulaski be placed in charge of the cavalry. At about the same time, Pulaski had given Hancock plans for the organization of a corps of volunteers.

He joined Washington as a volunteer and participated in the battles of Brandywine and Germantown. Pulaski urged an expansion of cavalry and the formation of units of light cavalry. He fought at Trenton and Flemington and joined in the search for supplies for the famishing troops at Valley Forge.

The following spring, the Continental Congress, with the support of Washington, gave Pulaski permission to form an independent corps of cavalry, but he soon became frustrated by inactivity.

In 1779, Pulaski was ordered to the support of General Lincoln in South Carolina. It was during the siege of Savannah, on October 9, that he was mortally wounded. He was removed to the warship WASP in Savannah harbor, but surgeons were unable to remove the bullet that finally cost his life.

PULASKI ONE OF THE GREAT HEROES

It seems clear that Casimir Pulaski was one of the gallant heroes of the American Revolution.

Over the years—in Buffalo and other cities with large Polish-American communities—Pulaski has been honored in various ways.

I was pleased to have had a key role several years ago in doing honor to Pulaski by having the Federal Government agree to name a Navy submarine in his memory.

Last month, I introduced legislation in the House calling on the President to designate October 9 as General Casimir Pulaski Day. It was on October 9, 1779 that Pulaski was fatally wounded in the siege of Savannah.

There has been no action yet on my bill, House Joint Resolution 899, and I can't say now when it might be considered. My intention in introducing the bill was to sow the seed of interest with the hope of obtaining national recognition in the future.

Here in Buffalo, one of our great traditions is the annual Pulaski Day parade. Quite properly this is not an occasion for celebration by the Polish-Americans alone. Indeed, it is a community-wide observance.

I recall well—as probably many of you do, too—that fall day in 1962 when the late President Kennedy came to Buffalo to take part in the Pulaski Day festivities. The turnout was the biggest ever, estimated at some 400,000 persons.

Just as there were in the observance a couple of weeks ago, there were persons of all heritage taking part. There were those descended from Poles, from Italians, from the Irish, from the Germans, from the Scotch, and on and on.

FOCUS OBSERVANCE ON PULASKI

In recounting the background of Casimir Pulaski and the recognition he has received here in Buffalo, I am leading up to a suggestion that should come as little or no surprise to you.

In shaping a bicentennial observance here in Buffalo, what could be more appropriate than to center it around Casimir Pulaski?

To be specific, I propose a memorial to Pulaski here in Buffalo. In talking with several people, I have explored a number of suggestions, such as a statue, and I am sure there will be others.

Certainly, we have not locked ourselves into any conclusion at this point.

I propose that Buffalo make a bicentennial project of erecting a significant and lasting downtown memorial to Pulaski. I am prepared personally to support fully such a suggestion as a community project and the key to our local observance of the bicentennial.

First off, Buffalo should move as quickly as possible to organize a working bicentennial committee. We certainly will want to do many things. We will want to see that many activities are organized for the great year of 1976.

You have my pledge of full cooperation. I believe that your organization can have a significant role of leadership in the thorough planning for 1976 which we must get underway as soon as possible.

CONFISCATION OF AMERICAN PROPERTY BY FOREIGN GOVERNMENTS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, November 1, 1971

Mr. BYRD of Virginia. Mr. President, the Lynchburg News of October 30 included an informative article on the probable losses by U.S. taxpayers involved in confiscation of American property by foreign governments.

The article was written by Mr. James Cary, of the Copley News Service.

The liability of the taxpayers to U.S. corporations that suffered losses because of seizures abroad arises from the recent creation of the Overseas Private Investment Corp.

The article points out that the expropriation of U.S. copper mines and other property by Chile threatens to wipe out reserves of the OPIC. The attitude of OPIC toward this situation is reflected by the comment of its president, Mr. Bradford Mills, who is quoted as saying:

If we need more money we will just go to Congress and ask for it. We have the resources of the whole U.S. Government behind us.

Because of the legislation which created OPIC, Mr. Mills' statement is correct. And that is bad news for the U.S. taxpayer, because the OPIC could be forced to pay out several billion dollars if there were to be widespread confiscations of U.S. property around the world.

I ask unanimous consent that the text of the article, entitled "U.S. Taxpayers Must Pay For Red Confiscation of Property," be printed in the Extensions of Remarks.

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

LATIN AMERICAN REPORT: U.S. TAXPAYERS MUST PAY FOR RED CONFISCATION OF PROPERTY

(By James Cary)

WASHINGTON.—Chile's expropriation of U.S. copper mines and other property valued at up to $1 billion is threatening to wipe out reserves of the U.S. corporation that insures investors against such losses.

But it will in no way affect the ability of the agency, the Overseas Private Investment Corp., to function and continue to provide protection for U.S. dollars invested in developing nations.

"If we need more money we'll just go to Congress and ask for it," says Bradford Mills, OPIC president. "We have the resources of the whole U.S. government behind us."

The corporation was authorized in December, 1969, as the latest in a series of U.S. agencies established since 1948 to provide increasing protection for some U.S. foreign investments.

It was not formally organized until Jan. 19 of this year. Now, nine months later it is facing its first major crisis, precipitated by take-overs by the Marxist regime of President Salavador Allende of Chile.

The main U.S. investments there are copper mines owned by Anaconda, Kennecott and Cerro de Pasco corporations and a telephone company partly owned by International Telephone and Telegraph Co.

Charles Meyer, assistant secretary of state, has estimated the value of all U.S. investment in Chile at $960 million.

Of this total, Mills says only $331 million is covered by OPIC insurance or investment assistance. This is made up of $315,650,844 in expropriation insurance, $5,013,525 in convertibility insurance and $11 million provided as a direct investment loan.

Of the $315 million, $110 million in coverage is held by Kennecott, Anaconda and Cerro de Pasco. The remainder is a $108 million policy carried by ITT and about $97 million carried by 26 smaller companies.

ITT filed a claim in New York Oct. 14 for its $108 million but claims of the three copper companies must await several findings.

Kennecott and Cerro, for example, were carrying insurance only to protect themselves against loss of their mining properties.

This raises a still officially unanswered question whether the Chilean government will reject payment of this debt as well as refuse to compensate the companies for loss of their mining properties.

Eduardo Novoa, president of Chile's state defense council, has indicated the government will not pay the debts but his word is not final.

"If we have to make good on the full $110 million it would clean out our reserves," Mills acknowledged.

There is no explanation here why the copper firms did not carry insurance on the other portions of their heavy investments in Chile, but this is not the first time this has happened.

There was no government insurance program in the 1930s when Mexico took over U.S. oil properties. Losses up to $970 million were reported when Cuba took over all U.S. holdings there in 1960 and there have been various estimates of up to $200 million in losses when Peru took over U.S. oil properties in Peru in 1968.

The history of the government's entry into this form of insurance activity begins with the Marshall Plan in 1948. The protection provided then insured investors against the risk of not being about to convert foreign currency earnings into dollars.

In the 1950s, successor agencies added protection against war, revolution and insurrection loss, and then against expropriation. In 1961, U.S. guarantees of private loans for foreign investors were added.

In 1969, the act authorizing the OPIC, also added a direct investment loan program for small enterprises. A maximum of $2 million can be extended.

Now OPIC is working on additional various forms of limitations to its coverage under which insured companies or insurance companies other than OPIC, such as Lloyds or an affiliate of the World Bank, would carry part of the coverage.

At the present time there is approximately $12 billion in U.S. investments in developing nations—the only areas where OPIC coverage is authorized.

Of this, approximately $5 billion is covered by OPIC policies—$3.8 billion in insurance written since 1965 and $151 million in investment loan guarantees written since 1966.

This big upsurge in insurance coverage has come since 1965. None of the original U.S. copper company investments in Chile was covered.

Mills points out that regardless of what happens in Chile the trend is toward more and more U.S. investments abroad. The United States now has agreements with 90 nations permitting OPIC coverage.

He says this is good business, pointing out that development of foreign investments parallels growth in exports and will lead to an inflow of profits to the originating nation.

In the 24 years the U.S. government has developed its overseas investment insurance programs it has earned $135 million in revenues and paid out $5 million in claims—$910,000 of the $5 million to the Ford Motor Co., on Oct. 14.

This was for reconversion protection. Chile had refused to permit Ford to repatriate these earnings in dollars. A large part of $18 million in Ford property shut down by Chile is not covered by OPIC insurance.

Despite the dampening effect of Chile's expropriations, Mills thinks OPIC will earn $30 million this year and up to $500 million in the next 10 years.

He points out that some nations—particularly Korea, Indonesia and Brazil—have developed excellent programs to attract investors and that there is a rapid flow of capital into those areas.

Furthermore he does not write off the Chile investments entirely yet.

"Chile has changed its mind three times in five years on U.S. investments," he points out. "Who's to say it won't change its mind again."

Furthermore, if OPIC has to pay the full amount of the insured losses there, the U.S. government then takes over the assets of the company it reimbursed. This makes a final settlement a matter for government to government negotiation, rather than a contest between the Chilean government and a private U.S. firm.

Of its $15 billion in lending authority OPIC has used up approximately $10 billion. It is governed by a board of 11 directors, six of them selected from outside the government by the president. The other six are officials or employes of the government.

ENVIRONMENTAL PESTICIDE CONTROL ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. DINGELL. Mr. Speaker, the Federal Environmental Pesticide Control Act of 1971, H.R. 10729, has been rescheduled for floor action during this week. I wish to bring to the attention of my colleagues a letter I have received from Mr. Paul J. Leach, executive director of the Michigan United Conservation Clubs outlining the objections of his organization to this bill.

The letter follows:

MICHIGAN UNITED CONSERVATION CLUBS,
Lansing, Mich., October 14, 1971.

Hon. JOHN D. DINGELL,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: We urgently request your attention to HR 10729, due to come before the full House for a vote momentarily. As spokesman for a State far ahead in environmental concern and protection, your vote against this legislation can insure that Michigan's pesticide standards will not be preempted by weaker Environmental Protection Agency controls.

Defense of this federal preemption asserts that state controls will only be superseded with regard to "general" use pesticides. The problem, however, lies in the fact that the EPA has yet to determine which pesticides are "general" and which "restricted." If Michigan standards classify a chemical as "restricted" and regulate it accordingly, while the EPA considers it a "general" pesticide, federal controls will prevail and state concern and protection will be negated.

The above represents the most objectionable aspect of HR 10729. In addition, the bill allows for the registration of pesticides for *both* general and restricted use. Thus, one of our biggest pesticide problems still plagues us—dangerous pesticides will contribute to be readily available under the protection of the "general use" umbrella.

Further, the bill seeks to curb judicial review by citizens following public hearings on specific chemicals. Also, it provides for an indemnity payment to the owner of the pesticide at the time of its cancellation, removing any real economic pressure on each manufacturer to make sure its pesticides are safe.

Finally, the bill prohibits the EPA from using a "lack of essentiality" as a criterion for denying registration of pesticide—potental environmental contaminants can be introduced on the market whether or not they are really needed for pest control. Also, the legislation exempts federal agencies from any and all of its provisions in times of emergency. As the National Wildlife Federation has pointed out in its *Conservation Report*, "the vagueness of the language conceivably permits controversial emergency situations to be dealt with in spite of their critical effect on the environment."

We urge you to join Representatives John Dow and Thomas Foley as they seek to have this bill amended on the floor of the House. Otherwise, this weak and watered down version of a pesticide bill that originally was strong and workable will dilute Michigan regulations and severely hamper the State's efforts to eliminate lethal and harmful materials from the State's natural environment.

Thank you for your attention.

Sincerely,

PAUL J. LEACH,
Executive Director.

UNITED CHURCH OF CHRIST OPPOSES PRAYER AMENDMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. SCHWENGEL. Mr. Speaker, as evidenced by the following statement, the members of the United Church of Christ of this country are opposed to the proposed constitutional amendment regarding prayer in public buildings:

RELIGION AND THE PUBLIC SCHOOLS

(Adopted by the Council for Christian Social Action of the United Church of Christ, June 10, 1963)

Since the recent decisions of the Supreme Court of the United States declaring unconstitutional certain religious activities in public schools, for a long time sanctioned by law and custom, raise important questions concerning the nature of education, the place of religion in education, and the relation of the public schools to the churches; and since these questions are of great importance to parents and children and to the churches as well as to those agencies of government concerned with education, the Council for Christian Social Action of the United Church of Christ recommends the following as guiding principles in formulating policies concerning the place of religion in education and the relation of the churches to the public schools.

1. The aim of education is the fullest possible development of the person's capacities as a human being created by God.

2. The responsibility for education of the child is shared by parents, the church, and the government and, therefore, parents, church and government each have rightful interests in the education of the child.

3. The people of the United States have, as a matter of fact, various religious loyalties: Protestant, Roman Catholic, Orthodox Jewish. Some are not adherents of any religious body or do not profess any religious beliefs. The fact of this religious pluralism cannot be disregarded in formulating policies concerned with the relation of education and religion in public schools and of the churches to the public schools.

4. The religious pluralism, characteristic of the United States, and the disavowal of societal compulsion in religious activities and observances have in many communities undermined traditional relations between the public schools and the church. These facts have confronted both the church and the public school with the need to devise new ways through which their respective responsibilities for the development of children can be best discharged.

5. Recognition and awareness of the vital part played by religion in the shaping of our history and culture is an important part of education. Hence, information about religion, objectively presented, is an essential part of many school subjects and should be so treated.

6. Responsibility for religious education and worship belongs primarily to the church and to the home.

7. Devotional activities or religious teaching directed to commitment should not be included in the curriculum or program of

the public schools. In the setting of the public school, there is no satisfactory way of escaping the association of compulsion with such teaching and activities.

8. Members of the churches are encouraged to participate in efforts to strengthen and improve public education through such positive steps as:

(1) Keeping informed about the needs of the public schools and the issues relating to public education as a basis for intelligent action as citizens;

(2) Engaging in intelligent appraisal and responsible criticism of programs of public education;

(3) Supporting qualified candidates for boards of education and being willing to serve as members of such boards;

(4) Working for improved financial support of public schools;

(5) Emphasizing public school teaching as a profession through which the Christian can express his Christian vocation.

9. The churches and instrumentalities serving the churches are encouraged to explore and develop new ways to provide for children of school age adequate opportunities for worship and for instruction directed towards Christian commitment. The Christian education program carried on by the churches should be supported by such positive steps as:

(1) More adequate provision and use of facilities for Christian education;

(2) More and better qualified teachers in Christian education on part-time or full-time basis;

(3) Adequate textbooks and other teaching aids for enlarged program of Christian education;

(4) Exploration of such proposals as "shared time;"

(5) Improvement of such established means of Christian education as Sunday church schools, confirmation instruction, and pastor's membership classes along with new experimental procedures.

STATEMENT OF THE SUPREME COURT DECISION INVOLVING THE NEW YORK REGENT'S PRAYER—(ENGEL V. VITALE)

(Adopted by the Council for Christian Social Action of the United Church of Christ, July 10, 1962)

The Council for Christian Social Action of the United Church of Christ declares its support of the United States Supreme Court in its decision in *Engel v. Vitale* for the following reasons—

1. The decision upholds the principle of church-state separation. The Council for Christian Social Action believes that because the New York State Regents' prayer was created, adopted, and administered by state officials and used as a religious exercise in the public schools, it violated the Establishment Clause of the First Amendment of the Federal Constitution. The fact that the prayer was non-denominational and its recitation voluntary does not alter the fact that the State prescribed a particular form of prayer to be used as an official prayer in a program of governmentally sponsored religious activity. Thus the State was carrying out a function which is not its business to perform.

2. We believe that the responsibility for religious education and worship belongs to the church and home where it can be most effectively performed. Significant prayer is an expression of deep religious faith and conviction which cannot be appropriately expressed corporately in a public school setting where there is a wide variety of belief and non-belief.

3. There is nothing in the decision which bans private prayer. Nor is there anything in the decision which restricts teaching about the contributions religious leaders, movements, and ideas have made in the shaping of our history and culture; and we would encourage the public school to do this more effectively.

The Council for Christian Social Action calls upon the members of our churches to support the Supreme Court decision. It urges those concerned about the spiritual development of children to use and improve the opportunities for religious training in the church and the home and not to look to other agencies to do the job.

ENVIRONMENTAL PROTECTION WITHIN THE COMMONWEALTH OF MASSACHUSETTS

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, I would like to share with my colleagues in the House, a very interesting and timely statement made by Commissioner Carroll P. Sheehan of the Department of Commerce and Development, Commonwealth of Massachusetts, concerning environmental protection in the Commonwealth of Massachusetts, which he recently gave at Boston College:

A BALANCED VIEW OF ENVIRONMENTAL PROTECTION WITHIN THE COMMONWEALTH OF MASSACHUSETTS

(By Commissioner Carroll P. Sheehan)

I appreciate the opportunity which has been extended to me today to come before you and discuss the need for a balanced program of environmental controls for our society. My colleagues in government speaking here today have specific responsibilities defined by law which they must carry out to the best of their ability. I, too, have a responsibility under the law which must be carried out.

As Commissioner of the Department of Commerce and Development, I accept the need for environmental control in this most complex society. Today I would like to review with you my experience with environmental control and attempt, if possible, to bring about a marriage between environmental control and the other needs of our society, such as the maintenance and growth of a healthy economy.

I share the fear of many of those engaged in the field of environmental control, both in and out of government, that in some instances we are bordering upon environmental control overkill with our economic well-being as the victim. I am interested in making certain that a credibility gap does not become a reality between the general public and those interested in the protection of the environment.

You who are so vitally interested in the environment must understand that the most basic parts of any man's environment, more basic even than clean air and clean water, are man's ability to feed his family and provide adequate shelter for them. It is, therefore, imperative in the equation of environmental control that the economic impact upon the individual be part of that equation. It would be tragic indeed if all of the environmentalists in our nation were eventually faced with a hostile public scorning their efforts because of their failure to take into consideration the economic impact of environmental regulations.

This does not have to be the case, but we are already seeing examples of job loss through the lack of cost efficiency methods being applied to the science of ecology.

In the case of air pollution regulations here in the Commonwealth there is no direct relationship between air quality control and the use of low sulphur fuels by the consumer. Without a program of cost efficiency being applied to air quality standards, we have brought unnecessary costs to industry, the government and the general consumer. Those with the responsibility for air pollution control within the state government have made it clear that, except in certain specific areas of the state, the standards set by the national government for SO 2 pollutants have been met prior to the imposition of new lower sulphur content in fuels beginning October 1. In spite of the overwhelming evidence to the contrary, the Massachusetts Public Health Council, without regard for the total needs of our economy, have imposed strict regulations in this matter. What are the results of this action?

In increased fuel costs alone, we in the Department of Commerce and Development say that, in the coming year in Massachusetts, consumers, whether a public utility, an industrial user of fuel or the general consumer, will bear an increased cost of more than seventy million dollars. The imposition of a 1% sulphur content outside the greater Boston area, where much of the state's industrial potential is located, has caused power companies to abandon established fuel purchase contracts, thus causing them to pay a higher price for fuel. It is estimated that power company costs passed along to the consumer will increase electrical energy bills to the consumer between 15% and 20%. These increased costs to an already overburdened industrial community will cause a number of companies to close or to remove their operation from our state.

As part of my responsibility to the people of Massachusetts, I must say that in all candor a good part of this loss of industrial employment is unnecessary. To be specific, some of the largest employers in the state have informed me that a number of their operations will be curtailed or removed from Massachusetts to areas not only in other states but throughout the world. It is a sad fact that in air quality control, without cost efficiency being applied, the greater degree of enforcement overkill which is applied the less the desired results are obtained.

I would like to cite one particular example of one industry in our state which for more than 75 years has employed upwards of 7,000 people in one location. Its present employment is 2,200. It is located in an area which for ten miles around has very little industrial activity. If we keep in mind that the desired result is to bring down the SO 2 content in the air to manageable levels, then it does not make any sense to take one industry in a very isolated area and cause mechanical compliance having nothing to do with the air pollution in the area. The cost to this company for mechanical compliance is approximately a half million dollars.

This same company has a newer and more efficient foundry unit in a southern state which can do the work being done presently in Massachusetts. The management informs me that they are coming very close to a decision which will cost the loss of jobs to 600 people employed in this Massachusetts foundry. If we multiply these 600 jobs by the thousands of others who will be affected by job losses, it will not be long before favorable public opinion is lost for the desired portions of environmental air pollution standards.

Let us consider the matter of water pollution control. I have had occasion to work very closely with the water pollution control personnel of our state government. We have considered the plight of many companies and their employees related to the enforcement of water pollution control standards. With their cooperation and that of the Legisla-

ture, we caused to have passed a twenty-five million dollar bond issue so that loans could be made to Massachusetts companies unable to finance the cost of water pollution control equipment. It is unfortunate that this legislation was found to be unconstitutional. We hope that other legislation may be passed to bring relief to some of those companies and therefore save jobs within Massachusetts.

A very important aspect of water pollution control is the regulation being established for the use of sewers in the state. It is my opinion that in the promulgation of these regulations, particularly by the MDC, inadequate consultation was held between the MDC and industry. The end result is open-ended regulations more stringent than any in the country, but more important leaving Massachusetts industry in the position where what are adequate standards today may not be tomorrow. Again we run into the problem of cost inefficiency being applied to the enforcement of water purity standards in the state.

I would like to speak for a moment about the manufacture of power within our state. Seventy percent of all the power manufactured in the United States is produced through the use of oil. It is my opinion that we in Massachusetts, being a high energy intensity state, related to industry and general consumer use have been victimized by the major oil companies of the nation. We control the level of electrical energy on both the state and national levels, and yet seventy percent of the fuel used to make that power is controlled by no one.

I note with interest a move by certain people in the environmental field to prevent the opening of atomic power energy plants in New England. At the same time there is opposition to the continued use of fossil fuels by the electrical energy business. We must agree on some form of energy which is presently available to do the job. New England, in order to remain competitive, must have oil refinery facilities. It is time that we realized the complexity of our society demands immediate decisions concerning the growth of the electrical energy business in New England.

I should like to conclude by making certain points of fact which should be obvious to all who wish to give thought to the problems of our total environment.

It is desirable that we have clean air and clean water in this nation. In this regard it is desirable that cost efficiency methods be determined prior to the enforcement of regulations. It is basic to a man's environment that he have bread on the table and a roof over his head. The most efficient method found for giving him these goods in a complex environment is his employment at the highest level of his ability in the industrial community of our state.

Based on studies and interviews with those who manage industries in Massachusetts, they will not continue to function in Massachusetts if their operations become unprofitable due, not to compliance with reasonable cost efficiency regulations in the environment, but to thoughtless actions taken by those in a position to promulgate and enforce environmental regulations. As long as industry has the right to close, move or transfer its operations to any other state or throughout the world, the bottom line of the annual statement of such companies must show a profit or they will cease to provide employment in the state.

In conclusion, I believe it is desirable that we have clean air and clean water. My reasons are very practical reasons. During the next ten to twenty years those who make decisions related to locating industrial operations will not locate in areas where clean air and clean water are not important. No responsible industrialist in this state does not desire to comply with reasonable cost efficient standards of air and water pollution standards, but he must be convinced that government, the press and the general public are treating him and his stockholders with fairness, intelligence and equity.

To me the frontier of today is not in some wilderness or in space. The frontier is all of us in government, in industry and the general public working together to solve the environmental problems which have grown so quickly in our complex society. In every crusade such as that for a clean environment there is a fringe involved in the cause which is not concerned with the just solution to problems, but in the chaos which can be created through an unintelligent approach to the problem. It is time for those who have given so much of their lives to the desire themselves from those who wish no solutions other than the total breakdown of our complex society.

I would ask you all who have engaged in this environmental crusade to act wisely during the period immediately ahead and to preserve the credibility of our effort until it has accomplished its goal.

OPPOSITION TO WYLIE AMENDMENT—HOUSE JOINT RESOLUTION 191

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. CORMAN. Mr. Speaker, 1 week from today the House is expected to vote on the prayer amendment—a vote which could easily have a greater impact on the rights of individuals than any other vote in the 92d Congress.

The Members of the House, in casting their votes, will determine whether or not we will for the first time in history tamper with the Bill of Rights which was drafted with such tremendous wisdom and forethought over 175 years ago.

Our Founding Fathers having broken away from the dominance of Great Britain made careful and deliberate efforts to include within our Constitution a Bill of Rights which would protect against any future infringement of individual liberties. The success of their efforts has been indeniable though it has been challenged repeatedly throughout history.

I trust my fellow colleagues realizing the significance of this latest threat will vote in opposition to House Joint Resolution 191 and preserve one of the most fundamental of individual rights.

A recent editorial in the Los Angeles Times reminded me of a recent court decision in which Chief Justice Berger stated that—

> The Constitution decrees that religion must be a private matter for the individual, the family and the institution of private choice, and that while some [government] involvement and entanglement is inevitable, lines must be drawn.

I trust my colleagues will not vote to erase those lines.

The complete text of the Los Angeles Times editorial of September 23 is reprinted below for the consideration of my colleagues:

PRAYER IN PUBLIC SCHOOLS

Sometime in November the House of Representatives will vote on a proposed constitutional amendment that would permit nondenominational prayers in the public schools, and, indeed, in any building supported by public funds. The legislation is intended to nullify the Supreme Court decisions in 1962 and 1963, which held that organized prayers and Bible reading in the public schools were violations of the First Amendment's guarantee against government establishment of religion and the 14th Amendment's edict against state infringement on individual constitutional rights.

The Supreme Court has since reasserted the fundamental importance of keeping government and religion as separate as possible. In a decision earlier this year on state aid to parochial schools Chief Justice Warren E. Burger said, for the 8-1 majority: "The Constitution decrees that religion must be a private matter for the individual, the family and the institution of private choice, and that while some [government] involvement and entanglement is inevitable, lines must be drawn."

In the case of prayers in the public schools that line has been drawn. Now an effort is being made to erase it. "Nothing contained in the Constitution," says the proposed amendment, "shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through expenditure of public funds, to participate in nondenominational prayer." It all seems simple enough, innocent enough, an assertion of the right to pray. Certainly that is a right, firmly set forth in the First Amendment. But in the context of the proposed amendment it becomes one of those individual rights that runs head on into other individual rights, and the resulting conflict would invite exactly the kind of state interference in religious affairs that this nation has so wisely sought to avoid ever since 1791.

Disputes and divisiveness would be made inevitable under this amendment, and whatever values it is meant to encourage would likely be negated by the angry passion that has always marked religious quarrels. Is there such a thing as a "nondenominational prayer," acceptable to all, including atheists and agnostics who see no purpose in prayer, and who have their rights too? Who would determine when the "right" to "participate" in prayer would be exercised, and what of those who invoked the equal right not to participate? What social penalties would fall on children who chose not to pray, what economic penalties on teachers who did the same?

Proponents of school prayer have deep and sincere convictions. But their efforts, if successful, could result in exactly the kind of bitter and perilous conflicts the Constitution and Supreme Court have sought to avoid. And what would our children, and the nation, gain by that?

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SAYLOR-UDALL AMENDMENT

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. BEGICH. Mr. Speaker, on October 19, 1 day before the House of Representatives passed the Native Land Claims bill, the New York Times printed an editorial in support of the Saylor-Udall amendment that contained some inaccuracies as well as a failure to comprehend the full nature of the settlement.

I attempted to correct the Times editorial by writing to the publisher in hopes that he would afford me the opportunity to be heard on this issue. To this date, my letter has yet to be published. Because of the debate and vote in the Senate today on the Native Land Claims bill, I think it is important that the issue of land planning be discussed and examined fully. For this reason, I am inserting in today's RECORD the New York Times editorial of October 19, 1971, as well as my response to their position.

[From the New York Times, Oct. 19, 1971]

A PIECE OF AMERICA

With the public and most members of Congress paying no attention, the Federal Government is about to give away a piece of America. The land is some of the most rugged and picturesque and richly endowed with animals as any on this continent. If it were in Connecticut or Colorado, this handout of 50 million acres would evoke an outcry that would shake the Capital.

But Alaska is very far from Washington, D.C., and from most of the centers of population and power in this country. What goes on there seems remote. Too often, Congressmen and citizens alike find it difficult to get interested in Alaskan issues and turn away, barely suppressing their yawns. Will this tragic history of boredom and irresponsibility be repeated when the House of Representatives meets today?

* * * * *

The question before the House is an amendment to the Alaskan Native Land Claim Bill offered by Representatives John Saylor, Republican of Pennsylvania, and Morris Udall, Democrat of Arizona, two of the foremost conservationists in Congress. The substance of the bill is not in dispute. It would confer long overdue justice upon the Aleuts, Indians, and Eskimos of Alaska by granting them $925 million in cash and title for 40 million acres of Federal land. The measure would put to rest a long-simmering dispute between these natives and the state of Alaska.

What the Saylor-Udall amendment seeks is justice also for all of the American people. It would put into timely practice some of the environmental lessons learned at great cost from this nation's reckless past. Because the settlement of the native claims combined with the recent discovery of oil and natural gas is expected to set off an enormous economic boom in Alaska in the very near future, it is now or never to protect the potential national parks and the best wildlife habitat and wilderness in America's largest state.

The amendment directs the Secretary of Interior to choose within six months up to 50 million acres of Federal land which has the greatest ecological significance. He would then have five years to make final recommendations to Congress as to the use of these lands. This amount of time is essential because in most of Alaska careful land surveys and scientific field studies have not been done in many areas which are, however, known to be prime habitat for vanishing threatened species such as the wolf and the caribou or to have exceptional recreational potential or wilderness values. The amendment also designates five areas for particular study, including a section of the Brooks Range which could become a magnificent Gates of the Arctic National Park.

During the five-year study period natives could proceed with the selection of their lands. If any of the lands which they chose were within the 50 million acres to be studied and if such lands were ultimately protected by Congress as a park or wildlife refuge or wilderness area, the natives would receive an equivalent amount of land elsewhere.

* * * * *

When the land claims bill was under consideration by the House Interior Committee, Representatives Saylor and Udall offered a much more comprehensive proposal calling for submission to Congress of a land plan for Alaska's entire 375 million acres. The committee, responsive to the hectic pressures for fast economic development of Alaska, unwisely rejected this far-seeing proposal. The new amendment is much more modest in scope. *It is the minimum which can be enacted if Congress is to protect posterity's interest in the Nation's last frontier.*

Once a state is developed, empty land becomes its most precious resources. If 19th Century New Yorkers had not had the wisdom to set aside Central Park and the Adirondacks, does anyone suppose they would exist today or could be recreated at less than fantastic cost? The same question can be asked about the heart of Alaska's natural heritage. It is the last great unspoiled piece of America still within man's saving. No explanation will satisfy the Americans of the 21st Century if Congress fails its responsibility today.

OCTOBER 20, 1971.

EDITOR OF THE NEW YORK TIMES,
New York, New York.

DEAR EDITOR: The passage of the Alaska Native Land Claims bill in the House today by an overwhelming vote of 334 to 63 is now past history. The House has done the job it can do when it is put to the task. And we now look to the Senate.

But because of the New York Times editorial yesterday morning, I would like to offer what I feel is necessary to clarify this important matter. "A Piece of America" failed to examine the basic thrust of H.R. 10367, the Native Land Claims Bill. The issue before the Congress is whether the Congress and the Nation are willing to come to grips with the issue of Native rights. As you pointed out in your editorial, "justice is long overdue," but the Saylor-Udall amendment is not germane to the issue at hand.

You implied that if the Saylor-Udall amendment was defeated, ecological chaos will overtake Alaska. Let me state emphatically that this is not true. Alaska is the most conservation minded State in the union. The city of Anchorage has the most stringent air pollution laws in the country. Generally, there are tougher pollution laws in Alaska than there are in most states. And there has been more study on Alaska's environment, including its wildlife in the past year by the oil companies alone than has ever been done before for the entire country.

Let me assure you Alaskans are keenly aware of the ecological devastation of the "lower 48." Not one of our estuaries is as polluted as the Potomac River, nor is any part of Alaska as debris filled as the Mojave desert. To be against the Saylor-Udall amendment is not to be against land planning. There is no doubt in my mind that what the United States needs is comprehensive land planning, but this must be done so as not to interfere in long-standing human rights issues.

I am surprised that The Times would publish on the day of the vote an article which disregarded, and could possibly prejudice, the major issue mentioned only in passing. The real issue is a human one, dealing with alleviating the huge problems of poverty, unemployment, deplorable housing and sanitary conditions, inadequate medical facilities and limited educational opportunity. The problems experienced by Alaska's Native people are many more, and they are as huge as the dimensions of our State.

You are quite right that Alaska is very far away from Washington. But it is not so much a lack of interest that distance creates, as a lack of opportunity to know of these issues and these problems.

The Alaska Native Land Claims has passed the House. My colleagues who supported the bill knew the issues involved and voted to settle a long overdue injustice. It is the closest we have come, and it is entirely right.

Sincerely,

NICK BEGICH,
Member of Congress.

MEDICAL HELP FOR THE ELDERLY IN FOUR COMMUNITIES IN CONNECTICUT

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mrs. GRASSO. Mr. Speaker, there is no question but that this Nation and, indeed, this Congress must do much more to provide adequate income assurance, health care, nutrition, housing and transportation for older Americans.

I have given my strong support for legislation, presently before the Select Subcommittee on Education of the House Education and Labor Committee, to establish comprehensive nutritional services and inexpensive public transportation for the elderly.

In the area of health care, the needs of senior citizens are critical—particularly since minimal social security and pension payments, as well as inadequate medicare coverage, place severe limitations on the full and secure retired life older Americans deserve. While government at all levels has great health care responsibilities to fulfill, it is heartening to learn of the very commendable health care program for the elderly now underway in four Sixth District communities.

Known as the "Fall Tune-Up," the program provides free medical tests for people 55 years of age and older in the communities of Farmington, Canton, Avon and Plainville. Through the cooperation of a number of local health agencies, five tests to check for the major illnesses among older persons will be offered: glaucoma eye test, diabetes—blood sugar, T.B. Tine test, oral cancer examination and hearing. The tests are being held on November 3 and November 4 from 2 to 6 p.m. at the St. Matthew's Lutheran Church on Route 177—224 Lovely Street—in Avon.

This opportunity for free testing is certainly welcome news to the area's elderly citizens. They have given a lifetime

of energy, strength and commitment to our Nation and too often meet with unnecessary suffering and misfortune in the twilight of their lives.

I heartily commend the generous and thoughtful efforts of the communities of Farmington, Canton, Avon and Plainville. This is a superb program—one which all cities and towns should establish for the benefit of their older citizens.

DISBAR KUNSTLER

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. WYMAN. Mr. Speaker, in a recent column appearing in the Washington Star, William F. Buckley, Jr., has asked "Why Not Disbar Attorney William Kunstler?", a question I have been asking and action I have been pressing for ever since Kunstler's extremism surfaced. As officers of the court, attorneys at law are sworn to uphold the Constitution and the courts. If they want to remain attorneys entitled to practice before our courts they do not go around preaching revolution, inciting violence and advocating virtual insurrection, whatever the reason. Should they engage in this type of conduct it cannot and should not be as a member of the bar in good standing.

Such advocacy, such conduct, is not a first amendment issue. On the contrary it is a disciplinary one. It comes right down to a question of whether the Bar Association of the city of New York is going to allow advocates of violence, blatantly contemptuous of judges, courts, and the bar itself, to willfully and publicly bring all lawyers into disrepute without petitioning for their suspension, and upon proof of such conduct acting to disbar.

Surely the New York City association is not afraid of the William Kunstlers among its membership. Surely it is not reluctant to face a confrontation with those who bring the bar into disrepute, make a mockery of the judicial system, and openly seek to incite jungle law on the streets of the Nation.

America is watching, and wondering—as well it should.

Additional indication of Kunstler's activity appears in an article by Arthur C. Egan, Jr., appearing in the Manchester (N.H.) Union Leader of October 8, 1971. The articles follow:

[From the Washington Star, Oct. 13, 1971]

WHY NOT DISBAR MR. KUNSTLER?

(By William F. Buckley Jr.)

The problem of William Kunstler extends now beyond the bounds of legal propriety. But pause there for a minute.

William Kunstler is a practicing lawyer, and the question before the house is—ought he to be permitted to practice law? The general assumption is: Why not, it's a free country, isn't it? To which the answer is that we are a country that seeks to be free. But in order to achieve that objective, it is required that we enforce certain rules, for instance thou shalt not murder, thou shalt not steal.

In order to enforce those laws, we set up a court system. That system depends, for its effective functioning, on the behavior of people, who play a role in it—judge, prosecutor, defense counsel, juror.

You can make an abstract case for permitting anybody to practice medicine provided that person's client knows full well that he is talking to somebody who never went through medical school. The transaction affects, alone, the client himself.

But where a trial is concerned, the defense attorney is only one of the moving parts. If he orbits about totally out of control, the result is that the coordination necessary to the approximation of justice is simply impossible. That's why there are rules for lawyers. Such rules used by William Kunstler, given to contumely in the courtroom, and to the disparagement of judges and indeed of the system, in that acid-rock rhetoric that is his trademark, contribute to chaos in the courtroom.

The reason (the lawyers will tell you this discreetly) that they don't go ahead and disbar him is not because he hasn't violated the canons of the profession, but because they fear to make a martyr out of him.

A prudential judgment.

The trouble with it is that, widely applied, it is a ticket to immunity. Don't go after the Mafia boss, or you will make him a martyr in the eyes of the Italian community. Don't execute Manson, or you will give rise to a Cult of Manson. Don't exact justice, when the consequences of doing so, carefully weighed, could mean a net worsening of the situation. It doesn't take much imagination to recognize that the results of that line of reasoning include: Don't pass civil rights laws, because that will encourage lawlessness in the South.

William Kunstler should be disbarred, or the canons of legal behavior should be picked and sent to the Smithsonian as antiquarian relics of another civilization. But I pause now not to consider Kunstler the lawyer, but Kunstler the polemist.

I have reference to an appearance he made recently at Colgate University. He was in good voice. He told the students that the dead there had been "murdered in cold blood in your name and my name." Cold blood? Why would police murder in cold blood, eight of their brothers, who were being held hostage?

They were murdered in cold blood by a "horde of racist state troopers."

Later, at a press conference, Kunstler, to quote the student newspaper, "supported the idea of prisoners taking hostages to accomplish their goals." Kunstler, in other words, urges the violation of the law, the kidnapping of officials, and presumably, their execution if their demands are not met—the term "hostage" having no other meaning.

About Nelson Rockefeller, Kunstler said that he "deserved to be ruled out of the human race." He called for an indictment of Nelson Rockefeller for murder.

One notes that the rhetoric has become, well, rabid. Rockefeller is a murderer. The state police murderously and intentionally killed not only the prisoners but the guards. All American justice is a travesty. Prisoners should take the law into their own hands. Prisoners should kill guards if their demands are not accepted.

Let madmen be madmen. Eventually the froth turns off the listeners, and the madmen go off to live and sweat in the fever swamps. But I think the time is overdue for sane members of the community, left and right, to draw the line.

I have not often had good words for Nelson Rockefeller. But out of respect for him, and in protest against the slander of him, I hereby resolve not to share a public platform again with William Kunstler—not until he has shown, by act or deed, the contrition that is appropriate when he assigns evil, murderous, sadistic motives to someone who seeks to do his duty. Never mind that he may do it clumsily or make mistakes.

I do not wish Kunstler to be put in jail unless that is what the law of criminal libel requires. But I do wish that he should experience the isolation which he has earned from the civilized community.

[From Manchester (N.H.) Union Leader, Oct. 8, 1971]

KUNSTLER SEES COURT AS ENEMY

(By Arthur C. Egan, Jr.)

WASHINGTON.—Left wing lawyer William Kunstler, defender of persons preaching violence and revolution in the United States, yesterday told a group of 20 newsmen he looked upon every court in this country as "an enemy."

"Any criminal trial in ths country is an oppression," Kunstler told the reporters and editorial writers adding, "the state is an enemy" of the poor white, the blacks, Puerto Ricans and Chicanos.

Asked to comment on his disruptive antics in the courtroom, Kunstler said he "would use every dirty delaying tactic possible" if his defendant was one of the minorities.

Speaking to newsmen attending a week-long seminar on "Crime and Justice" at the Washington Journalism Center, Kunstler said every move he made in a courtroom was designed for disrupting normal procedures. "I trade for delay—I fight for delay—this is what I want to do," said Kunstler.

Referring to the era when he was attorney for the late Dr. Martin Luther King, Kunstler said "every move Dr. King planned was designed to make an abrasive confrontation between blacks and whites."

The radical attorney said Dr. King deliberately manipulated events in Birmingham and other cities so as to cause an open "abrasive confrontation" between the two races.

When asked if he would defend a white man Kunstler said "not unless he was a radical" but conceded he might consider defending a poor white if he, Kunstler, could make the defendant's plight into a social or political issue.

"I wouldn't defend a middle class or rich white man accused of a criminal act," Kunstler told the group. However, Kunstler said he would readily defend any member of a minority race in any criminal trial.

Under questioning by newsmen Kunstler said social changes in the country can only be brought about by confrontation even if it's meant plunging the nation into civil war.

END SYSTEM

"We have to bring an end to the economic system in this country," said Kunstler who admitted under questioning that he had no substitute plan to offer in place of the present system.

Kunstler conceded that he "wasn't sure if anything could cure poverty," but reiterated his previous statement that the present economic system in the United States had to be destroyed.

The left-wing lawyer charged that President Johnson was "afraid for his life" and that is why he chose not to seek reelection. "Johnson was afraid of the confrontation in this country—Congress is afraid of abrasive confrontation—that is why we get what we want," said Kunstler.

Referring to President Nixon, Kunstler labeled him a "beast" but went on to say, "at least Nixon is an honest beast," in referring to the president's views on national affairs.

"Anyone with power can't be trusted," said Kunstler emphatically but when asked if he, by his courtroom actions, wasn't gaining power himself, he admitted that maybe even he couldn't be trusted.

COURTS "OPPRESSIVE"

Asked if any other country in the world had an honest court, Kunstler said "all courts everywhere in the world is oppression" and said he included Soviet Russia,

China, Cuba, and every other nation that now exists on the globe.

In keeping with his past accusations, Kunstler said every black man killed by a law enforcement officer was "Murdered" and cited his most recent crusade for George Jackson, a negro killed in a California prison incident.

Kunstler also charged that the lawyer sought for smuggling a gun to convict Jackson, would be "killed by authorities" if he surrendered to police.

Bringing the Attica prison riot into discussion, Kunstler accused all persons connected with putting down the riot with "Murdering" the convicts. However, Kunstler expressed no grief for the guards who also lost their lives in the same confrontation.

Kunstler said both sides should have continued talking even if it meant dragging out the negotiations for days or weeks.

FIDDLIN' JOHN'S LEGACY

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. HAGAN. Mr. Speaker, country music has grown into a multi-million-dollar industry and is enjoyed by millions of Americans. Rock music shows some sign of fading from the scene, but real country music is apparently here to stay.

When Willis Page arrived in Nashville several years ago to direct the Nashville Symphony, he told the Nashville Kiwanis Club that the people of Nashville, "Music City, U.S.A." should be proud of being the center of country music because it was also music and could not be ignored.

The southern Appalachians have been the spawning ground for the leading country music artists. A part of these mountains are in Georgia and the State has made some major contributions in music writers and performers.

Fiddlin' John Carson, a Georgian, was the real pioneer according to an editorial in the Savannah Press, October 23, 1971, entitled "Fiddlin' John's Legacy." As a 23-year-old member of the Georgia Legislature it was my privilege to know Fiddlin' John personally and to enjoy hearing him play frequently. The editorial follows:

FIDDLIN' JOHN'S LEGACY

While Georgians are joining with folks the world over in celebrating Country Music Month (country picking and singing is very big in Japan, you know, as well as in other exotic spots outside the U.S.A.) we ought to at least give a hoot and a holler for Fiddlin' John Carson.

A lot of folks think country music got its start, as far as recording is concerned, when the legendary Carter Family and blues yodeler Jimmie Rodgers made some waxings in Bristol, Tennessee, back in 1927. Not so, historic though that recording session was. Old Fiddlin' John, a Georgian who used to play at Gene Talmadge's political rallies, made the first country music record in the South in mid-June of 1923. Ralph Peer, who recorded him, wasn't quite sure the recording would sell. He recognized Fiddlin' John as an instrumental artist of special gifts, but he didn't quite understand the attraction of John's singing. When the record sold well, John signed the first real country music recording contract.

Atlanta was the center of country music for the first few years of its climb toward national recognition. Besides Fiddlin' John, the first major recording stars in country music—a lot of people called it hillbilly music in those days—were Gid Tanner of Dacula, Georgia, Riley Puckett of Alpharetta, banjoist Fate Norris and Clayton McMichen and a group called the Georgia Wildcats. Gid Tanner's Skillet Lickers were probably the best known string group.

With the historic Bristol recording date, country music began its move that eventually made Nashville "Music City, U.S.A.," but maybe it wouldn't have happened if Fiddlin' John and other Georgians hadn't paved the way.

REMEMBERING THE HUNGARIAN REVOLUTION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. RODINO. Mr. Speaker, before October 23, 1956, the concept of socialism to the Hungarian citizen was an idea devoid of the ideals of truth, justice, and freedom. The word "socialism" was associated only with the realities of foreign occupation and control, of regimentation, of the curbing of liberties, and of an abnormally low standard of living. A man could not believe in the possibility of gaining social justice nor hope to bring an end to his exploitation. No room was allotted for criticism. Hungary was a country in which intellectuals were schooled in the joys of freedom of thought while every original idea was denounced as heresy, a country in which phrases stressing "this land is rightfully every man's land" were constantly reiterated yet after each harvest, its people were left with hardly enough grain to last until the next sowing.

Unexpectedly, late in 1953, Imre Nagy, former vice president of the Hungarian Council of Ministers, was suddenly elevated to the position of Hungary's premier. Unlike his predecessors, Nagy did not look upon himself as a weak servant of the Soviet Union. By being the only Communist leader who dared to say "no" to his party superiors, he became the first and only one to whom the Hungarians said "yes." His strength lay in his ability to truly listen to the heartbeats of his people. He traveled his own course, step by step, solving each problem, probing each question. In his program, he called for equality of political and economic rights, for a revision of the economic structure by specialists in conformance with Hungary's needs and peculiarities, for a higher standard of living, for a more tolerant attitude toward questions of religion for a new level of esteem for intellectuals, and for more humane treatment of workers. For the first time, if a peasant wished, he could leave the cooperative. Nagy closed the internment camps, proclaimed a broad political amnesty, suppressed blacklists, dissolved political tribunals, and began rehabilitation of the victims of past prefabricated trials. He set forth five basic principles, principles which are universally embraced by men everywhere who seek freedom, principles recognizing national independence, national sovereignty, national equality, territorial inviolability and noninterference in internal affairs.

Suddenly, the very party leaders who had expressed confidence in Nagy, who had brought Nagy to power, and who had a year and one-half earlier refused to allow Rakosi, the former premier, to speak, met with Nagy and by unanimous consent, "for his rightest deviationism, for his divisive actions, for surrounding himself with antiparty groups which had become the rallying point of the enemies of socialism," dismissed him from his position and expelled him from the party. Nagy's efforts of defense and of refutation fell upon deaf ears. Obviously, the men whom he addressed were not free men. Their instructions as to the disposition of the Nagy case had been sealed well in advance.

Nagy, unlike the Rakosis before him, refused to recant his views and confess his errors, so convinced was he in the validity of his decisions.

The revolt itself began as a peaceful student demonstration. The demands made were nationalist, not anti-Communist in nature, yet the 13 days between October 23 and November 4, 1956 will stand aside as separate and distinct from all the days of Hungary's thousand years of history. It is important to note that Nagy's supporters were not men on the fringes of party life or men who had tossed aside party doctrine. Nagy dreamed of a humanist socialism—a socialism which would respect individual freedom as well as national independence. Those who supported him did not want to change the existing system. They wanted only to improve it, to reform it. Yet, they all condemned one element deeply embedded in the system—the practice of inhumanity.

The Hungarians wanted more than merely a reinstatement of Nagy. Among their demands, they called for a multiparty system and for the removal of all Soviet troops from their soil.

For us, there is no choice. Either we win or we fail. There is no third possibility—we will stay here and die, if necessary until the Russians agree to leave our homeland.

In the eyes of the Hungarian people, it could not be conceived that after so many words of ardent praise, the West could abandon Hungary and allow its quest for liberty to be crushed. The people of Hungary were convinced that the world could not be disinterested in their struggle. Their deep confidence in the West and their hope for U.N. action was perhaps their greatest source of strength.

The outcome of the Hungarian Revolution requires little reiteration. The Russians, who had agreed to begin troop evacuation on October 30, with no explanation, made an about face and returned en masse to a complete occupation of Hungarian soil. What had become of the solemn promise that no further Soviet units would enter Hungary? No answer came for Nagy—no answer from Russia, but more important, he received no response from the free peoples of the world.

Washington announced "a State Department spokesman refused comment for the time being on the message of the Hungarian Government relayed by the United States Embassy in Budapest."

The U.N. Security Council, which had, on Saturday night, resumed its debate on the Hungarian situation, decided unanimously to adjourn until Monday morning.

No promises were kept. The newborn independence and sovereignty of Hungary lasted only a few days. Those who participated in the revolutionary struggle were subjected to pitiless persecution. Nagy was brought to trial, accused of high treason and sentenced to death.

Fifteen years after these events, Hungary has not forgotten the impact of those 13 days. According to the Hungarian writer Michael Polanyi in his "message of the Hungarian revolution:"

Since October 23, 1956 ideas have never ceased to circulate freely in Hungary. Those who still hotly profess the Marxist interpretation of history, who proclaim the surpassing achievements of revolutionary socialism and predict the proximate coming of communism—these people are increasingly looked upon as ignorant fools . . . the young are immune to their teaching.

The Hungarian revolutionaries of 1956 revived the ideas of truth, justice and liberty and were resolved to fight for these ideals. Their taste of justice and of freedom, however brief, remains dear to them, be it expressed in a scream, a whisper or in an unuttered phrase.

FROM "ONE SENTENCE ON TYRANNY"

(By Gyula Illyes)

Where tyranny is,
There is omnipresent
In all things, as your very God was not
In days gone by

There tyranny is
In the nursery schools,
In the father's advice,
The mother's smile,
In children's
Answers to strangers;

Not only in barbed wire,
In slogans in lines of print,
More than barbed wire
Dulling the brain;

It is in
The farewell kiss,
As the wife says,
"When will you be home, dear?"

In how-are-you's exchanged
Every day in the street,
In the suddenly looser
Grip of a handshake,

As all at once
Your love's face freezes,
It is there
In all trysts,

Not only in grilling
But in the declaration
In the sweet ecstasy of words,
Like a fly in your wine,

Because not even in your dreams
Are you alone, . . .

PROCLAMATION: NAVY DAY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. BEGICH. Mr. Speaker, William A. Egan, Governor of Alaska, has proclaimed Wednesday, October 27, 1971, as Navy Day. He has done so in an effort to bring to the attention of all Alaskans the vital importance of our Nation's Navy and Marine Corps in maintaining a strong national defense.

I am bringing this proclamation to the attention of the Congress so the Nation will know of Alaska's support and pride in our Navy and Marine Corps and the job they have done in securing our national defense. The following is a copy of the Governor's proclamation:

PROCLAMATION: NAVY DAY

It is of vital interest to all citizens of the United States of America that we possess a sound national defense.

It is well-known that our strong Navy and Marine Corps are making great contributions to the security of our Nation and free men everywhere.

The mobile forces of the Navy, manned by highly trained and dedicated personnel, are a deterrent force virtually free from surprise attack.

Since 1922, October 27 has been celebrated nationally and locally as Navy Day, a day on which it is only fitting and proper that the citiezns of this great Nation give well deserved honor and recognition to the achievements of our mighty Navy and particularly to its heroic men and women—living and dead—all over the world, for their patriotism, loyalty, efficiency, and devotion to duty.

Therefore, I, William A. Egan, Governor of Alaska, do hereby proclaim Wednesday, October 27, 1971, as Navy Day and call upon all citizens of Alaska to take part in appropriate observance of this day through the many channels open to them.

Dated this 11th day of October, 1971.

OUR LIVING LAND

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. McKEVITT. Mr. Speaker, I wish to commend the Department of the Interior on the recent publication of "Our Living Land." This is the type of publication which encourages interest in government, and increases public understanding of the complexity of natural resource issues.

"Our Living Land" explores the Nation's land heritage and Government effort to conserve our fragile earth.

In summarizing the thrust of the Conservation Yearbook, Secretary of the Interior Rogers Morton says:

We must learn to help our communities develop in harmony with their environment rather than allow communities to damage the environment through over-development. This is the heart of sound land management, whether it be the management of public lands, which comprise about one-third of this Nation's territory, or whether it be the management of privately owned acreage.

"Our Living Land" greatly enhances an understanding of what Government is doing to provide for the wise use of the country's natural resources.

I am most pleased to see such a positive and realistic statement of accomplishment produced by the Interior Department. I congratulate the Department for outlining environmental challenges which we must solve while providing for our future resource needs.

THE ROLE OF PROFITS IN THE AMERICAN ECONOMY

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. WIDNALL. Mr. Speaker, this past Friday the Banking and Currency Committee, which is holding hearings on H.R. 11309 to extend and amend the Economic Stabilization Act of 1970, was treated to one of those feats of statesmanship which, regrettably, is too rare. I refer to the testimony given by our associate from Illinois, Representative JOHN B. ANDERSON.

I ask unanimous consent that his testimony be appended to these remarks because they are deserving of the attention of all the Members of this body who will soon be called upon to vote on this measure.

The gentleman's statement is a well documented and informative treatise tracing the record of corporate profits through a series of economic cycles. I think it will shed new light on the subject of equity between wages and prices for many among us. In my 21 years in the Congress I have rarely seen a Member step forward voluntarily, or demonstrate so convincingly, his belief in our free enterprise system.

I commend the statement to your attention.

STATEMENT BY CONGRESSMAN JOHN B. ANDERSON, BEFORE THE HOUSE COMMITTEE ON BANKING AND CURRENCY, FRIDAY, OCTOBER 29, 1971

Mr. Chairman: It is a great privilege and pleasure for me to have this opportunity to appear before your distinguished Committee on Banking and Currency. I would like to second the remark of Secretary Connally on Tuesday when he commended you for so swiftly responding to the Administration's request for hearings on H.R. 11309 to provide for an extension of the legislative authority needed to carry on Phase II of the President's New Economic Policy.

Since I know this committee is anxious to expedite these deliberations, I will limit my comments to two brief matters. The first concerns the adequacy of authority to control profits in the legislation requested by the Administration, and the second concerns some important issues that we ought to be looking at in preparation for the day when Phase II ends.

Mr. Chairman, same critics of the President's anti-inflation program—both Phase I and Phase II—particularly the labor movement, have charged that it is unfair and inequitable because it does not provide adequate control over profits, interest rates, and dividends. On the first score, I think Secretary Connally provided ample evidence in his statement on Tuesday that interest rates on a broad range of financial instruments—Treasury bills, corporate bonds, agency issues and the like—have declined considerably since the President's announcement of August 15. Since these rates are generally the most sensitive to market pressures, there is strong reason to believe that this downward trend will soon be reflected in rates on

other types of loans as well—the prime rate as you know was lowered last week by a number of major banks. So I think rather than taking the real risk that mandatory interest rate ceilings will become a floor, it might be wiser to let market forces continue their downward pressure and provide reserve authority for the government to intervene as the Administration has requested in the event that this trend should reverse itself.

I: AGGREGATE PROFITS

My real concern, though, is that this committee not go beyond the authority requested by the Administration to control profits and dividends. I make this point because profits are now rising in their normal cyclical pattern—projections indicate that they may be up to $46 billion on an after-tax basis during the third quarter from a low of $39 billion in the fourth quarter of last year—and a continuation of this trend may lead to strong pressure to establish some kind of ceiling or excess profits tax. I believe this would be extremely unwise and would like to take a few minutes of your time to explain why I hold this position. I would make clear from the outset, though, that I fully share the view that the stabilization program must be as fair and equitable as possible if we expect it to succeed. But I do not believe that equity demands that we arbitrarily place a ceiling on profits; moreover, doing so might well undermine the very objective of stable economic growth that we are trying to achieve.

The first point that must be made very clear about profits is that they are one of the most volatile and cyclically sensitive economic indicators we have. When the business cycle turns down, profits drop more steeply than most other measures of economic activity and by the same measure they rise more swiftly on the upswing.

Let me give a couple of example to illustrate this important point. During the 1958 recession, real GNP and the index of industrial production declined 3% and 11% respectively during the four-quarter period prior to the low point of that cycle; however, profits declined almost 24%. Similarly during the four quarters following the low point—during the upswing—real GNP rose by 9%, the index of industrial production by 21%, but after-tax profits by nearly 53%.

If we take the 1961 recession which was shallower and hence more like the one we recently experienced, the same pattern holds true. During the four quarters preceding the low point, real GNP declined 2%, the index of industrial production dropped 7%, and profits were down by nearly 17%; during the upswing in the four quarters following the low point real GNP was up 8%, the index of industrial production rose by 12% and profits increased by 28%.

Now I make this point because we are currently in the upswing of a business cycle and profits will be rising, if past patterns hold true—much more rapidly than other measures of economic activity including fundamental indicators like the index of industrial production and real GNP. But this should not lead to the conclusion that profits are out of control or that business is experiencing a windfall from the stabilization program; rather we should interpret it as a part of the normal and necessary process of economic adjustment.

Mr. Chairman, I would like to include in the record at this point a chart which demonstrates this cyclical volatility of aggregate profits for each of the five recessionary cycles we have experienced in the post-war period. They all show extreme swings from the peak of the cycle down to the trough and then back up to the new peak, although the magnitude, of course, depends on the severity of the downturn. Moreover, it is not difficult to understand why this extreme fluctuation occurs. As production is cut back, aggregate profits decline because of reduced sales volume and because margins per unit are also reduced as fixed overhead costs must be allocated to fewer units of output; on the upswing, of course, the opposite phenomenon occurs.

TABLE I.—CYCLICAL CORPORATE PROFIT TRENDS (1948–71)

[In percent]

Cycle	Peak to trough	Through to 2d quarter	Through to 4th quarter	Through to 6th quarter
I (1948 II–1950 IV)	−24.4	2.3	27.7	71.2
II (1953 II–1955 II)	−23.4	18.7	35.5	59.6
III (1957 I–1959 II)	−28.0	15.2	41.4	55.6
IV (1960 I–1962 III)	−16.6	15.4	27.4	30.7
V (1968 IV–1972 IV)	−19.2	13.7		
To equal average recovery trend (percent)			33 ($52.1)	54 ($60.4)
To equal IV recovery (percent)			27.4 ($49.9)	30.7 ($51.2)

Source: Business Conditions Digest (Historical data for Selected Series).

I would also point out that this exaggerated profits recovery in relation to other economic measures does not provide opportunity for business to increase the profits share of national income as might be expected. Corporate profits as a percentage of GNP—both on a before and after tax basis—have remained steady for most of the post-war period and if anything, have shown a tendency to decline during recent years. By contrast, the share of wages and salaries has steadily risen, moving from about 55% of GNP in 1948 to over 61% in 1970. I would ask that a table showing these trends be included at this point in the record.

TABLE II.—RELATION OF CORPORATE PROFITS TO GNP (SELECTED YEARS, 1948–70)

[In percent]

Year	Wages and salaries as percent of GNP	Corporate profits as percent of GNP		Return on equity	Return on sales
		Before	After		
1948	54.8	13.7	8.8	16.0	7.0
1952	56.5	11.2	5.7	10.3	4.3
1956	57.8	11.6	6.5	12.3	5.3
1960	58.4	9.9	5.3	9.2	4.4
1964	57.8	10.6	6.1	11.6	5.2
1968	59.4	10.2	5.6	12.1	5.1
1970	61.4	8.4	4.5	9.4	4.1

Source: Economic Report of the President, 1971.

Mr. Chairman, the essential point I would like to make is this: we may have great disagreements as to whether national income is now properly allocated among the various claimants, and as to whether the profits share should be greater or less. But during a period of national emergency, when a stabilization program will succeed or fail largely on the basis of broad support, we must put aside differences of this sort and agree that a fair and equitable program is one that will preserve income shares at the same relative distribution that has prevailed for a couple of decades now. Since profits in 1970—at 4.5% of GNP on an after-tax basis—were well below their post-war average of 5.8%, we simply must accept the fact that they will have to rise substantially over the next year or so just to restore the status quo. To be specific, we have computed that in order to equal the average recovery trend for previous post-war business cycles, profits will have to rise by nearly 54% in the six quarters following the November 1970 low point, or to an after-tax level of $60 billion by the end of next year. If we use the 1961 recession as a base, as it was most nearly identical to the recent one, profits will have to rise by over 31% to an after-tax level of $52 billion.

Finally, this need for recovery in the level of aggregate profits is not merely a matter of abstract equity. It has very real implications for the success of the current recovery and the Phase II program on which we are about to embark. I would like to point out that there has been a very disturbing decline over the last decade in the relationship of corporate cash flow (retained earnings plus capital consumption allowance) to new fixed investment. In 1962 corporate cash flow was 113% of new fixed investment. Since then it has steadily declined to less than 79% last year. What this obviously means is that corporations are increasingly being forced into external finance—going to the capital markets—to fund their new investments. And this, of course, only puts pressure on interest rates and tends to reduce the funds available for housing, local and state government finances and the like.

Since most projections show a strong revival of capital spending next year due to the investment tax credit and general upturn of the economy, I think it is especially important that we do not arbitrarily impede the profits recovery and thereby diminish corporate cash flows and force them into heavy external financing in competition with other sectors that have an equally important role to play in our national stabilization and recovery program. I would like to include in the record a table which shows this decline in the relationship of corporate cash flows to new fixed investment.

TABLE III.—RELATIONSHIP BETWEEN CORPORATE CASH FLOW AND NEW FIXED INVESTMENT, 1962–70

Year	Cash flow	Fixed investment	Cash flow as percent of new fixed investment
1962	$41.8	$37.0	113.0
1963	43.9	38.6	113.7
1964	50.5	44.1	114.5
1965	56.6	52.8	107.2
1966	61.2	61.6	99.3
1967	61.3	62.5	98.4
1968	62.5	67.5	92.6
1969	62.5	76.9	81.3
1970	61.8	78.7	78.5

Source: Economic Report of the President, 1971.

II: PROFIT MARGINS

Mr. Chairman, a more sophisticated approach to profits controls centers on profits margins rather than aggregate levels. This makes better economic sense as obviously when thinking about wage controls, for instance, we do not focus on the aggregate national wage bill but on relative wage rates. While I am sympathetic to this approach, I think again we should not lose sight of the cyclical factors I mentioned earlier. If we look at the record for previous business cycles we see that not only do aggregate profits recoup dramatically during the upturn, but also profit margins rise as fixed costs are spread over a larger volume of production. And again, this does not lead to a change in national income shares but merely a return to the equilibrium level. I would like to include at this point a table which shows the change in profit margins—as measured by after-tax profits per dollar of sales—during each of the post-war business cycles. It shows that margins decline during the downturn and then rise for anywhere from two to five quarters after the low point. There is strong evidence that this is occurring in the current upswing and may continue to do so well into next year. But again, I do not think this normal recovery pattern should be a cause for arbitrary intervention or controls.

Moreover, there is little evidence that this recovery pattern is inflationary. In the eight

quarters following the low point in 1961, for instance, profit margins increased from 3.8¢ on each dollar of sales to 4.7¢, a gain of 23%. However, the decline in the wholesale price index for manufacturing of 0.7% was almost identical to the decline of 0.9% for the index of manufacturing unit labor costs. So it is clear that rising profit margins in the early recovery period do not result from prices that are out of line with unit labor costs, but from the reduced production costs of expanding volume.

TABLE IV.—CYCLICAL TREND OF PROFIT MARGINS (PROFITS (AFTER TAX) PER DOLLAR OF SALES)

[In cents]

	1948 II (P)	1948 III	1948 IV	1949 I	1949 II	1949 III	1949 IV (T)	1950 I	1950 II	1950 III	1950 IV	1951 I	1951 II
I	6.4	6.3	6.2	5.6	4.7	5.5	5.5	5.6	6.7	6.9	6.3	5.7	5.1
	1953 II	1953 III (P)	1953 IV	1954 I	1954 II	1954 III (T)	1954 IV	1955 I	1955 II	1955 III	1955 IV	1956 I	1956 II
II	4.3	4.4	4.0	4.3	4.6	4.5	4.7	5.2	5.4	5.5	5.6	5.4	5.4
	1957 I	1957 II	1957 III (P)	1957 IV	1958 I	1958 II (T)	1958 III	1958 IV	1959 I	1959 II	1959 III	1959 IV	
III	5.3	4.9	4.7	4.3	3.6	3.7	4.4	4.8	5.0	5.3	4.6	4.4	
	1960 I	1960 II (P)	1960 III	1960 IV	1961 I (T)	1961 II	1961 III	1961 IV	1962 I	1962 II	1962 III	1962 IV	1963 I
IV	5.0	4.4	4.3	3.9	3.8	4.2	4.4	4.7	4.6	4.4	4.5	4.7	4.4
	1969 III	1969 IV (P)	1970 I	1970 II	1970 III	1970 IV (T)	1971 I	1971 II	1971 III	1971 IV	1972 I	1972 II	
V	4.8	4.5	4.1	4.3	4.0	3.6	4.0						

Note: (P) equals peak of cycle; (T) equals trough.

Source: Business Conditions Digest (Historical Data for Selected Series).

Mr. Chairman, having said this I would also point out that after the initial stages of recovery and after most of the slack in the economy has been taken in, expanding profit margins may well indicate something is out of line. We had a good example of this during the 1962–1965 period of the Kennedy-Johnson guidelines and this may explain in part why labor is so concerned that the President's program does not adequately provide for "equality of sacrifice."

During the first two years of that period—1962 and 1963—profit margins climbed by almost 10% over the 1961 level, but at the same time, both the wholesale price index and the unit labor cost index for manufacturing declined in about equal proportion. So this gain can be attributed to the phenomenon associated with recovery I mentioned above. However, during the next two years with employment heading toward the full employment target and utilization of plant capacity approaching optimum, profit margins increased nearly 20%, but this time unit labor costs declined while the wholesale price index rose over 2%. The obvious implication is that this continued rise in the profit margin was not due so much to the economics of expanded production as to a growing spread between unit labor costs and price levels. Labor spokesmen, therefore, probably had some justification for feeling that the guideline program was discriminating against their interests.

Mr. Chairman, it is obvious that we must prevent this kind of outcome if Phase II is to be successful. But the point is we can avoid this without any arbitrary across-the-board profit controls or even indirect controls on dividends and the like. The real need will be to have sufficient coordination between the decisions of the price board and the pay board so that unit labor costs and price levels move as nearly in tandem as possible. To be sure, even if we accomplish this, aggregate profit levels and profit margins will rise for a time. But this should in no way be considered a violation of the principle of "equality of sacrifice" or preserving the equilibrium status quo in national income shares. When the President spoke of preventing "windfall profits," I believe it was just this sophisticated approach to profit controls that he had in mind. Since there is ample authority to control prices in the legislation before you, it seems to me that nothing further need be done directly about profits.

TABLE V.—RELATIONSHIP BETWEEN UN IT LAB OR COSTS, PRICES, AND PROFITS MARGINS IN MANUFACTURING, 1962-65

Year	Unit labor cost	Wholesale price index	Profit margin: Cents per dollar of sales	Profit margin: Percent change from previous year
1962	0.1	0.1	4.6	7.0
1963	−.7	−.2	4.7	2.2
1964	.1	.5	5.2	10.6
1965	−.6	1.9	5.6	7.7

Source: Business Conditions Digest (Historical Data for Selected Series).

III: BEYOND PHASE II

Mr. Chairman, in concluding let me just mention a second concern of mine that does not pertain directly to the legislation before you.

I think we all view this coming period of direct government economic controls as something inherently undesirable but nevertheless necessary because as Federal Reserve Board Chairman Arthur Burns has observed, "the old rules no longer seem to be working."

The old rules prescribed a period of demand restraint through aggregate fiscal and monetary tools to wind down the inflation that afflicted our economy when the Nixon Administration took office. This approach did not achieve the desired results in part, of course, because the inflationary psychology that had gripped the nation just wouldn't be dislodged without more stringent measures. If the inflationary psychology were the whole explanation; however, a period of direct controls might be enough to do the job and allow us to return to a free market without undue difficulty or delay.

But I am afraid the current inflation is rooted in more than just our minds. In fact, over the years changes have been shaping up in our economy and market—undermining practices by business, labor and government alike have accumulated to such a degree that we might be destined for permanent high levels of inflation or direct controls to contain it unless we make some fundamental structural reforms.

I do not wish to impose upon your time to enumerate these structural sources of inflation, as they are well-known to most of us—government interferences with market forces like the Davis-Bacon Act or excessive regulation in transportation for instance, restrictive union work rules which retard productivity growth, excess concentration and market power in many of our industries, and a national manpower policy which is not geared to matching skills with the changing needs of the economy, are all part of this cumulative burden on the market mechanism that increases costs and perpetuates inefficiencies. If we ever hope to get out from under the heavy hand of government controls, we are going to have to begin to seriously take up this long avoided agenda of market reform. While this committee obviously does not have legislative jurisdiction in all of these specific areas, it does have broad responsibilities for economic stabilization. Therefore, once the authority for Phase II has been provided, I hope you will consider undertaking a broad ranging review of the economy with an eye to recommending the changes and structural reforms that need to be undertaken in order that those same controls may be phased out without a renewed bout of sustained inflation.

AMCHITKA NUCLEAR TEST

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, the November 1 issue of the Republican Congressional Committee Newsletter carries a perceptive viewpoint on the upcoming nuclear test at Amchita Island over the byline of our colleague from California (Mr. HOSMER). The article follows:

CANNIKIN IS VITAL TEST FOR DEFENSES

(By Representative CRAIG HOSMER)

(Hosmer is the ranking GOP member of the Joint Congressional Committee on Atomic Energy.)

President Nixon is to be commended for his decision to go ahead with the Cannikin test in Alaska's Aleutian Islands.

Without this test, the United States could not know whether the atomic warhead for its Spartan missile—an integral part of our anti-ballistic missile system—would function

effectively. Spartan is designed to intercept hostile intercontinental ballistic missiles many hundreds of miles distant and high in the upper atmosphere. The ABM's warhead for the lower-yield, shorter-range Sprint missile has already been tested. Both missiles are vital to our national security.

It should be recalled that earlier this year the United States and the Soviet Union both announced their intention to agree on a limitation of ABM deployment as well as other controls on strategic nuclear arms. It was an easy decision for the Soviets—they had already set up a tested and proven ABM system. Until Cannikin is tested, the U.S. will not have its share of the bargain to seal the pact. (The Soviet Union recently conducted an underground test of an atomic warhead for its ABM system.)

The President's decision is based on the sound thesis that peace is the product of strength, not weakness.

The Alaskan tests will take place 6,000 feet below the earth's surface, a depth greater by far than most of our underground atomic tests, which was chosen to assure safety.

With the completion of this final test of a vital element of our ABM system, an important milestone toward stabilizing the strategic nuclear equation will have been reached, bolstering the President's hope for a "generation of peace."

WHEN PRINCIPLES COUNT

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. CHAPPELL. Mr. Speaker, America is now experiencing another instance of paying the piper while somebody else calls the tune.

The tune called this week by 76 nations was to oust Nationalist China from the United Nations and accept the regime of the Communist.

America's investment of approximately a third of the expenses of the United Nations seems to matter little when the charter itself becomes meaningless to the body that is supposed to uphold it. I question most emphatically whether we should continue such monumental expenses if these nations are calling tunes that are not even in the book.

The very purpose for the existence of the United Nations is written in the charter. It reads in part:

> To reaffirm faith in fundamental human right, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small . . .

The Red Chinese regime has no intention of embracing the purpose of the United Nations. How in the name of heavens can we credit these people with having faith in human rights when we start trying to count their murdered victims? Does a death toll of between 10 and 15 million people sound as if they have the "dignity and worth of the human person" in mind?

Admission of any country should follow the rules that were laid out in the charter, else we weaken the principles upon which the United Nations was founded, yet the United States joined with others to welcome the Red China Government into the United Nations. Recognition by many members in the U.N. of a one China policy—that one China being Communist China—leaves the United States little alternative to removing our bases and troops from Taiwan. What a vulnerable position this puts those valiant people in—and what similar position do we see in Burma, Thailand, Malaysia, Singapore, and all of Indonesia. Perhaps the incredible purges of lives within China will halt, but what assurance do we have that this same tactic will not be applied to other lands and other people?

The time has arrived for America to revaluate its position in the United Nations. Certainly, we should remain a member nation as long as hope holds out for the settling of disagreements between nations throughout negotiation rather than war, but maneuvers such as the one we have just witnessed leaves strong questions in my mind about how much we can depend on this organization to live up to its principles—and how much they depend on the United States to foot the major share of the bills of the organization. It is time to cut back to our fair share of the cost of the United Nations instead of continuing to foot the bill out of taxpayers' money for an organization whose members play follow-the-leader to whatever power they feel most affects their own political and economic needs at the moment. As prime patsy of the world, the United States too often gets bypassed as leader, because nations are pretty sure we will keep the handouts coming whether they befriend us or not.

A little backbone and shoring up of funds is badly needed in America today. The vote in the United Nations earlier this week proved the point fully.

DR. PAUL SHARP TAKES HELM AT UNIVERSITY

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. EDMONDSON. Mr. Speaker, after an extensive, year-long search, the University of Oklahoma found a new president, who took reins at the beginning of this fall semester.

He is Dr. Paul Sharp, a native Oklahoman who most recently served as president of Drake University in Des Moines, Iowa.

Dr. Sharp has brought a sound philosophy of education to the university, and I predict this year is the beginning of another long era of growth and development for that fine institution.

Dr. Sharp's point of view was commented on in an editorial in the Daily Oklahoman on Monday, October 25, 1971, and I include the editorial in the RECORD:

HOPE FOR EDUCATION

If the attitudes expressed by Dr. Paul Sharp as he begins his tenure as president of the University of Oklahoma should become widely accepted, a new hope would arise for higher education.

At a time when many college and university administrators seem to be confused by pressures from within and without, Dr. Sharp has set out a positive plan to emphasize the primary mission of an educational institution. He says it is to educate and to generate new ideas; not to determine what is truth by parliamentary action of faculty and students.

Dr. Sharp does not minimize the problems that universities face, and he agrees that significant changes may be needed. He indicates that some regulations and certain parts of the curricula of the past may not be applicable today, and that the universities need to be less impersonal in dealing with students. His statements and administrative actions suggest that disruptive actions often can be resolved satisfactorily by isolating the problems.

Although budgets are tight and costs are rising, the new OU president seems to think that there are other things just as important as more money. He asserts that "ideas fuel our society," adding that better communication is needed between the university and decision makers. "Today's research is tomorrow's action," he says.

These are positive approaches to problems that have been plaguing our campuses for years. They certainly will be accepted by a large proportion of the citizenry. It has been pointed out that the rioters and demonstrators on campuses actually have consisted of only a small fraction of student bodies. Never has it been established that such action has had widespread public support. Parents and taxpayers, as well as most students, seem to be in agreement that discipline is a good thing.

The road back to academic stability will not be a smooth one. Much that has been changed or eliminated may not be restored, but with effort, our educational system may overcome forces that have threatened to destroy both the institutions and the people connected with them. We have come dangerously close to disaster, but there still is hope.

A change in attitude of university administrations will not be enough by itself. Public support will be needed when crises arise, so that vocal minorities may not be able to overwhelm authority. As evidence increases that universities and colleges are fulfilling their academic missions, it is reasonable to assume that adequate financial provision will be made. People usually will support what they really believe in.

Equally important is the need for understanding on the part of students concerning the purposes of the educational institution and their own reasons for being on the campuses. Wide gaps have occurred in a number of instances, contributing to the breakdown of effective faculty-student relationships. This in turn has resulted in lowering of standards required for grades, credits and degrees, seriously damaging the meaning and value of such accreditation.

It is encouraging to note the returning trend toward recognition of education for its true values, both as a cultural asset and as a means of material advancement. These essential elements have contributed much to this nation's progress, and can do even more to bring us out of our present confused situation.

THE U.N. VOTE: TAKING REPRISALS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. FRASER. Mr. Speaker, two of the better reasoned comments on the China vote in the United Nations ap-

peared Friday, October 29, on the editorial pages of the Washington Post. One was the lead editorial, the other a letter from former Secretary of State Dean Rusk.

They are welcome additions to a debate in which many participants fail to recognize, in the words of the Post editorial, that the vote was:

An open vote of the member states on a raw issue of international politics. It was not some institution called the U.N., but rather the government-instructed delegates of 74 nations (59 votes 15 abstentions) who refused to support the crucial U.S. resolution that might have preserved the Taiwan government's seat.

The two items follow:

THE U.N. VOTE: TAKING REPRISALS

Four days after the General Assembly of the United Nations voted to admit China to the U.N. and to expel the representatives of the government of Taiwan, the talk continues apace of punishing "the U.N." Indeed, even though some drastic Senate attempts at action have been defeated, current Senate votes—either way—cannot be expected to end the matter. The idea seems to be that the United States should withhold or reduce its financial contribution to the world organization in retaliation for the defeat of our position in the vote of the General Assembly membership Monday night. It is an odd idea, something in the nature of a wild pitch—and not just because this notion of reprisal against and withdrawal from the functioning of the U.N. for reasons of political displeasure is one so intimately associated with Soviet behavior over the years, as distinct from the U.S. government's approach. Are we now to go in for tantrum diplomacy? Is Ambassador Bush in a way to receive new instructions from Congress: take off your shoe and beat the desk?

The point—the more immediate one—has to do with the wild pitch quality of all this muttered threat and intimidation. It is directed against the wrong target, a nontarget in fact. For the United Nations *as an institution* can hardly be separated out from its general membership for punishment in this connection. It is not as if the Secretariat under the direction of U Thant had committed U.N. funds and influence to an operation to which the critics might object (Dag Hammarskjold's role in the Congo would be an example). Nor are we talking about hocus pocus in the Security Council. This was an open vote of the member states on a raw issue of international politics. It was not some institution called the U.N., but rather the government-instructed delegates of 74 nations (59 votes and 15 abstentions) who refused to support the crucial U.S. resolution that might have preserved the Taiwan government's seat. Fifty-four nations, presumably also at their government's instructions, voted with the United States.

Taking already appropriated funds for the U.S.'s dues to the U.N. and pledges to its specialized agencies, plus certain earmarked amounts in the foreign aid bill now under consideration in the Senate and a few items of separate assistance, total U.S. funds for the U.N. for fiscal '72 would come to about $317 million. A retaliatory cut in such funds, now or in the future, could affect, among other things, the functioning of the World Health Organization, the U.N. Children's Fund, its U.N.-FAO joint world food program and its refugee assistance programs. Is there some way in which the hardship that would ensue might be spared the children, let us say, or the hungry who are nationals of those member states that voted with us? (The question presupposes, of course, that the reliatory fund-cutters would be prepared to hold the children of those countries that voted against us accountable for our humiliation.) What about funds for the U.N.'s drug-abuse control effort? What about the U.S.-inspired peacekeeping force in Cyprus? Are we prepared to reduce funds for an operation we have found to be so thoroughly in our interest—and almost everybody else's? Even if you support the idea of financial retribution for what happened in the General Assembly Monday night—and we most assuredly do not—it would seem, at a minimum, irrational to go about it in this way.

Included among the 74 governments that declined to support the U.S. resolution Monday night were those of Britain, Canada, Denmark, France, Iceland, Iran, Ireland, Norway, Belgium, Italy, the Netherlands and Turkey—not exactly a collection of mad-cap new nations or nations known for their hostility to us. Most are our NATO partners, and these represent the majority of NATO, since only three members (Greece, Luxembourg and Portugal) voted for the U.S. resolution. Surely if spite and reprisal were in order, they would be in order against the governments of these countries, not against the U.N. Or consider the government of Laos. In a contest on which a handful of votes might have made the difference, the Laotian delegate abstained. It is interesting in this connection to remark that the current foreign aid bill which has funds for the U.N.'s special agencies also has an appropriation of $178 million in aid for Laos. Does not the crazy logic of reprisal require that we cut out these funds which amount *to more than half our total annual contribution to the U.N.*—never mind that the administration regards them as necessary to the pursuit of its policy in Indochina?

Candor, courage and elementary reasoning, none of which has been much in evidence among the retribution seekers, would surely dictate that they face up to and pursue these implications of their position. The fact is that the 74 nations that refused to go along with us on Monday night—whether Communist, neutral or allied—were voting the urgencies and imperatives, as they saw them, of their governments' own relationships to China in the newly emerging diplomatic world that Mr. Nixon has done so much to bring about. Especially it should be noted that numerous small countries felt they were being requested by the U.S. to make a record (and perhaps costly) show of hostility toward Peking, even as we, secure in our distance and power, were busily patching things up on our own account. It should also be noted that the outcome of Monday night's vote was always an implicit risk of Mr. Nixon's daring venture in opening up relations with the government of China and endorsing its entry into the U.N. If the administration is to bask in the glory of that initiative, it should also accept responsibility for the risks that attend it, rather than encourage the reprisal talk now under way as it has been doing. It is really a bit much for the U.S. to be threatening to renege on our previously made pledges in consequence of an event we had a large part in bringing about—and to be threatening the wrong people at that.

FORMER SECRETARY OF STATE RUSK ON THE U.N.

To say that the writer has played a certain role in assuring the United Nations membership of the Republic of China on Taiwan since 1949, would perhaps be an understatement. I yield to no one in sadness and chagrin that the U.N. General Assembly has voted, in effect, to expel a loyal U.N. member and a friend of the United States.

I am deeply disturbed, however, by many suggestions, particularly in the Congress, that the United States should now sharply curtail its support for and participation in the United Nations. Calm and sober reflections surely would indicate that a vigorous and effective U.N. is in the deepest national interest of the United States. Tens of millions of lives were lost to give us a chance to pick ourselves up out of the catastrophe of World War II and start over again. The charter of the U.N. profoundly reflects the simple and decent purposes of the American people with regard to our relations with the rest of the world. Although disagreements among the great powers have at times frustrated the Security Council in carrying out its assigned mission, there have been many occasions when the U.N. has served effectively to prevent, limit or end outbreaks of armed conflict. The United Nations, and its specialized agencies are making a tremendous contribution, day by day and week by week to the necessary work of the world which affects in constructive ways the daily lives of our citizens.

On the immediate horizon are important tasks which the U.N. has undertaken which could make an important contribution to the possibilities of peace and, perhaps, to human survival. I have in mind the 1972 Conference in Stockholm on the Human Environment, a 1973 Conference on the Law of the Sea and the dedication of 1974 as U.N. Population Year. The record of the U.N. in deepening and strengthening international law is not perfect, but is encouraging; there remains, however, much unfinished business in that direction which can only be accomplished by the nations of the world in concert rather than by unilateral, bilateral or even regional action.

Diplomacy has striven for centuries to find ways to reduce the role played by anger, affronted dignity or desire for revenge in the relations among states. What was once a constructive object of diplomacy has now become a sheer necessity in a period when thousands of megatons are lying around in the hands of frail human beings.

It is too frivolous to say that we should pick up our marbles and go home just because others are not willing to play the game our way. The real issue is whether the human race, infinitesimal mites on a speck of dust in the universe, can find a way to live in peace. The harshest realist must now acknowledge that the family of man has come into being because we are at long last faced with certain problems which we must solve together or go down together. In this effort, the U.N. must play an indispensable role. Of course, it needs reform, improvement, more efficiency, a deeper sense of responsibility and changes in a number of directions which need not be detailed here. But all this means that we should support it and improve it—not abandon it.

We have not yet seen the end of the painful experience which we witnessed last Monday night. When the delegation from Peking arrives, its members will be lionized by our news media and may do and say a good many things which we shall not like. It behooves a great nation like ours to conduct itself with dignity, to remain true to our own purposes and to continue to work toward that consensus in the U.N. which is required if the Charter is to succeed and we are to build a world of peace.

DEAN RUSK.

ATHENS, GA.

THROWAWAY STEEL BARRELS ADD TO SOLID WASTE POLLUTION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. MIKVA. Mr. Speaker, numerous proposals have been introduced for the purpose of taxing one-way or "throw-

away" containers. These proposals are in response to a problem that has increased in recent years, and has constituted one of the most important sources of solid waste pollution today. Society has grown accustomed to the luxury of "throwaway" containers, and finds it difficult to move back to containers that can be returned in order to be reused.

After introducing H.R. 6975, which was directed toward the use of returnable and nonreturnable beverage containers, I became aware of another type of one-time container which poses an equal obstacle to our efforts to clean up the environment: The steel barrel.

Fifty-five gallon oil drums are a serious litter problem. Over a year ago, the New York Times carried a story entitled "Oil Drums Litter Coast in Alaska," pointing out that 48,000 metal barrels were lying about in the tundra. In the winter, they freeze into the earth. Each spring, the earth thaws and thousands of drums settle into the soggy countryside. As they rust and decompose, they create a long term health hazard as well as an environmental eyesore. The Chicago Sun Times recently carried a dramatic picture of rusting oil drums creating a similar eyesore in the Little Calumet River in Illinois. These stories, and others like them, have begun to make the public more aware of the pollution problem involved in the disposal of the millions of drums that enter the market each year for industrial use.

One organization makes recycling and reusing barrels its business. The National Barrel & Drum Association—Nabada—represents over 150 drum reconditioners throughout the United States. Recently, representatives of the association have brought to my attention the parallel between reusable beverage containers and reusable oil drums.

Proposed legislation has been directed primarily toward encouraging the use of returnable soft drink bottles. But consideration has not been given to returnable steel drums. The normal commercial 55-gallon steel drum is made of 18-gage metal. Technically, this means that its sidewalls have a nominal thickness of 0.0478 inch, and a minimum wall thickness of 0.0428 inch. These drums are used throughout industry and once used, they are picked up by the reconditioners who clean them and make them available for reuse. The average 18-gage steel drum, according to those in the reconditioning business, makes an average of 10 cycles through the reconditioner.

The steel industry has seen fit to introduce a lighter weight 20/18 gage drum. These drums are thinner, and can only be used two or three times before being discarded. Even then, they have less scrap value than the heavier version, and are less likely to be melted down for further recycling. Recently an even lighter drum has been developed which cannot be reused at all, and is discarded after its first use.

It is readily apparent that the utilization of these lighter weight drums produce an increased burden on our environment. Such lightweight drums are discarded and left to become a burden on society. Cost figures show that the slight saving in buying the lightweight drums is more than offset when the barrel's shorter life is taken into account. Reconditioners readily purchase and redeliver the 18-gage drums, whereas the lighter weight varieties pile up in the backyards of factories, without value, creating an enormous disposal problem.

No one stands to gain from the use of these lightweight drums, except the manufacturers who obviously profit from their planned obsolescence. I, therefore, intend to amend H.R. 6975 in order to provide financial incentives, comparable to those applied to soft drink containers, to promote the use of returnable steel barrels. It is my hope that Congress will give prompt consideration to such legislative efforts which will help stem the tide of increasing solid waste pollution generated by the use of throwaway containers of all kinds.

EFFORTS TO PROVIDE SERVICES TO MIGRANT WORKERS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. ASPIN. Mr. Speaker, today I would like to include in the RECORD a copy of an article from the Elkhorn Independent of Elkhorn, Wis., entitled "KTI Brings Class to Students," which appeared on Thursday, September 23, 1971. This article speaks of the efforts of the Kenosha Technical Institute in teaching conversational English to Spanish-speaking migrant workers. The article tells of difficulties in finding bilingual teachers, providing easily accessible classrooms obtaining teaching aids and materials, and teaching students who are unable to write the Spanish language, let alone English. Despite these problems the Kenosha Technical Institute has, with some real success, brought the classroom to some migrant workers.

Mr. Speaker, the Kenosha Technical Institute should be praised for responding to the migrant workers' expressed desire to learn English. I think that we should consider this program to be only a start in providing needed services to migrant workers and others. More importantly, we should also consider what we here in Washington can do to encourage programs such as this, which provide an invaluable service to those migrant workers who take advantage of such programs, and to the community in general.

The article follows:

TURTLE VALLEY MIGRANTS: KTI BRINGS CLASS TO STUDENTS

If the students won't or can't come to the classroom, then the only alternative is to take the class to them.

That's the premise that Kenosha Technical Institute is working under in their efforts to teach conversational English to Spanish-speaking migrant workers in Walworth county.

Migrant workers in the Turtle valley area of the county expressed a desire of learning English to KTI and Gilmore White, chairman of adult basic education for VTAE district 6, set about the task of making that possible.

He was confronted with two problems initially, that of bringing the classroom to the students because of transportation problems and finding a bilingual teacher for the class.

In the first instance he had to seek out vegetable and truck farmers in the area to see if there was some kind of a building available in which to hold evening classes. He found one at the Horner sod farm off of Island road, and despite pesky mosquitoes that fly in the open doorways and water that remains on the floor from the day's operation of washing celery, it is serving as the classroom for the Tuesday and Thursday night classes.

The bilingual teacher is Mrs. Rosalia Quintana de Hachmeister, of Powers Lake, who works for the state employment service here in Elkhorn. She began classes two weeks ago with some difficulty since she had no blackboard and was forced to use the paper inside the covers of packing crates to write English words that many were already familiar with along with their Spanish counterpart. Added to this is the fact that some students cannot write the Spanish language either, so Mrs. Hachmeister will be teaching some of them two languages at the same time.

When one night's class was washed out by a large amount of standing water, the instructor visited the homes and trailers of her students to find out what use they intended to make of the language once it was learned. Most of them wanted it so that they could deal with their practical problems of housing, employment, health, schooling and nutrition.

KTI feels that this is just a start in providing services to the migrants and other Spanish-speaking peoples of this county. When the students indicate other areas of needed help, programming will be developed for that as well and if it means taking the classroom to them, that will be done also.

BOYS CLUBS ENDORSE THE DANIELS YOUTH CAMP SAFETY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, on Wednesday, the House of Representatives will resume consideration of H.R. 7248, the Higher Education Act of 1971. Title XIX of that act, the Youth Camp Safety Act, introduced by Representative PETER PEYSER and myself in the Committee on Education and Labor, would establish minimum Federal safety standards in children's camps. On August 6, the Senate attached a youth camp safety provision to the Higher Education amendments. Therefore, I introduced my bill, which had received comprehensive hearings in the 90th, 91st and 92d Congresses, to the House education bill in order that this body would have the opportunity to express its will on camp safety legislation.

Title XIX of the Higher Education bill has received the official support of various national organizations responsible for the health and welfare of children. The Salvation Army, the YMCA, the American Camping Association, the Boy Scouts of America, the National Catholic Camping Association have not only endorsed my bill but have also stated their disapproval of any substitute measure.

Support for this legislation is growing. The Boys Clubs of America, active in the development of young boys since 1906, have also endorsed title XIX, the Daniels-Peyser amendment. With approximately 300 camps in the country, the Boys Clubs appreciate the importance of effective safety standards.

As I have done in the past, I would like to place on record the telegrams of support from the national headquarters and the Chicago branch of the Boys Clubs of America. I am hopeful that the support given by these organizations will encourage my colleagues to pass the Youth Camp Safety Act. The passage of this act will ensure that next summer adequate protection will be afforded young children.

CHICAGO, ILL.,
October 19, 1971.

Representative DOMINICK V. DANIELS,
Washington, D.C.:

I commend you on H.R. 7248 on behalf of camping, I have read the bill and heartily approve.

ROBERT H. CHORLEY,
Director of Camps,
Chicago Boys Clubs.

NEW YORK, N.Y.,
October 28, 1971.

Representative DOMINICK V. DANIELS,
Select Committee on Labor,
House of Representatives,
Washington, D.C.

DEAR MR. DANIELS: Boys' Clubs of America is in favor of the intent of the Youth Camp Safety Act amendment to H.R. 7248, in its present form, as a means of helping to provide safe camping to the Nation's children.

A. BOYD HINDS,
National Director.

DISTRICT OF COLUMBIA ECONOMIC DEVELOPMENT BANK BILL INTRODUCED

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. FAUNTROY. Mr. Speaker, I am introducing today a bill that would establish in the District of Columbia an Economic Development Bank.

Under the terms of the bill, a District of Columbia Development Bank would be created by Congress as a private, limited-profit but still profit-oriented entity to assist economic development projects that have difficulty in obtaining necessary financial resources or other support from the usual private or public sources. The bank would not be an agency of the U.S. Government. However, a 13-man board of directors would include three officers or employees of the U.S. Government, as well as the Commissioner of the District of Columbia and the Chairman of the City Council, together with eight directors elected by the shareholders of the bank.

The development bank is designed to participate in the financing of economic development projects embracing housing, commerce, and industry by mobilizing the capital and expertise of the private sector. Too often, that part of the private sector which would be willing to attempt some form of investment in economic development projects within the city is so fragmented, so lacking in startup funds, and so lacking in technical and financial expertise that it simply cannot get a project started. This is especially true for large projects or those which are innovative, involving special-risk situations or would be feasible only if funds were fully committed in advance.

The District of Columbia Development Bank would provide the now missing capacity to encourage and promote such projects having a promise of high economic benefits. It would determine the feasibility of a proposed project, organize the sponsors—who could not take on the project individually—into a cohesive group, mobilize and harmoniously combine the private, Federal, and municipal planning and resources.

Priority would be given to urgently needed, economically viable and potentially profitable undertakings in order to increase employment in the city, broaden its tax base, and in general, improve the condition and quality of life in the Nation's Capital. The bank would play a unique and essential role in pulling together the many separate public, commercial, technical and financial elements necessary to get any major development project "off the ground." The bank will be able to supply the missing capital and expertise that has prevented so many vital District of Columbia projects from moving beyond the planning stage to actual development.

The bank would be authorized to purchase, service, or sell any debt obligation or equity instrument, and to guarantee any debt obligation issued to finance projects deemed by the bank to be consistent with its purpose. The bank would also be authorized to provide technical assistance and training required to accomplish comprehensive development projects and programs. Loans and equity investments by the bank would be made in accordance with sound and prudent development banking principles, and would be made with the objecive of assuring a reasonable return on the funds invested, consistent with the achievement of economic development goals.

The bank's capital would consist of privately subscribed common stock, one half of which amount would be paid into the bank at the time of subscription with the remainder to be paid within 2 years after the subscription. The bank would be authorized to issue and have outstanding obligations in amounts not to exceed 15 times the amount of its subscribed capital and surplus. The bank's obligations would not carry a U.S. Government guarantee. However, the bank would be authorized to issue up to $10 million of obligations to the Secretary of the Treasury and the Secretary would be authorized to purchase such obligations in amounts specified in appropriation acts. No obligations could be purchased by the Secretary until not less than $2 million in capital of the bank have been paid in. Interest on such obligations would be paid into the Treasury by the bank at a rate consistent with the Treasury's standing regulations.

No dividends could be declared or paid if the bank had outstanding borrowings from the Treasury or if the declaration or payment of dividends would impair the capital account of the bank. Net earnings and dividends of the bank would be subject to local, State, and Federal taxes.

Some illustrative examples of the types of projects the development bank might finance are: Leased department shopping centers, housing developments particularly in high-risk areas, an international trade and cultural center, and financing developments around major subway stops.

HEAD OF FTC BACKS BILL ON CREDIT CARDS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. WOLFF. Mr. Speaker, in our electronic age, the computer has been a great technological advance, and has meant speed and convenience in countless areas of our lives. However, computers, like any machine, are subject to error, and in the field of computerized credit and billing, there exists a considerable danger that the computer, with one slight mistake, can bring disaster to the individual who is faced with the necessity of proving himself wronged.

Not too long ago, I was the victim of a dunning attack by a computer, which demanded payment for a bill I had taken care of months before. In addition to its failure to register my payments, the computer also charged me more than once for the same item, and for months ignored my written pleas for a correction of my account. I am sure that many of my colleagues, as well as countless private citizens, have experienced similar frustrations, and often are not as successful as I was in resolving the problem without permanent damage to their credit rating.

The credit card industry, which relies exclusively upon computers to do its business, should be held accountable for its actions and should be required to protect the individual against the prospect of faulty information concerning his credit. The growing impersonality in our society means that more and more often, the individual is at the mercy of a machine where matters of credit are concerned.

It is important that while relying upon the computer to retain and analyze the great quantity of information that is needed, we also provide real human beings instead of machines to deal with customers. People problems should be solved by people, and I think the following article from the New York Daily News suggests a plan we might use to insure that the individual is not forgotten:

[From the New York Daily News, Oct. 28, 1971]

HEAD OF FTC BACKS BILL ON CREDIT CARDS

(By David Breasted)

WASHINGTON.—Federal Trade Commission Chairman Miles W. Kirkpatrick said today that there is a "compelling need" to protect millions of credit card-holders from can-

cellation through negligence in the computerized credit industry.

Kirkpatrick deplored "the failure on the part of creditors to respond to inquiries concerning an amount shown in a bill which the consumer believes to be in error."

The commission chairman, testifying before a Senate Banking subcommittee, firmly supported a bill which would require creditors to acknowledge or explain the alleged error within 30 days.

Failure to comply would mean forfeiture of the right to collect the disputed amount, including any finance charge. In addition, an erroneous creditor would be liable for damages of $100 or three times the disputed amount and attorney's fees.

Kirkpatrick suggested stiffening the bill's prohibition against threats by creditors by also forbidding them to hire a collection agency to make the threats instead.

GONE ARE THE DAYS * * * THE IMPROVING RACIAL CLIMATE IN THE DEEP SOUTH

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. MAZZOLI. Mr. Speaker, I think it is most important nowadays that we study the history of our country and learn the lessons it teaches. And, I think that one of the most important chapters to be studied today is the one which has been written in recent years in the "Deep South" States of the Union.

I would commend to the attention of my colleagues the observations of two Louisville, Ky., journalists, one white and one black, who have written recently on the subject of the changes in racial relations which have transpired in the Deep South during the span of their careers.

It is my hope that those of us outside the Deep South will profit by these observations and address ourselves to the task of securing similar improvements in the racial climates of our own communities. The Deep South has shown us that the task is not an impossible one.

I therefore wish to insert into the RECORD the following articles by Mr. James C. Hutto and Mr. Clarence Matthews, which appeared in the Courier-Journal & Times magazine of October 24, 1971. The articles appear jointly beneath the title: "Gone are the Days * * *":

GONE ARE THE DAYS

(By James C. Hutto)

"I wish I was in de land of cotton, old times dar am not forgotten. . . ."

Things aren't what they used to be down in Dixie. Not at all. There where once upon a time "White Supremacy" was the official motto of the one and only political party, and where a visiting member of the U.S. Senate, though a Democrat, could get arrested for going through the wrong door of a Negro church—well, it's not like that anymore, my friend.

I know. I saw it like it was and I've seen it like it is. I lived in Alabama before the sit-ins and freedom marches, followed by an outpouring of federal legislation and court rulings, began altering the Old South's face forever. Now when I go back I see changes I didn't believe possible when I was gathering news for a Birmingham paper in the lean, hungry, Depression years before Pearl Harbor.

I had left there by the time Sen. Glen Taylor, an Idaho cowboy turned statesman, ran afoul of Birmingham's stern Jim Crow ordinance in his haste to get into a biracial political meeting that was obliged to observe segregated access and seating arrangements. It cost the senator, a white man, $50 to learn that laws against racial mixing could cut two ways. That was in 1949.

But I was there when hell broke loose in the Magic City earlier because some damyankee in the newly established federal relief bureau didn't know any better than to hire a black girl as a stenographer. Nowhere was Franklin D. Roosevelt's New Deal more loved than in that hard-hit industrial metropolis, but this was too much. The uproar sent the poor girl scurrying back to the kitchen "where she belonged."

I was there when Bull Connor, transformed by fate from a happy-go-lucky radio announcer into a blustery police commissioner, declared, hell no, "they're not going to segregate together," and by gum they didn't. "They" were a large gathering of notables and plain folk, white and black, who had come from far and wide to hear Eleanor Roosevelt speak on human rights.

This was the Bull destined to make national headlines years later when his braves in blue would turn dogs and fire hoses on peaceful demonstrators, among them women and children—a display of "massive resistance" as futile as it was brutal. The civil-rights movement of the 1960s just kept rollin' along. Ask at City Hall today, and they'll tell you Mr. Connor doesn't work there anymore.

His entire regime was swept out of office in a mid-term revolt at the polls eight years ago. Thus began a municipal new deal, leading to the re-election earlier this month of progressive Mayor George Seibels Jr. by an overwhelming biracial majority. Race wasn't even an issue in the five-man nonpartisan contest.

Bull wouldn't like it at City Hall today. Why, they've got "uppity" blacks in there pushing pencils instead of brooms! They've got blacks on Bull's old police force. Blacks in the fire department. They've even got a Negro on the City Council. He's Arthur D. Shores, attorney, battle-scarred veteran of the civil-rights wars, counsel to the late Dr. Martin Luther King Jr. in the Montgomery bus boycott, unfrightened target of a bombing attack that wrecked his $75,000 home in 1963.

Do I remember Arthur Shores? The spunky little lawyer who used to be around the Courthouse always butting his head against hopeless causes? Sure I remember him. Used to wonder why a fellow with all his energy and ability wanted to stay in a town where all the odds were against him.

Nowadays in Birmingham—other Deep South cities, too, of course—you see black salespeople in stores and shops they once weren't welcome to shop in. You see them punching typewriters in offices their parents couldn't have entered except to dust and mop.

This does not mean the South doesn't share in this great nation's disgracefully high rate of Negro unemployment. It does. But you measure progress in distance traveled, and the South has had to come from far behind. Its own fault? I wouldn't deny it.

But it is making progress now. A lot of progress by past standards.

I remember when Birmingham's only day-to-day, full-time practicing integrationist, to the best of my knowledge, was an elderly white man with a peg leg who operated the "Colored Only" elevator in the stately temple of justice. You don't think any Courthouse politician in his right mind was going to give a good job like that to a black man, do you?

Driving through the Deep South today, it is not uncommon to see salt-and-pepper groups of children playing happily together on schoolyards. This is a hopeful sign. Sure, it took the Supreme Court and a lot of pushing and shoving to get 'em into the same classrooms. But the court has no jurisdiction over youngsters' "druthers" at playtime. No law in the land can make them play together if they don't want to.

Anyhow, what's so unusual about black and white kids playing together? We did it all the time when I was growing up on a South Alabama farm. Never gave a playmate's skin color much thought. It was only on the school grounds we couldn't play together.

In Montgomery two years ago, just a whoop and a holler from where George Wallace stood shouting "Segregation forever" a while back, I watched two integrated teams of spirited high-schoolers mixing it up on a football field, urged on by beat of drums and blare of horns from biracial bands. It was a clean, though hard-fought, game.

One of the teams, incidentally, was from Tuscaloosa, home of the University of Alabama, where dark-skinned Autherine Lucy's trail-blazing enrollment set off a riot in 1956 and where a few years later another dark-skinned lass was one of three finalists for homecoming queen. That isn't progress?

Not that the job of dismantling the Old South's dual school system is by any means complete. It's not. But it is moving along. And with more acceptance, apparently, than seemed likely a few years ago. Oh, they still have their segregation academies here and there, but that won't last forever. Sooner or later they, too, will have gone with the winds of change.

Busing currently is still stirring up some fuss, true. But where in this wide land isn't it? According to news accounts, busing got off to a calmer start this fall and with fewer absentees in Jackson, Miss., than in Boston, Mass., proud Cradle of American Liberty and birthplace of Abolition. It's true Mississippi's lame-duck Gov. John Bell Williams is trying to break it up, but he knows he won't. He's got to go through the motions—just like neighbor Wallace. The old Dixieland script calls for it.

Their kind is waning. A new political climate is developing across a wide area where not so long ago the massive-resisters were whooping it up for old John Calhoun and his beloved Interposition as if they had never heard of Appomattox. The climate's been changing steadily in the six years since Congress struck down Dixie's ancient barriers to Negro voting. Increasingly, voices of moderation are being heard and heeded at polling places once reserved for noisy segregationists.

There's no doubt about it: Blatant racism is fast going the way of the Confederate dollar as a political currency.

Georgia and South Carolina gave impressive testimony to this overdue devaluation last fall by electing racial moderates to governorships—Jimmy Carter in Georgia, John West in old Calhoun's erstwhile bailiwick, hard by old Ft. Sumter. Both made appointment of Negroes to important state positions a first order of business. And Carter, in his inaugural address, proclaimed for all to hear: "The time for racial discrimination is over."

Now from Mississippi, of all places, has come the latest evidence of the new look: Voters there, maybe you heard, rejected two diehard segregationists in favor of an avowed moderate in choosing the Democratic nominee who is opposing Charles Evers, the black civil-rights leader, in the Nov. 2 gubernatorial election.

Evers, who two years ago cracked the color line in Fayette by getting elected mayor, is running as an independent. His only opponent (the Republicans decided to skip this one) is William Waller, a comparative newcomer to state politics who won the Democratic nomination openly promising a better

deal for blacks, including state jobs for the first time since Reconstruction.

His forthrightness brings to mind something a black member of the Georgia legislature, Leroy Johnson, said in reference to Gov. Carter's air-cleansing inaugural speech last January: "He's done what no other Georgia governor has ever done. He has attacked head on the question of racial discrimination. We are accustomed to hearing this kind of talk from white politicians behind closed doors before an election, not out in public after an election."

This may seem small potatoes to anyone who never spent much time down South in days gone by, but to me it spells real progress. I can remember only too vividly when even pre-election promises behind closed doors were beyond the hopes of all but a select few Negroes here and there. If a candidate had no prejudices of his own, he was enslaved by the prejudices of those he depended upon for election.

Sometimes the frustrations over race became almost comical if one could overlook the harsh injustice. I remember Birmingham's perennial "Smithfield Problem" and the "gentlemen's agreement" that kept it from driving local candidates mad with quandary. Smithfield in those days was unique. It was where the black votes were concentrated—what few black votes there were. Here dwelt "the better colored folks"—school teachers, mail carriers, undertakers, Pullman porters, preachers, railroad firemen, etc., homeowners all. Birmingham's total population was one third Negro, but if there was another all-black precinct anywhere around, I never heard of it—and politics was my beat.

Now a vote is a vote, as everybody knows. It loses its color in the ballot box. Naturally every candidate wanted the Smithfield vote like any other. He surely didn't want his opponent to have it. The problem was how to get it and not risk being branded a "nigger lover." Tradition, happily, provided a solution.

As a Courthouse veteran explained it to me: "In every campaign there's a general understanding—a sort of unwritten law, you might say—that each candidate can slip down to Smithfield after dark for one speech and nobody will tell on him. But he better not get greedy. If he goes there twice in the same campaign, he's fair game for his opponent."

Men of goodwill unfettered by any political ambitions of their own often were caught in the trap. A matter concerning the most elemental justice for blacks, if it were to require any political or legislative action, had to be discussed guardedly and usually behind closed doors.

I remember being collared by a well-meaning churchman as I was leaving what had started as a routine weekly meeting of Protestant ministers. Unaware a reporter was present, he had delivered a blistering indictment of Alabama's cumulative poll tax for its gross injustice in robbing thousands of poor whites and blacks, but mostly blacks, of their God-given right to a voice in government. He went on to say in the strongest words he could find that it was a Devil's scheme, devised for the evil purpose of perpetuating "white supremacy." He urged the men of God to join him in working for repeal.

When at the end of his remarks he spotted me leaving, notebook in hand, he came running. He caught be at the door. "You aren't going to put what I said in the paper?" he asked. I told him that was my intention unless my editor said otherwise. "You musn't," he pleaded. "Any publicity will just destroy all we're trying to do. . ."

He was right. He had made the grievous mistake of linking the poll tax with Negro privation, and slurring "white supremacy!" Others who dared speak out against the price tag on votes in those days carefully avoided the poisonous "race issue." At my suggestion he called my editor and there was no story.

I remember, too, a group of distinguished Birmingham citizens (all white) that worked in utmost secrecy for months trying to bring about justice in the notorious Scottsboro case, a *cause celèbre* that was giving Alabama a black eye around the world. Already it had sent one fair-minded Alabama judge into political and social exile for doing what his conscience—and the law—told him was right.

The case of nine black youths charged in 1931 with raping two white female hoboes (one of the girls later testified the charge was false) was getting nowhere when the Birmingham group stepped in. The case traveled back and forth between Alabama and the Supreme Court. Its ramifications extended to New York and Moscow.

A committee of Northern liberals headed by the Rev. Allan Knight Chalmers of New York City is largely credited in recorded accounts for the compromise that saved the defendants' lives. However, there was never any doubt in my mind that the local group's co-operation in negotiating directly with state authorities was an important factor.

The prosecution finally dropped charges against the four youngest and let the others off with prison sentences. It wasn't much of a compromise, but it was better than the electric chair.

Few Alabamians ever knew of the local group's participation, and probably even fewer knew that one of Birmingham's most popular churchmen, pastor of an elite Presbyterian congregation, was its dedicated leader. Nobody in the group feared daylight. It was simply that, as a practical matter, they had to respect the mores and fears of others. Some big political ambitions were riding on the Scottsboro case.

Today, race relations in Birmingham are under the watchful eye of a biracial Community Action Committee that operates in full view, ready to move in the moment signs of community tension threaten.

Its black and white members meet regularly once a week. Their motto: Head off trouble before it gets here.

Louisiana blacks old enough to remember still speak fondly of Huey Long for repealing that state's poll tax and otherwise bettering the lot of the poor, white and black alike. Yet even with all his tyrant's power over a puppet legislature, the Kingfish found it expedient to keep race in the background. "A lot of guys," he once boasted, "would have been murdered politically for what I've been able to do quietly for the niggers."

I was in New Orleans when school desegregation made its first timid appearance in 1960. Five dark-skinned little girls, all first-graders, were "integrating" two almost empty schoolhouses, amid the jeers and taunts of a mostly female mob of adults. A local black veteran in civil rights who had helped them get passes from the Supreme Court chuckled as he told me how Huey Long, years before, got the first black nurses into New Orleans' state-operated Charity Hospital, at the urging of local black leaders.

"He strode into the hospital with some reporters one day like he was on a routine inspection tour," he explained. "When they got to the Negro men's ward, Huey pretended to be shocked at the presence of white nurses there. He turned to the surprised superintendent and demanded to know, 'How come these white ladies waiting on these big black bucks?' Next day Charity Hospital began recruiting black nurses."

In Clarksdale, Miss., a while back, my wife and I encountered a remarkable example of enlightened self-interest. We had stopped off, en route to the Louisiana 'Cajun country, to say hello to a former Louisville neighbor teaching school down there as a nun. She urged that we tarry long enough to meet this wonderful man who was doing so much to help the poor blacks who abound in that poverty-ridden Delta region, and to improve black-white relationships in general.

He was, I soon learned, no meddlesome "outsider" but a well-to-do local landowner, a man in his early 40s who had returned home from a stint in the Navy (he was an Annapolis grad) to carry on the family's extensive agricultural operations. Right now he was spending a lot of time with NAACP leaders and others setting up federally aided anti-poverty projects and the like.

He had just come from a biracial caucus of some sort when he greeted us late that evening at his manor residence, a replica out of "Gone With the Wind." Sitting there in the comfort of his living room, he shared some of his philosophy: What he was doing (and trying to get others to do) was more than a matter of simple Christian duty; it was a matter of survival. "Times have changed and we've got to realize it and change ourselves," he said. "Whites and blacks have lived peacefully here together for years, but under a system that is no longer acceptable. I tell friends and neighbors, 'We can go on living together peacefully, under the new terms, or the white people can prepare to move out of Mississippi. The old days are gone.' "

A few neighbors, old acquaintances, weren't speaking to him anymore. But maybe they have begun to listen, even if they still don't say "Howdy." The signs suggest it.

James Meredith, you know, has moved back to his home state from New York, convinced in his own mind that the racial climate has improved considerably since his enrollment as the University of Mississippi's first black student in 1962 set off a bloody war. As he sees it now, "On a person-to-person, day-to-day basis, the South is a more livable place for blacks than any other place in the nation. The racial atmosphere in the Northern cities is becoming extremely tense. And it's going to increase. . . ."

You can, if you prefer, read this as not so much a compliment to the South as an indictment of the Northern cities and their teeming ghettoes. Whatever the case, other blacks than Meredith (as a recent national telecast brought out) are beginning to reverse the route of the freedom riders of a decade or so ago—Southern expatriates coming home to a land that, whatever else, is not what it was when they left it.

Mutual goodwill is no stranger among the Southland's two-tone population. Not by any means. The rupture of change may have frightened it at first, but that is changing, too. Acceptance is easier for some than others. There's an element, of course, that will never accept change, but its kind, alas, is everywhere in this not yet perfect world. For the rest, I like to believe there are seeds of hope in flowers that bloomed in the past.

I remember Lucia and her beloved Aunt Fanny. ("Man, here comes that old Jemima jazz again. Listen to Mister Charlie!") Gentle Lucia was education editor on the paper I worked for. She had come up from Alabama's loamy and aristocratic Black Belt, fetching Aunt Fanny with her. She wasn't really Lucia's aunt, of course—more like a mother, even though their skins didn't match. Things went well for a while. But by and by the aging lady came ailing. As Aunt Fanny's miseries increased, our saddened education editor took a leave of absence to become a full-time nurse. Weeks went by (or was it months?) and then one day Lucia called in to report that Aunt Fanny had gone to her Maker. Of course, they couldn't bury the poor old soul in the white folks' cemetery. But she did have an integrated funeral. Lucia's friends saw to that.

I remember a death in another family. At my mother's bedside when she passed away in the wee cold hours of a January night (I was very young) was a gaunt, grief-

stricken black woman. She'd been there through four long, sleepless nights. She wasn't a hired servant. We couldn't afford that. Just a dear friend expressing gratitude for past kindnesses. . . .

I'm aware, of course, that one fool with a fistful of hate, regardless of race or color, can make trouble for everybody, whether he's acting under nighttime's sinister influences or venting his passion in broad daylight. But this kind of threat, unfortunately, may be found anywhere, at any time. It never was exclusive to the South, any more than individual kindnesses were.

More important is the general atmosphere, and I agree now with the description Birmingham's Arthur Shores expressed in reporting on the racial climate down his way: "There has been a phenomenal change. . . . It is almost unbelievable the progress Birmingham has made, even though there is still a ways to go."

Soon after the Supreme Court handed down its earthshaking school desegregation decision in 1954 a book came out: "The Deep South Says Never." That was a long, long time ago.

(By Clarence Matthews)

"Black men have stood so long in such peculiar jeopardy in America that a 'black norm' has developed suspiciousness of one's environment which is necessary for survival.

"Black people, to a degree that approaches paranoia, must be ever alert to danger from their fellow white citizens. It is a cultural phenomenon peculiar to black Americans. . . ." From "Black Rage," a study of the phychological implications of racial discrimination by Dr. William H. Grier and Dr. Price M. Cobb.

A friend who heard that I intended to travel behind the "Cotton Curtain," a name jokingly but pointedly used by black people to describe the states of the Deep South, said: "You ought to take a gun along with you."

I assured him there was no need for such precautions, and that if the South was as bad as he believed it to be, I would be in more danger if I had a gun in my possession.

I had been invited to attend the first reunion of the Whetstone and Taylor families on Sunday, Aug. 22, in Montgomery, Ala. We would also visit Autaugaville, Ala., not far from Selma and other communities where violence had erupted during the civil-rights and voter-registration campaigns of the late 1950s and the early and middle 1960s.

Not far away is where the Rev. James J. Reeb, a minister of the Unitarian Church, was beaten to death. Also close by is U.S. Highway 280 where Mrs. Viola Liuzzo was fatally shot after taking part in the 1965 Selma-to-Montgomery march and where hundreds, black and white, were beaten and teargassed when they attempted to march earlier from Selma to Montgomery.

Had the region changed much in the short decade or less since these violent occurrences? I wondered about this as my wife, our daughter and I prepared to leave Louisville on Aug. 21 for the reunion, a little more than 400 miles away. The trip would be our first extensive foray into the Deep South, although my wife and I had driven through Tennessee, Alabama, Mississippi and Louisiana, without lingering, en route to New Orleans in 1968 to attend a convention.

During the 1968 trip, as in our most recent journey, we noticed that many black families were traveling South earlier for visits or longer stays "back home." On both occasions, cars of all descriptions with black occupants frequently passed us on the highway. The vehicles appeared like so many homing pigeons struggling to reach their destination in a pre-determined travel plan.

But this time was to be different for us. We would be staying for several days in Montgomery, the Alabama capital, and the first capital of the old Confederate States of America. I wondered again about motel reservations and how we would be treated in seeking various public accommodations during our stay in Montgomery and other parts of Alabama and the South.

Was there, I finally asked myself, really any danger to a black family, such as ours, visiting in the South in the 1970s?

I recalled Montgomery's role in the Civil War as we drove across the bridge over the Alabama River leading into the city in the early afternoon of the Saturday before the reunion. Montgomery, I remember, is where Jefferson Davis took the oath of office as president of the Confederate States of America. From here also had come the order to remove all federal troops from Ft. Sumter, S.C., precipitating the war.

Montgomery today is emerging as a manufacturing center and is already recognized for its cotton, dairy and agricultural products. Most of its 145,000 residents, about 50,000 of them black, work in agriculture-related industries, for the state government, or at nearby Maxwell Air Force Base, the site of the important Air University. The predominantly black Alabama State College also is in Montgomery.

The first Montgomery resident, black or white, I talked with was a white service-station attendant. He was big, weighing well over 200 pounds and about 6 feet, 2 inches tall. His face was a huge, peeling-skin oval and he talked with a syrupy drawl that reminded me of the television commercial with the Southern sheriff who spends most of his time giving traffic summonses to suspected hot-rodders.

When the attendant had finished servicing our car, I asked him for directions to Union Street, the site of the family reunion. After giving us the instructions, he said gently: "Thank you, and y'all come back now, real soon, you hear!" Somewhat taken aback by this outward display of friendliness, I simply replied that I would return.

Upon leaving the service station, I was again surprised. As I stopped for a traffic signal, a black bus driver came into view, guiding his vehicle, loaded with black and white passengers, through the busy downtown Montgomery traffic.

Isn't Montgomery, I mused, the city where took place the lengthy bus boycott that gave impetus to the modern civil-rights movement and catapulted the late Dr. Martin Luther King Jr., into worldwide acclaim? Black people, who once were restricted to the rear of the bus as passengers, have now moved to the front as drivers, I marveled. I glanced at my wife, and she smiled. We were both having similar thoughts.

We drove on through a predominantly black business section only a few blocks from the seat of the Alabama state government. Many of the former black residents of the area who now lived in a nearby public-housing project and other sections had been uprooted by urban-renewal and new highways.

Once through the downtown area, we suddenly found ourselves in front of the Dexter Avenue Baptist Church at the east end of Dexter Avenue and literally a stone's throw from the gleaming white Alabama State Capitol and government complex across the street. The church, which was once pastored by Dr. King, was where much of the strategy and decisions had been made during the bus boycott.

Our destination, a social-service agency building whose owners had agreed to rent its meeting rooms for the reunion, was only a few blocks from the capitol in a black neighborhood. After greeting relatives, we proceeded across the city to arrange our accommodations for the stay in Montgomery. We had advance reservations at the Holiday Inn Midtown, but decided to switch to the Holiday Inn Southwest to be near my sister and her family who had come to the reunion from Chicago.

The front-desk personnel were friendly and polite. They managed to arrange our switch in accommodations speedily and with little trouble. We noticed that many other black travelers were staying in the motel. Outside, two black children were swimming in the motel swimming pool. There was one black waitress, a light-complexioned young woman, on duty when we arrived. However, most of the black employees appeared to work as maids or as laundry and kitchen helpers.

During our meals at the motel, my wife and I noticed that whites seemed to be unconcerned over the presence of black families. We thought this was significant in a city of a Deep South state where the governor had waged a constant, although unsuccessful, fight against what he has termed "forced" school integration.

We learned later that there is a great deal of pupil and teacher integration, including some limited busing, in Montgomery. Relatives also pointed out that some residential neighborhoods were racially integrated.

On a shopping trip, we learned that a large number of black men and women are employed as clerks and sales persons at Montgomery department stores. At one national chain store, my wife and I counted 10 black sales clerks. Although we found out later that some were part-time summer workers, we were impressed by the number of black white-collar workers at the stores.

The next day, we observed black people who appeared to be working at municipal jobs and saw one black policeman driving a police cruiser along a main city thoroughfare, away from any black neighborhood.

On our trip to Autaugaville, about 25 miles from Montgomery, we were astonished to find that black residents operated service stations and other small businesses. There are only a few hundred people in the small agricultural community.

Many of the black residents we talked with reminded us that despite the obvious gains, apparent to visitors, there still remain problems of unemployment, housing and racial discrimination. However, they admit that many of the smouldering and long-term tensions now present in many Northern cities scarred by riots are absent in the Montgomery area.

Some had lived in the North for varying lengths of time and had returned to the land of their births to make their homes. Many had found the harshness of urban life and the bitter Northern winters were not to their liking.

"You make a lot of money," observed a relative who once lived in the North, "but it doesn't go far. I can do more with less here." He now lives in a pleasant, quiet, integrated neighborhood of neat homes near the Montgomery suburbs.

Many black residents have no desire to leave the city as they might have at one time. They remain because of increased job opportunities, civil-rights gains and a feeling, that we now share, that Montgomery and the South have changed.

The change is evident in some of the little things, such as The Montgomery Advertiser carrying photographs and marriage announcements of black newlyweds on the social pages, the presence of blacks on the staffs of white-owned newspapers and radio stations, and the improved general outlook of most black residents.

As one black resident put it: "We go anywhere. There is no trouble downtown or at any of the hotels or motels." She added that the school-busing controversy is the only issue that threatens the peace between blacks and whites.

NBC DOCUMENTARY ON BLOOD BANKING—PART II

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. VEYSEY. Mr. Speaker, on October 28, I inserted in the CONGRESSIONAL RECORD the first half of the important documentary on blood banking recently broadcast by NBC News. The script of this program provides as complete a review of this field as I have been able to find, and yet it is very readable and relatively short.

I urge my colleagues to read this frightening report on how blood is collected and dispensed in the United States today. The need for adequate supervision in this field has become painfully evident. Within the next 2 weeks I will introduce legislation to provide some assurance of safety to blood recipients for the first time.

The item follows:

NBC DOCUMENTARY ON BLOOD BANKING

ANNOUNCER. It's difficult to put a value on a human life, but is it worth 30 minutes of your time. Thirty minutes is all it takes to give blood. Thirty minutes and you may help save a life. Several times each year, blood supplies dwindle to dangerously low levels. Don't let a few minutes be the difference between a life and a death. Contact your local blood bank today. This message a public service of the American Medical Association.

NURSE. Here's your five dollars in your pocket.

JORDAN. The rather universal appeal to most people in the American public seems to be money. Certainly this offers an attractive motivation, if you please.

PETTIT. That was blood banker Quinn Jordan, who believes there would be a critical blood shortage unless some people were paid like this. The usual fee is five to seven dollars. Nobody knows for sure how much of America's blood supply is obtained this way, but it is probably at least twenty percent.

JORDAN. I am firmly convinced after a good many years that any blood bank needs a whole host or variety of forms of motivation. And we've even contemplated the question of green stamps. We have a large industry here and we probably, it was, what, a 150 million dollar a year industry.

PETTIT. The United States government is the biggest single buyer of blood in the country. The blood is used in Veterans Administration hospitals. Last year, the V–A bought more than 2½-million dollars worth of blood from the Red Cross, and almost that much from private companies, which submitted low bids for contracts with individual hospitals.

V–A EMPLOYEE. The time has arrived for the bid opening by the Veterans Administration on this 22nd day of June, Solicitation No. 601–32–72. Invitation to bid on citrated whole blood and bloodcomponents, human, for delivery F.O.B. destination within consignees premises. The apparent low bidder is the Regional Blood Components, Incorporated. With a bid of $24,710.00. Thank you.

PETTIT. Regional blood components buys its blood in Oceanside, California. The people who line up to sell it are off-duty marines from nearby Camp Pendleton.

WHY NOT BAN PAID DONORS?

It is a common practice for companies to buy blood from young servicemen. If Viet Nam veterans are excluded, there is some evidence that well-fed, healthy recruits have safer blood than either skid row or red cross donors in big cities. Dr. Redeker says the safest blood comes from small towns, where there are fewer hepatitis carriers.

REDEKER. Now if a donor, if a commercial source were collecting its blood from a population of donors in whom the carrier state was extremely rare, even though they were being paid and even though the blood were being sold for profit, the blood would be quite safe. On the other hand, there is no guarantee whatsoever, anyplace in this country, that Red Cross blood is absolutely safe, none at all. It does carry a distinct small incidence of hepatitis after its use. We do have a test today that does identify one of the hepatitis viruses, that's being currently applied throughout the country.

PETTIT. The new test detects a specific blood particle which is usually found in people who carry one of the viruses. The drawback is that it cannot identify carriers of the other hepatitis viruses. So its use will eliminate some cases, but only about thirty percent of them.

REDEKER. Seventy percent or so of cases of transfusion related hepatitis will still appear and, I think they will be distributed as before between commercial and Red Cross blood. Q—Dr. Redeker, if commercial blood, despite testing, carries this inherently greater risk that you've described, why not just ban, bar, prohibit blood sold for profit? A—Well, that would be a simplistic solution, I grant. But I think not a practical solution, not today. We couldn't possibly thru volunteer donations from the Red Cross and so on accommodate the transfusion needs of this country, it would be absolutely impossible. Q—Do you view commercial blood then as a necessary evil in today's medicine? A—Oh, I do very much, yes, yes. Both necessary and evil.

ROLE OF THE RED CROSS

UTLEY. In any analysis of the blood business several key facts must be kept in mind: Blood cannot be synthesized. It has a short life-span outside the human body: 21 days. After that time, the red cells lose so much oxygen-carrying capacity that the blood can no longer be used in a direct transfusion. And the American Red Cross serves only part of the country from its 59 blood banks, even though it pioneered blood collecting on a national scale.

PETTIT. The American Red Cross began collecting blood in February, 1941—before Pearl Harbor. By the end of the war, the Red Cross had collected more than 13-million pints of blood. The blood program cost the Red Cross 15-million dollars. It cost the federal government an additional eight and a half million dollars. Nearly all the blood was turned into dried plasma for shipment overseas. Throughout the war, the Red Cross was plagued by rumors that it was selling plasma to the wounded. The rumors were not true, But they aggravated the problem of recruiting blood donors.

LOWELL THOMAS. War death and destruction are upon this earth. Our men are fighting and dying for us at the front. A pint of your blood will give them a fighting chance to live. Will you give them that chance? They need not die.

PETTIT. The Red Cross today retains its World War Two image. This year's National Convention in May displayed all the old-time pageantry and uniforms. The Red Cross is a quasi-governmental agency—tax-exempt, chartered by Congress, its governing board appointed by the President of the United States. One man has been chairman of the Red Cross since 1954. He is financier E. Roland Harriman, now 75.

HARRIMAN. As you know the demand for good clean blood is increasing dramatically. And we must do all we can in behalf of the national interest.

PETTIT. Over the years, the Red Cross has been closely identified with blood—both for military and civilian needs.

GREENWALT. The stimulus of World War Two and the Red Cross program for the government for World War Two led to the Red Cross getting into the blood programs. Now the Red Cross was willing in the early days, the early part of the Red Cross civilian program was geared to become a national blood program.

WOMAN. Goodbye Mr. Peck and remember, this year the Red Cross will make no collections in theaters.

GREGORY PECK. Thank you, Miss Sylmar, goodbye. I'd like to talk to you about something vital to all of us. The work of the Red Cross. Today the Red Cross has undertaken a vast new program, the collecting of blood to save civilian lives. Scores of blood centers will be established across the country. Red Cross plans to make blood available free to anyone, anywhere.

GREENWALT. It's hard, it's hard to say why it didn't happen, but the local community leaderships and in many of the large communities where Red Cross went in and tested the temperature of the water, and suggested and made recommendations for establishing a blood program, but they didn't want it.

PETTIT. As a result, the American Red Cross last year provided less than half the blood used in the United States. And it is no longer free; below cost, but not free. The patient pays up to 20 dollars a pint. The Red Cross failed to establish a national blood program in 1948 because it could not or would not resist opposition from other blood banks—many of them owned by doctors or set up by other non-profit agencies. Today there exists a chaotic patchwork of local and regional blood baronies, which are powerfully opposed to Red Cross expansion. One example is the Irwin Memorial Blood Bank (here) in San Francisco.

VOLUNTEER. This is the Irwin Memorial Blood Bank calling.

VOLUNTEER. Good afternoon, could I speak to Mr. William Pasadel please?

VOLUNTEER. Yes, and we have need of your wife's blood again.

VOLUNTEER. All right, fine. Thank you. I'll call back.

VOLUNTEER. About 2:30 today? Oh, that would be just wonderful.

PETTIT. The director of this blood bank had been fighting with the Red Cross for over 20 years.

Mrs. HEMPHILL. We supply 2,000,000 units of whole blood and other blood components and derivatives per year to patients in 59 hospitals in 9 countries. So this is a large service and operation. Our budget this past year is about a million, five hundred thousand dollars.

PETTIT. This tax-exempt Arizona corporation runs twenty-seven blood banks in twelve states.

JORDAN. Today we serve one-fifth of the continental land area of the United States. I'd like to think of blood services as a business operation with humanitarian and social overtones.

DISPATCHER. Good morning, blood services. How you doing, Chuck? How's everything in Pecos? What do you need, Chuck? You just need restock. What did you have, a bleeder out there or what, what's going on? Yeah, I remember the guy. Yeah, fellow had seven stab wounds. Back in January it was, yeah, that's right, I remember. He's got an ulcer now?

PETTIT. Blood in this country is routinely shipped hundreds, even thousands of miles—by bus, truck, and airplane. In broad terms, blood shipments go from the southwest and deep south to the big cities of the north and east. One of the largest chain distributors is headquartered in Birmingham, Alabama. Community Blood and Plasma sells 160-thousand pints of blood a year.

RICHARD DICE. No one can exist on a negative basis. You have to pay salaries. I think

if the profits of the markups are legitimate and reasonable I think they're a necessary entity. And after all, this is the United States. You don't have monopoly, you have a somewhat competitiveness in philosophy and I think it's, I think it's necessary that you, that you, that we have this in this country.

PETTIT. Another large company is headquartered in Memphis. It markets about 170-thousand pints of blood per year.

MAN. Interstate Blood Bank. Yes Maam. Ship 30 C's and ten A's. Yeah, that's right. Be sure and put notify on arrival, and tell them to hold it at the airport.

TECHNICIANS. 84, ABPOS; 85–O–POS. 69–A Pos. 70–O–Pos. 71–A–Pos. 72–A–Pos. 73–B–Pos. And 74–O–Pos.

ALTERNATIVES TO RED CROSS BLOOD

GREENWALT. You can't blame the commercial blood banks for anything that's happened in this country. They were needed to fill the gap. The gap that wasn't filled in a total program by the Red Cross.

PETTIT. Here in Los Angeles, commercial blood banks supply 40 to 50 percent of the total demand. Even some of the finest, most exclusive hospitals cannot get enough blood from the Red Cross. Some of it comes from right here. And hospitals for charity patients have to buy most of their blood with tax money. But the Red Cross is doing better in Los Angeles than in New York, Chicago, Philadelphia, or Detroit. The simple fact is that in most major American cities, the Red Cross cannot supply all the blood that's needed. More than a quarter century after World War Two, the Red Cross method of operating is essentially unchanged: mass collections by bloodmobiles at churches, schools, factories and offices. This method still gets a lot of blood. But because the Red Cross does not turn anybody away, this means periodic surpluses of certain blood types—huge surpluses of some types, and shortages of others. And the National Red Cross is cutting back its financial support of its Regional blood banks. This comes just when local chapters are trying desperately to increase their collections to combat commercialism.

Mrs. JOHN FANUCANE. If we have sufficient volunteer blood donors, it will not be profitable for the commercial blood banks to stay in business.

PETTIT. But in Los Angeles today, even if you donate blood to the Red Cross, when you need blood, it may come from skid row. Ironically the Red Cross pays less than half its own blood budget and patients pay the rest. It is short of money and blood.

Mrs. FANUCANE. I feel that we have to use and utilize the talents of many more volunteer recruiters and if we can sell the volunteer recruiters to recruit the volunteer donors, perhaps we'll be well on our way to reaching our goal. If you think it's difficult to get a dollar from a person, try getting their blood.

DONOR. A neighbor of mine is going to have open heart surgery and needs sixteen pints of blood and I thought that I would give him a hand.

PETTIT. But Mrs. Keaster's blood was never used in a transfusion. It got too old.

DONOR. Oh I'm sure that they'll put it to good use. Somebody will be able to use it.

PETTIT. Mr. Salisbury's blood was never given in a transfusion. It gets "too old."

DONOR. Well I hope it goes to some needy person that really has to have it. I don't know, maybe it's sent to Viet Nam, for all I know.

PETTIT. Mr. Yesmy's blood was not used in a transfusion, either. The truth is that from 10 to 25 percent of the blood given to the Red Cross gets "too old." After 21 days, it simply cannot be used. When that happens, the plasma is extracted and used to make plasma products or fractions, which are sold by the Red Cross at reduced prices. Last year, the Los Angeles Red Cross reported 25,000 units of blood had been permitted to get out-dated. Last year, the Red Cross nationally reported that more than a third of a million pints of Red Cross blood outdated. The plasma is saved, but since the red cells have lost their ability to carry enough oxygen, they have no further use.

Mrs. FANUCANE. We would take the outdated blood and fractionate it. And we have to have raw material for those fractions so this is very important. We would not waste their blood. And if they go away with the feeling that even if their blood is not used as whole blood that that blood is going down the drain, we have done a bad job public relationswise with that donor.

ANNOUNCER. Open your heart. Empty your hands. And roll up your sleeves with the American Red Cross.

PETTIT. After working ten months on this assignment, perhaps some observations are in order. First of all, the Red Cross is widely regarded by other blood bankers as inefficient, wasteful and arrogant. They told me that, but they are afraid to say so in public. The Red Cross seems to work best in small towns, where it has a monopoly.

OTHER COUNTRIES

In Canada, the Red Cross has a national monopoly—subsidized by the federal and provincial governments to supply free blood and inexpensive blood products, such as plasma derivatives. But at least 30 percent of the blood collected in Canada gets outdated and the red cells thrown away. The British National Blood Transfusion Service is often cited as the best in the western world.

MONTGOMERY. Giving blood—not selling—is a well established British tradition dating back half a century. It is not perfect however. Occasional shortages of blood do develop largely because blood cannot be stored for more than 3 weeks and unexpected big disasters like train wrecks use up a lot of it. The Transfusion Service always needs new volunteers. They are screened carefully, so serum hepatitis is not a big problem. The service operates as part of Britain's all embracing tax supported system of socialized medicine. To most observers this is the key to its success.

PETTIT. Because there is very little hepatitis in Britain to begin with, the British can collect safe blood from almost anybody—including convicts. The worst example of commercialism and hepatitis is usually said to be Japan, but that is no longer true.

RICH. Blood banks were a postwar development in Japan. They started during the American occupation and by the early 1960's were a thriving if hazardous operation. Thirty percent of this blood carried hepatitis. Ironically, the stabbing of American Ambasador Edwin Reischauer publicized the shocking state of Japan's blood collection system. After the attack, the Ambassador was given commercial blood at a nearby hospital. A few weeks later Mr. Reischauer came down with hepatitis. During the ensuing expose of the blood gathering system, the Japanese government stepped in. It gave its support to the Red Cross, which was made the major blood collecting agency.

PETTIT. However, post transfusion hepatitis rates remain high in Japan, even with Red Cross blood because hepatitis is rampant in the big cities, just as in the United States.

WHAT WE DO NOT KNOW

We Americans have a lot of misinformation about blood and there are many things we simply don't know: Nobody knows how much blood is collected or how much is used. Nobody knows how much is needed or how much is wasted. Nobody knows for sure what blood prices or profits are. Nobody knows how many doctors own commercial blood banks. Nobody knows how much hepatitis is directly related to blood transfusions because nobody keeps track of that information either. There are no national statistics because there is no national policy. In a real way, the vested interests in blood have a vested interest in secrecy. The blood products industry has such a cozy relationship with the government, that when I was shown N–I–H records, many of the company names were covered up with masking tape. But this much is clear: what we do have new works and what we now have is pure laissez-faire, pure capitalism—with absolutely no economic regulation. So in fact we DO have a policy—no policy at all, totally unlike Britain or Japan.

RICH. In Japan blood has always had a sacred concept. That's one reason why it has been designated as a national resource, not to be traded in the market place.

MONTGOMERY. Health in Britain is run as a social service and not for profit. There is an altruistic atmosphere that makes a million and a half people willing to give away something very valuable—their own blood.

PETTIT. While we in this country pay lip service to altruism in trying to recruit donors, ultimately we have to pay cash on the line to supply the need. We can develop cheap frozen TV dinners, but we cannot develop cheap frozen blood, which would solve every problem we now have in the blood field. As it is now, the wealthy and those with health insurance get blood with little inconvenience. The poor and those without insurance not only supply much of our blood, but they also have the hardest time paying for it. . . . America's blood industry brings together in the market place 3 groups of people: —those who buy blood with money; —those who buy money with blood; —and a very small group, the people who give their blood for nothing.

SUPPOSE A PRESIDENT NAMED KENNEDY DID THIS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. BURKE of Florida. Mr. Speaker, the results of the latest Gallup poll, released over this past weekend show that President Nixon's approval among the voters now stands at 54 percent. He enjoys solid support in all four major areas of the country and from all key groups of the populace.

Yet, were one to ask the opinion moulders of "academia" or some of the news media for assessment of the Nixon administration, can there be any doubt about how it would be traduced?

It often appears that no one supports the President except the people. This curious disparity between the people and their self-styled thought shapers is pointed out in an essay by Mike Royko of the Chicago Daily News Service that appeared in the Miami Herald on October 12, 1971. The article follows:

Imagine for a moment what the public's feelings might be for a President named Kennedy—any first name will do—we managed to accomplish the following by the end of his third year in office:

Took a full-blown war left over from two previous administrations and whittled it down, with a possible end in sight.

Came to grips with an inflation left over from two previous administrations by imposing the most far-reaching government controls since the days of F.D.R.

Tried to improve relations with China by sending an emmisary there and planning to make a visit himself.

I imagine that if a President named Kennedy had done these things, his followers would be singing songs from "Camelot," while the workmen began carving his handsome likeness into Mt. Rushmore.

On the other hand, try to imagine how people would feel about a ski-nosed President named Nixon if he did any or all of the following:

Back an invasion of Cuba that was foolish in the first place, and fell flat on its face in the second place.

Sent troops in growing number to take part in a civil war in Southeast Asia.

Appointed his own brother as U.S. Attorney General.

If someone named Nixon built that kind of record, his name might not even show up in the polls.

As it is, he is not doing very well, despite a suprisingly good three years. (They must have been fairly good, because the right wing is upset with him.)

His support has fallen since the beginning of this year, and he was barely getting by even then.

At the same time, Sen. Edward Kennedy has taken the lead in the polls as the Democrats' choice to run for the Presidency next year.

Mr. Nixon's problem has never changed. He is still the man who can't be trusted, regardless of what he does. Only this week, a new book came out, written by Phillip Roth, the author of "Portnoy's Complaint."

The book, a satirical study of somebody known as "Trick E. Dixon," is called "Our Gang," and the dust jacket says:

"The hero—or villain—of 'Our Gang' is Trick E. Dixon, self-pronounced legal whiz, peace-loving 'Quaker,' and somehow President of the United States. 'Tricky,' as imagined by Roth, is a hypocritical opportunist . . ."

Which the real Trick E. Dixon may well be. It is hard to forget that he made it into Congress through scurrilous campaign tactics, built his name in the Senate by Red-baiting and has gone in for such things as a "Southern Strategy."

Presumably, he has never changed, because a man never changes, unless his name is Kennedy, in which case he can change faster than Clark Kent.

Thus, John F. Kennedy, a lazy, girl-watching senator, whose only known position on most issues was to be absent from roll call, suddenly was trotted out as a tower of statesmanship as he used his old man's dough to blitz one state primary after another.

His brother, Robert, whose Red-baiting credentials included a stint working for Sen. Joe McCarthy, didn't have the stomach to take on President Johnson until Eugene McCarthy landed the first blow. Then Robert Kennedy became an instant symbol of courage and hope.

And now we have Sen. Edward, and he appears to be another in the line of late-blooming Kennedys.

In 1968, when he hadn't really done anything except sit there and look handsome, he could have had the Democratic nomination for the asking. That might be the situation again in July of next year.

Unlike Mr. Nixon, Edward Kennedy is considered capable of great change and growth.

Mr. Nixon has been viewed with more contempt for having been an eager, but incompetent, football player at Whittier College, than Edward Kennedy has for cheating in some of his college exams.

And you still hear some people asking if you would buy a car from somebody like Nixon.

I wish that the same people, just once, would ask if you would ride in a car with Edward Kennedy.

THE SITUATION IN NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. BIAGGI. Mr. Speaker, the reports of the problems affecting the citizens of Northern Ireland in the American press do not cover the very serious problem of refugees.

A short while ago, I called on the President to provide emergency refugee aid to the citizens of Northern Ireland who have fled to the south and are now living in refugee camps. We responded to the needs of refugees the world over in the past. We must do the same here.

To keep my colleagues fully informed on these problems, I am including in today's CONGRESSIONAL RECORD an article from the Sunday Times of Dublin dated August 15, 1971:

REFUGEES: THE BITTER EXODUS

(By Philip Jacobson)

Just before midnight last Tuesday a tiny baker's van rattled through the main gate of the Gormanston army camp, biggest of the eight refugee centres opened by the Irish Government last week. As incredulous sentries looked on, 23 young children and two women tumbled from the back, like something out of a Keystone Cops movie.

The van had left the Falls Road where it had been part of a barricade almost five hours earlier. Its cramped passengers were the advance guard of a flood of refugees which now threatens to overwhelm the brave but inexperienced efforts of the Irish Government to cope with a problem which has rapidly assumed far greater proportions than anyone had planned for.

Twelve hours after the van arrived there were 1,600 refugees in Gormanston, which is a small training camp 25 miles north of Dublin that normally reckons to handle about 308 people. The Irish Army has about 100 men on duty there, helped by some young cadets doing their annual camp.

Most of the refugees came in the first official train from Belfast. Others arrived in clapped-out vans and cars, smoke blackened coaches and open lorries. A party of 17 mentally retarded and spastic children came in a mini-bus and two cars shepherded by a couple of nurses and two 15-year-old boys. A stray CS canister had hit the bus when it was leaving Belfast and some of the children were still coughing and rubbing inflamed eyes.

By Friday some 5,000 refugees had crossed the border. Gormanston was bursting at the seams with more than 3,000 people, and the Irish Army was losing the battle to keep them moving on to other permanent camps farther south.

About threequarters of the Gormanston refugees are children, the majority under 12. The rest are women and old people. There are no grown men—drivers and escorts invariably went straight back to Belfast, some to fight but most to hang on to their jobs. There are very few teenage boys around and those you see complain bitterly of being forced to leave the fighting to bring younger brothers and sisters out.

There is little evidence of any cohesive central organisation behind the refugee movement. What seems to have happened in the Falls Road and Ballymurphy districts—from which most of the Gormanston refugees come—was a spontaneous community decision that the fighting had become just too bad and that women and children had to be sent away. Most women I spoke to said their "man" had simply told them to pack a few things and leave.

Virtually all of them brought other people's children out too. "The men decided we had to go and my husband told me to help collect the rest of the young kids in our street," one woman said. She brought out 16 children all told. Like most of the refugee women, she refused to give her name—"My husband's still there."

A teenage girl from the Lower Falls explained how her husband had moved herself and his seven young brothers and sisters to the South. "The shooting was going on everywhere," she recalled. "We ran two miles to the Parish Church and then a priest wangled us on a train for Dublin." There was, not surprisingly, overwhelming cynicism among refugees at Friday's call by the Chief Constable of Belfast for the RUC to "identify persons responsible for intimidation or arson and bring them to justice."

The vast majority of refugees are, naturally, Catholics but a few hundred Protestants have come out too. "I've had enough," a mother of five said wearily. "We're going to relatives in London." The Irish Army scrupulously refrains from asking incoming refugees about their religion.

The refugees expressed bitter hostility towards the British Army, with what justification it was impossible to tell. Many women insisted they had been shoved, sworn at and generally harassed by soldiers when they were leaving with the children. Some claim that troops ignored Protestant crowds threatening them on the journey out of Belfast and that the trains were stoned. A Dutch television crew at Gormanston eagerly filmed a distraught woman who alleged that a soldier had deliberately shot the family's labrador dog. "The soldiers were all drugged and drunk," she kept repeating. "All drugged and drunk."

The Irish soldiers, too, came in for abuse. "You've got plenty of guns," a young woman screamed, "why aren't you fighting for us in Belfast like our husbands?"

The hatred and contempt for British soldiers is not confined to adult refugees. Young children have inevitably, acquired depressing command of the rhetoric of the crisis, talking viciously of "murdering British bastards," and solemnly relating hair-raising rumours of the troops' conduct in their area. The merits of petrol and nail bomb are discussed with apparent seriousness.

This is, to some extent, a natural reaction to the terrifying events that have become part of everyday life in Belfast and Derry. But it is also very plain that a whole new generation of potential street fighters is being shaped in the refugee camps of Southern Ireland.

While the weather stayed dry, physical conditions at Gormanston were not too bad. The ancient Nissen huts are fairly grim accommodation but, early in the week, there were at least enough beds to go round if several children slept together. The hard pressed cookhouse was just about coping, though you had to queue for a couple of hours or more for a breakfast of cereal, bacon and eggs and tea.

There's plenty of open space and grass where the younger kids can play. The older girls—often carefully made up and fashionably dressed—flirted with the young cadets and consumed innumerable soft drinks from the equivalent of the NAAFI. The women sat around anxiously listening to transistor radios and scanning the few newspapers available. One suddenly burst into tears after hearing of the death of a cousin, shot in a gun battle at Whiterock.

All the time, a regular shuttle service of Dublin city buses was moving the refugees on to permanent camps farther South. As soon as the really heavy flow began, however, Gormanston took on the depressingly fa-

miliar appearance of any refugee camp anywhere.

The children suddenly looked like all refugee children—dirty, exhausted, frightened and uncomprehending. Tired women with plastic bags full of clothing hastily snatched up were huddle on chairs in the persistent rain, arguing, abusing and pleading with the harassed soldiers. As food ran short and the mess-hall queue got longer, even the miraculous patience and good humour of the Irish soldiers was cracking.

With long delays developing before the move to another camp, the refugees' morale reached rock bottom. Late on Thursday about 1,000 people who had arrived that day from Belfast demanded to be returned. The Army patiently took them to the station and put them on a special train heading back North. When they reached Belfast's Great Victoria Station, they were turned round again, and trekked back to Gormanston.

There has been much less pressure on the three main camps set up to receive refugees from Derry and other West Coast districts. By Friday fewer than 600 people had crossed to the South from this area, passing through the Finner transit camp in Donegal to well prepared permanent quarters farther South.

The Irish Government has done its best to cope with the refugees. It never expected so many and it simply has not got the capacity to handle them, particularly the heavy proportion of young children. It is opening every army camp it can find, clearing schools and hospitals and desperately improving conditions at existing camps. But if the flow continues, and some officials fear another 5,000 may cross in the next few days, the situation would become impossible. At that point, some Government sources suggest there would have to be international action.

LAW PROFESSORS OF THE UNIVERSITY OF CHICAGO LAW SCHOOL OPPOSE PRAYER AMENDMENT, AS DOES THE AMERICAN FEDERATION OF TEACHERS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. CELLER. Mr. Speaker, unless the House of Representatives is aware of the strength of the opposition to the proposed prayer amendment, it cannot vote intelligently when this measure comes to the floor. Thus, I believe it is my responsibility to direct the attention of the Members of the House of Representatives to a telegram received by me from law professors of the University of Chicago Law School and to the letter and resolution received by me from the American Federation of Teachers.

The texts follow:

CHICAGO, ILL.

HON. EMANUEL CELLER,
House of Representatives, Committee on Judiciary, Washington, D.C.:

We wish to register our unalterable opposition to the proposed school prayer amendment H.R. Joint Resolution 191 because it is destructive of religious freedom and will contribute to religious divisiveness.

Walter J. Blum, Gerhard Kasper, Frank L. Ellsworth, Richard S. E. Johns, Harry Kalven Jr., Stanley Kaplan, Stanley Katz, Philip B. Kurland, Bartholomew Lee, Hans Zisel, the Law School University of Chicago, Chicago, Ill.

OCTOBER 28, 1971.

DEAR CONGRESSMAN: The American Federation of Teachers wishes to advise you of our position in regard to the "Non-Denominational Prayer Amendment." I am enclosing for your information a Resolution passed by the 1963 Convention of the American Federation of Teachers.

Pursuant to the position taken by our organization, I strongly urge that you uphold freedom of religion and the separation of church and state by voting against the proposed Constitutional Amendment.

Sincerely,

DAVID SELDEN, *President.*

FREEDOM OF RELIGION

Whereas, freedom of religion and the free exercise thereof is a fundamental tenet of the American way of life, deeply embedded in our history and heritage and affirmed by our institutions; and

Whereas, this freedom has been interpreted to imply the freedom not to express religious beliefs or to participate in religious activities; and

Whereas, the forcing of affirmation of religious beliefs or participation in religious exercises constitutes an invasion of the individual's freedom of conscience; now therefore be it

Resolved, that the American Federation of Teachers affirm its belief and support for the above principles and its condemnation of any policy contrary thereto, whether applying to staff or student and whether involving the required affirmation of religious belief or participation in religious activities or exercises.

THE SECRETARY OF THE INTERIOR HAS CONFIDENCE IN THE VAST MAJORITY OF CITIZENS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. CARTER. Mr. Speaker, recently, the Secretary of the Interior, the Honorable Rogers C. B. Morton, spoke at a meeting of the Interstate Mining Commission in Lexington, Ky.

Secretary Morton has the confidence of the vast majority of the people of the United States. I include his remarks for the RECORD:

REMARKS BY ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR, AT A MEETING OF THE INTERSTATE MINING COMMISSION, LEXINGTON, KY., OCTOBER 21, 1971

It was a most fortunate day . . . April 27th of this year . . . when officials from Kentucky, North Carolina, Oklahoma, and Pennsylvania met at Raleigh to create this interstate body that is committed to improving surface mining and other practices of mineral extraction.

The Interstate Mining Commission came about because of initiative exercised by these states.

While the powers of the Commission are of a recommendatory, consulting nature, its very existence can foster many needed changes in the practices and conditions of the mineral industry.

The membership of your Commission seems likely to increase . . . and I sincerely hope that it will. I know during your founding meeting at Raleigh, you urged all other states that have surface mining operations to give serious consideration to joining your compact. Keep after them.

The increasing demand for coal and other minerals and the industry's improved recovery ability have increased mining activity, especially in strip mining. This industry is an important link in our economy, but we must realize that it is capable of disastrous effects upon the environment.

It is the surface mining industry that, in the future, will provide a strong domestic mineral supply base and prevent our dependence on foreign sources of mineral raw materials from becoming dangerously large or prohibitively expensive.

Surface mining in 1969 accounted for 94 percent of all domestic production of crude metallic and nonmetallic ores: 2.45 billion tons compared with 165 million tons from underground mines.

Approximately 38 percent of all coal in 1969 came from surface mines. Preliminary data for 1970 indicates that this figure has risen sharply to 44 percent.

On a comparison basis, surface mines in 1969 produced 218 million tons and 269 million tons in 1970. Underground mines produced 347 million tons in 1969 compared with 338 million tons in 1970. Only the sharp increase in surface-mined coal enabled the industry to meet demand last year.

Many in the coal industry are saying that surface mining in 1971 will overtake underground mining and that—for the first time in history—more coal will come from above ground than below.

That prediction could very well come true. If surface mining doesn't overtake underground mining in 1971, it seems bound to occur soon.

While we find ourselves in a period of expanded reliance on surface mining, we are also, in 1971, facing an environmental imperative.

More than three million acres of land have been disturbed by surface mining and approximately 150,000 acres are added each year. If the trend continues, by 1980, some 5 million acres will have been affected by mining activity. Much of this acreage has been rendered inaccessible, unsightly and disgraceful.

Drainage is one of the terrible penalties of surface mining. Our lakes and streams become polluted when acid mine drainage, leaching liquors, processing plant chemicals and mine waters with high iron content are released untreated to local water systems.

Runoff from denuded surface-mined land and mine waste accumulations cause siltation of stream channels and possible flooding in affected drainage basins.

Stagnant water in strip pits is a breeding ground for insects and a hazard to public safety.

As of 1967, surface and other forms of mining had adversely affected fish and wildlife habitat in 13,000 miles of streams . . . 281 natural lakes . . . and 168 reservoirs and impoundments.

In 1969, the stripping of overburden and the removal of ore by surface mining in 20,314 active surface mines disturbed an estimated 193,000 acres of land. About 38 percent—73,000 acres of this land—was disturbed as the result of coal mining activity. It is estimated that coal mining disturbed 90,000 acres in 1970.

This is an absolutely abhorrent form of land use which should not be tolerated.

The land is our greatest resource. We are merely temporary tenants upon a good earth which will remain a hundred thousand years after we're gone. A lot of folks will want to use it in that time, so, while we are in custody of it, nothing but the highest forms of stewardship should be acceptable.

I believe, in 1971, that the environmental disturbances engendered by unrestrained mining practices are neither inherent in the mining process, or an economic necessity. I also know that, with proper controls and enforced reclamation, adverse environmental effects can be minimized and held well within acceptable limits.

I urge each of you to support the President's mined land reclamation proposal. Senator Cooper, the senior Senator from this great state, is a co-sponsor of the legislation.

The Mined Area Protection Act of 1971 is designed to avoid or correct the adverse environmental effects resulting from the production of coal and other hard minerals.

In keeping with the philosophy of this Administration, the bill carefully protects the states.

It would do this by regulating present and future exploration, mining and mineral-related activity in a manner to strongly encourage maximum use of known techniques of environmental protection and reclamation.

Coverage under the Act would extend to all surface and underground mines and adjacent loading, cleaning, concentrating, and other processing operations.

The bill establishes basic environmental protection criteria and provides an advisory committee to develop those criteria into workable national guidelines.

Each state will have the opportunity to develop legislation, subject to approval by the Secretary of the Interior, which will conform to the national guidelines.

To effectively prevent future damage, all forms of mining and processing activity would be included under the law. For this reason, both surface and underground mining, as well as processing activities, are included. The problem will not be solved by attacking only a portion of it. All mining activity contributes to environmental degradation and, therefore, must come under the law.

The Federal Government will develop, administer, and enforce environmental regulations for mineral production activities within any state which does not have approved legislation within the time limit set by the bill.

I repeat: The emphasis of the Act is on state—rather than federal—control.

Furthermore, the Act provides financial and technical assistance to the states for the development and enforcement of appropriate state regulations.

When the state's program is approved by the Secretary of the Interior as meeting the requirements of the Act, federal grants will be authorized to cover up to 80 percent of the state's program development costs.

Today we have a multiplicity of state laws and ordinances which attempt in their own individual ways to cope with some of the adverse environmental effects of mining.

Where adequate state mining laws exist, they exert a tangible influence over the actions of mineral producers—but only within their selective jurisdictions.

At present, however, only 27 states have enacted some form of legislation relating to the conduct of surface mining operations and the reclamation of surface-mined lands.

Among the state statutes, there is disparity between license, bond, reclamation requirements, penalties, and commodities covered. Three of the states regulate coal extraction only, one the mining of coal and barite only, and two the production of metallic minerals only.

A major objective of The Mined Area Protection Act is to make as uniform as possible environmental laws and regulations governing mining operations. The establishment of equitable national principles, applicable in all 50 states, would contribute significantly to this purpose.

Passage of The Mined Area Protection Act would confront operators everywhere with similar general requirements for these activities. Each would then have a strong incentive to emphasize more efficient mining practices and develop more effective reclamation technologies in order to reduce overall costs and remain competitive.

One important benefit of these efforts undoubtedly would be the adoption and application of "full cost accounting" in the mining industry.

The cost of environmental protection would become an accepted part of mining operations.

I want to point out certain areas that would *not* be covered by The Mined Area Protection Act. They include:

(1) *Federal public lands and Indian lands.* While those lands must be environmentally protected, turning them over to a state agency or to another federal agency would lead to useless duplication of the present management system and confusion for all concerned.

(2) *The extraction of minerals via wells or pipes.* Except in situ distillation on retorting, or the smelting of ores.

The President recognizes that the initial responsibility for developing and enforcing regulations should rest with the states. He has also seen wisely, that the effort must be nationwide and based to the fullest extent possible on national standards so that the mining industry will be placed on an equal footing in every state.

I must tell you that the President of the United States and the Secretary of the Interior mean business on the issues of surface mining and the environment.

This legislation is very important . . . it is critical . . . and it is long overdue.

The initiative has been given to the states for they are closer to the problem but let it be clearly understood that we will take the ball if you don't.

The President has said:

"Restoring nature to its natural state is a cause beyond party and beyond factions. It has become a common cause of all people of this country. It is of particular concern to young Americans—because they, more than we, will reap the grim consequences of our failure to act on programs which are needed now if we are to prevent disaster later."

The effort you give to protect the environment in future mining operations is extremely important. It will behoove us to join together to insure surroundings that will assure cleaner, healthier, happier lives for all Americans.

THE 33D ANNUAL MASONIC COMMUNION SERVICE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. HORTON. Mr. Speaker, yesterday morning I had the privilege to attend the 33d annual Masonic Communion Service under the auspices of the Masonic Service Bureau for the Masons of the First and Second Monroe Districts in Rochester, N.Y. Communion services were held at St. Paul's Episcopal Church with Rev. Robert M. Wainwright officiating and at the Lutheran Church of the Incarnate Word with Rev. Robert F. Fisher officiating.

The communion services were followed by a breakfast at the Masonic Temple in Rochester. Past Grand Master of Masons of the State of New York, Most Worshipful Clarence J. Henry, presided over the meeting. The main speaker for the occasion was Most Worshipful William R. Knapp, present Grand Master of Masons of the State of New York, who gave an inspiring message. Also present was a large delegation of the Knights of Columbus from the Monroe County area who recently celebrated their 75th anniversary.

Mr. Speaker, it was a special honor for me to present the 12th annual distinguished community service award to Illustrious and Right Worship Odell B. Kelly. Having served as president of the Masonic Service Bureau when Odell Kelly was selected our executive director, I am particularly proud of the outstanding work he has done with the bureau. The citation which accompanied his award reads as follows:

Citing the constantly upward thrust of his accomplishments—as a civic leader and attentive Councilman of the Town of Irondequoit; as a stalwart ever willing to accept and bear responsibility in the affairs of his Church; as a compassionate, understanding, efficient and effective guiding hand, and core, of the Masonic Service Bureau for many years; as a bountifully contributing member of numerous worthy organizations; indeed, as an exemplary member of this Fraternity in all facets of his life—the Masons of Rochester and Monroe County have discovered compelling reasons for reaching an exception to their historic reticence toward selecting one closely woven into the fabric of their leadership, and proudly present the Twelfth Annual Distinguished Community Service Award to Ill. and R.W. Odell B. Kelly.

In attendance for the award ceremony were members of Odell Kelly's family, his wife, Rose; daughters, Helen Kelly and Mrs. Patricia Merkle; Mrs. Merkle's husband, John, and two children, David and Steven. Also present were Mr. Kelly's sister and her husband, Dr. and Mrs. Paddock of Bath, N.Y.

At this point, Mr. Speaker, I feel it is appropriate to include an article which details Odell Kelly's record of leadership and community service. Written by Barton Baker, the article is entitled "The Kelly Years Since 1956":

MASONIC SERVICE AND CHARITY—CHAPTER 10

Odell B. Kelly has served the Masonic Service Bureau of Rochester, N.Y. Inc. as its executive director since 1956. That is a record not equalled in years of performance by any other Director. This Chapter of Masonic Service and Charity is issued to commemorate the 150th Anniversary of Monroe County celebrated in 1971.

Chapter 1 appeared in 1967 and chronicled the founding of the Bureau in 1810 by Brother John Ray. Masonic charity continued unbroken since that date through the Bureau and the other names by which it was known. These names included Masonic Employment Bureau and joint activities by Masonic groups since 1810 as described in Chapter 6.

Masonic meetings and ritual went underground during the Morgan episode of 1826 referred to in Chapter 1. The help, aid and assistance from brother to brother increased rather than diminished during days of persecution. The 150th Anniversary Arrangements Committee was listed in the September–October Empire State Mason as Dr. Barton Baker, John M. Biggs, R. Kenneth Crawford. Odell B. Kelly, Charles H. McCracken, Fred Neilson, Sidney O'Dell, Herman Sarachan, Anthony Schatzlein, Norman H. Selke, George Wetzel and Myron E. Wilkes.

Masonic service beyond the call of duty too often goes unnoticed, but the 150th Anniversary of the founding of Monroe County was selected by his brothers as an appropriate time to add Odell B. Kelly to the winners' list of the Distinguished Community

Service Award. From 1947 the Award was first limited to the following members of the Craft: Henry C. Taylor, William H. Craw, Theodore T. Benz, Dr. Elmer Seel, Nathan Morrell, Henry G. Meacham, William F. Strang and Herman A. Sarachan. In 1960 the Masonic Service Bureau Board voted to remove the Craft limitation and the following have since been honored: David Harvard, Henri P. Projansky, Gilbert J. C. McCurdy, Dr. Samuel J. Stabins, Albert W. Skinner, Lennarth, C. Anderson, Morrie E. Silver, Mrs. Frank E. Gannett, Mrs. F. Hawley Ward, Major Ralph R. Leidy, Rev. Dr. Thomas B. Richards and Odell B. Kelly.

We will record news and facts about Brother Kelly and some of the accomplishments of his administration. Odell B. Kelly was born November 7, 1902 in Stephens Mills, Steuben County, New York. He graduated from Haverling High School, Bath, New York in 1919, and from Rochester Business Institute in 1921. He was married in 1924. Odell and his wife, Rose, have two daughters, Helen Kelly and Patricia Kelly Merkel. Patricia has two sons, David and Steven Merkel. Odell was raised in Corinthian Temple Lodge in 1938, became Master in 1949 and served as Secretary from 1950 to 1960. He is an active member in the Rochester Consistory (now Treasurer), Damascus Shrine Temple and Royal Order of Scotland.

Brother Kelly was awarded the honorary Legion of Honor of the International Supreme Council, Order of De Molay. He became a 33° Mason in 1963. He was elected Grand Sword Bearer of Masonic Grand Lodge, President of Masters and Wardens Association, Bureau of Masonic Education (now Treasurer) and Secretary of Masonic Secretaries Association.

Congressman Frank Horton was President of the Masonic Service Bureau in 1956. A special committee consisting of Barton Baker, C. H. Holt, Leonard Parker and William Oliver interviewed many candidates for the office of executive director and Odell was the unanimous recommendation of the committee, concurred in by the Board.

Director Kelly's performance and experience outside the Masonic Service Bureau has also been successful and impressive. He was a Councilman of the Town of Irondequoit for eight years. Republican Committeeman for thirty-five years, Treasurer of the Irondequoit Town and County Committee for over ten years, and elder of the Summerville Presbyterian Church, member of the Presbytery Committee and Pension Board. He says that he saw people at their best and worst as an insurance adjuster for twenty-five years. He came to the Bureau from the insurance field and loves the opportunity to help all who need his help.

The Kelly participation in other organizations is very helpful to the Masonic Service Bureau including his services as Chairman of the Friendship Committee of Rochester Rotary. He is active in the Sons of Union Veterans of the Civil War, Abraham Lincoln Camp #6.

The Bureau issued an "Encyclopedia of Activities" as Chapter 3 of this History. The Encyclopedia lists over fifty activities, all of which have been actively supported and promoted by Brother Kelly. He is sympathetic masonry in action, his consultations and phone calls number three thousand a year. These include marital and money problems of the callers and Lodge advice to Masters of Lodges. Prospective donors ask for the legal titles of Masonic bodies.

At regular intervals he arranges visits to Masonic War Veterans and receives the cooperation of Kodak Square Club and other organizations in this endeavor. For over twenty years the Masonic Service Bureau has entertained the international students in a record and talk-a-letter home dinner. These students are tomorrow's world leaders and they feel more kindly towards America because of this kind of treatment by Masons in Rochester.

Each year one hundred children are given a picnic at the Salvation Army Camp with gifts from the Bureau. The Masonic Service Bureau arranges Christmas dinners for worthy families, names being audited by the Christmas Bureau. Kelly arranges carol singing at Christmas time and is Santa in a red suit every Christmas upon the bus pilgrimage to the Masonic Home in Utica.

Odell encourages and supports the Endowment Committee. Barton Baker, Chairman of the Committee reported recent gifts to the Masonic Home from the Lillian Bornkessel Estate of over $50,000.00 as well as $10,000.00 to the Shriners Hospital for Crippled Children. Her son, Frank Higgins and Barton Baker were co-executors of the Estate.

Frederick Minett was a member of Kelly's Lodge and died in 1971. He provided a fund of over four million dollars for the Rochester Institute of Technology, including the establishment of the Barton Baker Youth Center at the Monroe County Fairpark containing the Minett ice rink. Through Barton as Trustee, generous gifts were provided for the Shriners Hospitals, Salvation Army, Truth For Youth, Inc., Volunteers of America and the Community Chest. Each day the Bureau encourage charitable generosity through Wills.

The Masonic Service Bureau is loved at the Canandaigua Veterans Hospital because Kelly arranges the visits of volunteers every month on the second Sunday from October to May, inclusive. He is Chairman and Treasurer of the Christmas Planning Committee for about one thousand patients. Patients are discharged faster now and their numbers are decreasing. Often the Order of Eastern Star furnishes cookies, thirty-eight dozen per month as well as 300 cups of ice cream for just one Masonic Service Bureau trip.

Chapter Eight of Masonic Service and Charity is an illustration of the regular Masonic Service Bureau practical aid to Eastern Star and Masonic bodies. This Directory, complemented by the Grand Master contains thirty-six pages of names and facts about officers and committees and the Monroe Masonic News, the regular publication of the Service Bureau. Hundreds of telephone numbers are included. Do you need a Masonic organist in an emergency? The Directory lists six names and phone numbers on page 34. Kelly cheerfully complies and distributes all this essential encyclopedic information every year. Herman Sarachan's History of Masonry in Monroe County is another product of the Mason Service Bureau. Without the business backing of the Bureau and Herman's devotion to research, this treatise would never have been possible. "Masonic Service and Charity" is intended to illustrate the faith, hope and charity of our Order, really the heart of Masonry and includes the story not covered by the scope of Herman's History. It is appropriate that the issuance of Herman's book coincides with the day of the Masonic Distinguished Service Award to Kelly, as the book is another recognition of Odell's endeavors.

POWERPLANT SITING

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. PRICE of Illinois. Mr. Speaker, last week the Joint Committee on Atomic Energy's Subcommittee on Legislation, which I am privileged to chair, announced that it will not report AEC proposed legislation to amend certain of the existing provisions of the Atomic Energy Act of 1954, as amended, which concern the licensing of nuclear power facilities to the full committee during this session. A summary of the objectives of the AEC's legislation and the reasons for the decision not to report the AEC legislation are stated in the press release which I will place in the RECORD at the end of my remarks.

Mr. Speaker, extensive public hearings were held by the Subcommittee on Legislation on the AEC's proposed legislation in June and July 1971, and the four-part record of these hearings is now available. I shall place in the RECORD at the end of my remarks a staff analysis of the hearing record. Although the testimony at the hearings supported the objectives of the AEC's proposed early site legislation to provide for early resolution of environmental issues, it was abundantly clear that overall procedures are needed to resolve those matters in an orderly and timely basis. Overall, powerplant siting legislation, now before other committees of the Congress, is needed to provide for a coherent and rational plan for the consideration and resolution of environmental issues at an early date, with appropriate opportunity for public participation and complete public disclosure of environmental and safety matters, without causing undue construction and operating delays. I urge the support of the efforts by other Members who have labored long to develop realistic overall powerplant siting legislation which would be acceptable to all of the various elements involved.

At the same time, AEC should take steps to insure that its procedures are adequate to assure that there is appropriate public participation in AEC licensing and that the process is handled effectively and expeditiously. I note that AEC Commissioner Doub, in a recent speech, supports changes in AEC hearing procedures and expressed the view that there can be substantial progress through changes which are within AEC's present capabilities. I am pleased to include the Commission's speech in the RECORD and my letter to Chairman Schlesinger which urged that priority attention be given to the procedural changes which have objectives such as the ones covered by Commissioner Doub.

Chairman Schlesinger also gave a major speech last week which I commend to the attention of all interested in the actions which must be taken to deal with problems which now exist in the licensing of nuclear powerplants. Chairman Schlesinger's address in addition to placing in proper perspective the role of AEC and the responsibilities of the nuclear industry also underscores the obvious—fundamental questions of national policy must be decided with the framework provided by the Congress. As of now, no framework exists to provide overall guidance for the orderly and timely resolution of environmental issues associated with power generating facilities. A piecemeal legislative solution to the existing problems should only be attempted as a last resort and in the long term would

probably be counterproductive. What is needed is a cooperative effort by all concerned to help in the development of a sound framework and institutions implementing it. Neither AEC, industry, public interest groups nor the Congress can sit on the sidelines and hope that somehow these problems will be resolved satisfactorily. I am pleased to include Dr. Schlesinger's speech in the RECORD:

JOINT CONGRESSIONAL COMMITTEE ON ATOMIC ENERGY ANNOUNCES THAT THE ATOMIC ENERGY COMMISSION'S REGULATORY LEGISLATION WILL NOT BE REPORTED THIS SESSION

Vice Chairman Melvin Price of the Joint Committee on Atomic Energy and Congressman Craig Hosmer, ranking minority member, announced today that the Subcommittee on Legislation, of which Congressman Price is Chairman, will not report the AEC proposed legislation (H.R. 9285, S. 2151, and H.R. 9286, S. 2152) concerning the licensing of nuclear power facilities to the full Committee during this Session. (A summary of the objectives of these is attached.)

Extensive public hearings were held by the Subcommittee on Legislation on these bills in June and July, 1971, and Mr. Price announced that the four-part record of these hearings is now available. ("AEC Licensing Procedure and Related Legislation")

Mr. Price, in announcing the decision not to report the legislation to the full Committee this Session, stated:

"The testimony presented at the hearings emphasized the need for procedural changes to improve the licensing process for nuclear power reactors. Although the objective of the AEC's proposed early site legislation of providing for early resolution of environmental issues was generally viewed favorably by the witnesses, numerous valid questions were raised regarding its practicability. Such matters as the relationship between the early site and construction permit proceedings, the relationship of the early site authorization proceeding to other requirements such as the review required to comply with the National Environmental Policy Act (NEPA), requirements under water quality legislation, and the permits under the Refuse Act of 1899, the opportunity for hearing at the operating license stage, and the compatibility and harmony of the siting provisions in H.R. 9286 with general power plant siting legislation currently pending before other committees were not thoroughly developed in the testimony. Furthermore, considerable doubt has been expressed as to whether sufficient information could reasonably be made available at the early site authorization stage to settle with finality all significant site-related environmental matters.

"In view of such questions and in the absence of any clear showing by the AEC that the proposed legislation would resolve any short-term problem even if enacted this Session, it would appear more prudent for legislative action to await further developments on overall power plant siting legislation currently pending before other committees. An objective of overall power plant siting legislation should be to recognize the AEC's responsibility for all radiological considerations associated with nuclear plants, and to place in State and regional authorities the general responsibility for deciding other environmental matters. It is hoped that such legislation, which is vitally needed to provide our nation with a coherent and rational power plant siting policy, will soon be enacted. In the meantime, the Commission is urged to work with States, such as Maryland, which have recently enacted power plant siting legislation to assure that appropriate State officials are aware of applicable requirements for the approval of sites for nuclear plants and that everything is done to coordinate the required approvals."

Congressman Hosmer commented on what the AEC could do but has not done under its present authority to improve the efficiency of its licensing operations. He said:

"A substantial number of comments at the hearings indicated that most of the present difficulties in the licensing of nuclear power reactors might be resolved by selective changes in AEC's administrative procedures for the conduct of its public hearings. These comments addressed such diverse matters as a need for early public access to information concerning the application, revised procedures to require a reasonable initial showing to support matters which are alleged to be in dispute and therefore properly the subject of an evidentiary hearing, additional guidance to presiding Licensing Boards, more judicious use of the AEC's rule making authority, possible prohibition of site construction prior to issuance of a license, and the use of legislative-type hearings where there are no intervenors. Similar views have been expressed in Committee correspondence to the Commission, in the Committee's report authorizing AEC appropriations for fiscal year 1972, in a study by the staff of the Administrative Conference of the United States, and by others. The pertinent language in the Committee's authorization report for fiscal year 1972 warrants repetition:

"'In view of the increased regulatory work load, the recent additions to the staff which have accompanied that increase, and the further increase in the regulatory work load which is expected to result from the growing utilization of nuclear energy for power generation, the committee is compelled to state the obvious: It is essential for the Commission to assure the maximum in efficient and effective utilization of personnel who are available. Too much of the valuable time of technical experts is being dissipated, perhaps unnecessarily, because of prolonged contested hearings for which these experts must prepare as well as participate. The committee most strongly recommends that the Commission promptly consider the need for further revision in its procedures for contested licensing hearings so that these hearings are not diverted, through innocence or by design, from their basic goal—the resolution of specific matters properly in issue. This move should be made on a priority basis to restore vitality and balance to the contested hearing phase of the licensing process.'"

Congressmen Price and Hosmer added:

"No real hope is seen for the needed improvement in the licensing process until more effective procedures are developed by the AEC to identify at the outset the specific issues properly in dispute thereby preventing every contention, regardless of its reasonableness, from being considered in an evidentiary hearing. It seems elementary to the restoration of a viable administrative licensing process that procedural inadequacies must be corrected in the interest of both meaningful public participation and licensing efficiency. Once again, the Commission is urged to act on a priority basis under the broad rule making authority bestowed by the Atomic Energy Act of 1954, and to use the services of the Administrative Conference of the United States and interested members of the legal community for constructive ideas and assistance to alleviate the current problem. Implementation of recommendations for procedural changes in a timely manner would be a significant step to be responsive to those concerned with the need for protecting the environment while at the same time assuring a means by which an adequate supply of clean electrical energy may be realized, both of which are of great import to the public interest.

"Further, should it develop that any needed procedural reforms will require legislation, the Committee stands ready upon request to consider such legislation."

CALVERT CLIFFS DECISION

Congressmen Price and Hosmer stated that a major influence upon the licensing process was the *Calvert Cliffs* decision rendered by the U.S. Court of Appeals for the District of Columbia Circuit on July 23, 1971. They stated that practically all of the basic problems raised by that decision stem from interpretation of NEPA and the Water Quality Improvement Act of 1970. Corrective legislation, if needed, would be under the cognizance of the committees responsible for NEPA and water quality legislation and could address the problems involved which are not concerned directly with the licensing of nuclear power plants—they affect all Federal activity within the scope of those basic Acts. In this regard, they noted that the Senate Interior and Insular Affairs Committee will hold hearings on November 3 on the impact of the *Calvert Cliffs* decision. In addition, the Senate Public Works Committee is presently considering a substantial revision of the Federal Water Pollution Control Act to consolidate several diverse water quality Acts.

If it is demonstrated that the corrective legislation needed is not forthcoming from others, the Subcommittee will give careful consideration to any proposal relating to the implementation of NEPA in the limited sphere of licensing of nuclear power plants. It is noted that the Commission has published regulations which it believes will be adequate to meet the dual challenge of environmental protection without undue delay which would threaten the vitality of regional power supplies.

OTHER MATTERS FOR CONSIDERATION

During the hearings held in June and July, it was announced that additional hearings might be held later during this Session to receive testimony from interested members of the public on matters associated with nuclear power plant licensing other than in connection with H.R. 9285 and H.R. 9286. Congressmen Price and Hosmer said that these additional hearings also should await the corrective action taken under existing authority, and a reasonable opportunity will be given for the Commission to act in that regard.

Congressman Price said that in addition to the major issues already identified, other matters affecting the nuclear power reactor licensing process which should be the subject of additional consideration are:

The organizational structure and management techniques used for licensing and regulating nuclear facilities.

The role of the States in setting radiation standards.

The question of whether independent hearing examiners or Atomic Safety and Licensing Boards should conduct licensing hearings.

The extent to which legislative-type public hearings in lieu of the Administrative Procedure Act evidentiary hearings should be used to consider complex issues in a contested licensing proceeding and in rule making proceedings.

PUBLIC PARTICIPATION

Congressman Hosmer stressed the importance of pointing the hearings more specifically at the problem areas involved in building power plants. He emphasized the need to facilitate public participation, and to focus it upon the specific areas of significance in the siting and bulding of power plants. He explained his views as follows:

"H.R. 9286 would not solve the fundamental problems which exist in the licensing of nuclear power reactors. More viable licensing procedures are needed which afford interested members of the public an opportunity to express their views prior to the commencement of construction; require evidentiary hearings only on issues which the Commission determines a reasonable show-

ing has been made that they are properly in dispute; and give meaningful opportunity for public participation in rule making proceedings on both procedural and generic technical matters. The AEC licensing process should complement and harmonize with overall power plant siting legislation which recognizes AEC's radiological role and the role of State and regional bodies in all other non-radiological environmental matters. Overlapping, repetitive and uncoordinated public hearings on environmental matters must be avoided.

"Effective and meaningful public participation in matters of radiological safety always has been and should continue to be emphasized as a matter of great importance. AEC's regulatory procedures should be designed to achieve complete disclosure to the public of the environmental impact of a proposed nuclear power plant and to provide for appropriate participation by interested members of the public. These objectives, however, should be achieved without cumbersome administrative requirements resulting in unnecessary delays in allowing completed plants to go into operation."

H.R. 9285 (S. 2151) would amend the existing requirement in the Atomic Energy Act for mandatory review by the Advisory Committee on Reactor Safeguards (ACRS) of each application for licenses for commercial nuclear facilities. As amended, such applications would be reviewed by the ACRS if specifically requested by the Commission or, in the absence of a Commission request for review, if the ACRS notified the Commission in writing the ACRS review is deemed warranted.

H.R. 9286 (S. 2152) would require a site authorization from the AEC prior to the clearing of the proposed site and commencement of construction activities on nuclear power plants. A mandatory public hearing would be required before a site authorization could be issued and there would be a thorough review and full public exploration of all aspects—radiological and non-radiological—of the site's suitability for a nuclear power plant.

Under H.R. 9286, once a site authorization had been issued, the utility then would apply for a construction permit for the plant. The application for a construction permit would contain the technical details on the reactor being proposed. Once the AEC is satisfied that the proposed reactor meets the Commission's safety requirements, notice would be published that the Commission plans to issue the construction permit. No public hearing would automatically be held at the construction permit stage, but persons whose interest might be affected would be afforded the opportunity to request a hearing. A person who sought to intervene at the construction permit stage would be required to raise an unresolved question significantly affecting the health and safety of the public. H.R. 9286 would not provide for a hearing at the operating license stage.

Under the present Atomic Energy Act, determinations of the suitability of the site is a part of the construction permit proceeding which is the subject of a mandatory public hearing. The Commission has by regulation permitted some work on the proposed site before the construction permit is issued, and has provided for exemptions from the requirement of a construction permit to allow more extensive site preparation work to be conducted prior to the issuance of the construction permit. Also under the present Act opportunity for hearing must be afforded at the operating license stage, or the Commission can at its own initiative decide to hold a hearing.

A fundamental objective of H.R. 9286, according to AEC, is to provide through the mechanism of an early site hearing for earlier and more effective public participation in the most fundamental decisions respecting the construction and operation of nuclear facilities.

JOINT COMMITTEE ON ATOMIC ENERGY STAFF ANALYSIS OF TESTIMONY PRESENTED AT REGULATORY HEARINGS IN JUNE AND JULY 1971

I. PRINCIPAL PROBLEMS IN NUCLEAR FACILITY LICENSING

The principal impact of all the testimony presented at the hearings was to emphasize the need for procedural changes to improve the licensing process for nuclear facilities. A variety of views were expressed concerning the Commission's proposed legislative changes; although some of the concepts involved were generally viewed favorably, numerous questions were raised concerning the practicality of the Commission's proposals. Alternatively there was general agreement that the Commission, under its existing legislative authority, could take many procedural steps to improve the licensing process.

Major issues identified that affect needed changes in Commission procedures were:

(a) The degree of public participation that is desirable in the licensing process for nuclear facilities.

(b) The need for and utility of an early site authorization procedure.

(c) The adequacy of Commission procedures and policy direction governing the conduct of hearings.

II. BASIC PHILOSOPHY OF PUBLIC PARTICIPATION IN THE NUCLEAR POWER PLANT LICENSING AND ASSOCIATED PROCESSES

It is clear from the testimony presented at the hearings that there is sufficient public concern to affect significantly the nuclear facility licensing process and that this concern must be dealt with in a rational way. On the one hand, some witnesses stated that intervenors in the licensing hearings were unnecessarily and seriously delaying the availability of needed electric generating capacity as well as adding to its cost without contributing to safety; on the other hand, others maintained that, in spite of the fact that current licensing procedures prevent effective public participation in hearings, such participation had made substantive contributions to safety. There is clearly some degree of merit in both these viewpoints. Multi-million-dollar plants already completed and ready to go into operation should not be delayed without substantial reasons. At the same time, if the licensing procedures which were in fact created to permit the public to participate adequately are somehow not fulfilling this objective, then some changes are obviously needed.

In essence, effective and meaningful public participation in matters of radiological safety affecting the nuclear industry has always been and should continue to be emphasized as a matter of great importance. There are recent factors which emphasize this need to a degree greater than ever before. The rapid growth of electric power that has been experienced and which is projected to occur will result in the installation and use of large numbers of nuclear power plants and their associated facilities.

The passage of NEPA, affecting as it does the major Federal action of the licensing of nuclear facilities by the Atomic Energy Commission lends emphasis to the need for even broader based public participation in these endeavors. Furthermore, proposed legislation now before Congress is related to the need to establish coherent power plant siting procedures for all types of power plants and further attests to the need for meaningful opportunity for public participation in this important matter.

Under the provisions of the Atomic Energy Act of 1954, as initially enacted, there was no mandatory hearing requirement. The Commission was required to hold hearings only on those applications for which a hearing was requested by any interested party. The Act was amended in 1957 to provide for mandatory hearings at both the construction permit and operating license stage for nuclear power and testing facilities. After extensive consideration, the Act was amended in 1962 to require mandatory hearings only at the construction permit stage. The Committee report on the 1962 amendment stated;

"This amendment, although relaxing the mandatory hearing requirement, should not prejudice the public interest in reactor safety determinations. A mandatory hearing will still be held at the critical point in reactor licensing—the construction permit stage—where the suitability of the site is to be judged. Succeeding regulatory actions will take place only upon publication and sufficient advance notice to afford an interested party the opportunity to intervene. In these succeeding stages, if a hearing is not held, the decision would still be on the public record and if an important safety question was involved, could be made by the Board.

"The Committee is cognizant of the provisional construction permit procedure which allows the issuance of a permit, subject to further research and development work, before becoming final. When this research and development work is directed toward the resolution of a difficult safety problem of unusual public importance, it is expected that the Commission, on its own motion, would order a hearing before significant amendments or authorization for the final construction permit were issued. In any event, under the provisions of this section, an aggrieved party would be given the opportunity to intervene.

"Finally, it is expected that the authority given AEC to dispense with notice and publication would be exercised with great care and only in those instances where the application presented no significant hazards consideration."

It was recognized at the time of the 1962 amendments that the regulatory procedures authorized by them would require subsequent evaluation with the ultimate objective of further relaxing the requirement for the mandatory construction permit hearing and mandatory referrals to the ACRS. The sought after goal in 1962 and now is a flexible statutory framework for the AEC licensing process which will facilitate safety determinations, recognize the public interest in reactor safety determinations, and further enhance the public confidence in the regulatory process and in the Commission's determinations which are a vital part of that process.

In view of this history, a fundamental question exists as to whether the legislation proposed by the AEC (H.R. 9286 and S. 2152 (identical) represents a logical extension of the body of existing thought that went into creating current licensing procedures, and at the same time, takes into account any new significant factors affecting the AEC licensing procedures. H.R. 9286 and S. 2152 proposed adding an early site authorization stage to existing construction permit and operating license stages. They also included provisions for mandatory public hearings at the site authorization stage, the opportunity for public hearings at the construction permit stage; it permitted no opportunity for public hearing at the operating license stage. As the following discussion will show, although AEC's proposed legislation does offer some advantage in providing some potential for earlier public participation in the nuclear licensing procedure, there are valid questions as to whether this potential can be realized. At the same time, it does not provide an opportunity for public hearing at the operating license stage. In balance it appears to repre-

sent a reduction rather than an enhancement in opportunity for effective public participation.

III. NEED FOR EARLY SITE AUTHORIZATION PROCEDURE

Since the early site authorization represented the most significant change contemplated in nuclear facility licensing procedures in the Commission's legislative proposal (H.R. 9286 and S. 2152), the bulk of the testimony in the hearing was devoted to this aspect of the legislation. This proposed change is clearly attuned to the environmental needs of the nation in regard to the necessity for early and meaningful public participation in power plant site selection, and, more specifically, to the need, as stated earlier, to develop a more coherent and rational power plant siting policy at the State and regional levels. Presumably the primary function of an early site authorization would be to settle questions relating to the environmental adequacy of the site and the proposed plant in terms of their acceptability to the surrounding population and to applicable Federal, State and local agencies; the acceptability of the plant design from nuclear safety viewpoint would be left almost entirely to the construction permit stage.

However, questions were raised by witnesses regarding the relationship between the early site authorization and construction permit proceedings and the relationship of the early site authorization to other requirements such as the review required to comply with the National Environmental Policy Act (NEPA), water quality legislation, the permits under the Refuse Act of 1899, the opportunity for hearing at the operating license stage, and the compatibility and harmony between the siting provisions of H.R. 9286 and overall (i.e., nuclear and fossil plants) plant siting legislation. There also appears to be a very real question as to whether sufficient information could reasonably be made available to satisfy all the groups involved so that the early site authorization procedure would be regarded as dispositive for all the groups involved. In some cases, especially where a particular facility is proposed that is essentially a duplicate of one previously built and where sufficient site information relevant to environmental considerations can also be made available at this early time, the early site authorization would appear to have a good chance of being useful in regard to resolving environmental issues. In other cases, if the plant has enough new features about which the requisite degree of information may be lacking, or if there are unusual or difficult features about the site that require extensive investigation, early site authorization procedure may not be useful and have less than salutory results.

Thus there appear to be a number of fairly complex matters that can affect the need for and utility of employing an early site authorization procedure. In view of such questions and in the absence of any demonstrated need for any legislation dealing with AEC site authorization during this session, it would appear highly desirable for it to be deferred until overall power plant siting legislation is enacted. An objective of overall power plant siting leigslation should be to recognize the AEC's responsibility for all radiological considerations associated with the nuclear plant to be licensed and state and regional authorities should have the responsibility for finally deciding all other environmental matters in accord with applicable law. It is hoped that such legislation which is needed now to provide our nation with a coherent and rational power plant siting policy will soon be enacted. In the meantime, the Commission should be urged to work with States, such as Maryland and others, which have enacted power plant siting legislation to assure that appropriate State officials are aware of applicable requirements for the approval of sites for nuclear plants and that everything is done to coordinate the required approvals.

IV. THE ADEQUACY OF AEC POLICY DIRECTION AND PROCEDURES RE PUBLIC HEARINGS

A substantial number of comments were made by witnesses in the hearings to the effect that most of the difficulties in nuclear facility licensing process did not require changes in legislation but were matters that could be improved under existing legislation by changes in AEC's policy direction and procedures governing the conduct of nuclear facility public hearings. These comments address such matters as the need for rule making hearings, need for evidentiary-type mandatory hearings, basis for interventions, early public access to application information, and the need to prohibit commencement of plant construction prior to issuance of an AEC construction permit.

A. Rulemaking proceeding to consider general policy issues

Perhaps one of the most significant problems that has developed in nuclear power plant public hearings is that many of the issues being raised in individually contested hearings relate more appropriately to the general issue of the degree of safety being provided in nuclear power plants. Issues are also being raised that relate to other elements of the nuclear fuel cycle (such as spent fuel transportation, high-level waste storage, fuel reprocessing, safeguarding of nuclear materials, etc.) rather than to the nuclear power reactor. These types of issues are not readily amenable to complete coverage in a nuclear power plant hearing because they are beyond the scope of the particular applicant's responsibility and of the regulatory assessment of his application. However, other than the submission of written comments on proposed AEC rules, there is no other available forum provided by the AEC in which the public can participate with regard to these broader elements of nuclear safety. It would seem desirable to have such discussions occur in a forum more suitable to meeting this need than that of an individual nuclear power plant hearing in which the AEC regulatory staff and the ACRS have already certified that the plant meets an acceptable degree of safety. Furthermore, it would probably be more fruitful to have a forum which would permit a more complete interchange of ideas on AEC's proposed rules rather than the formal and somewhat sterile written comments that are submitted on the equally formal and sterile language of the rules. These functions can probably be improved by the use of rule making proceedings with legislative-type hearings as deemed useful.

Under the existing Atomic Energy Act, in the performance of its functions the Commission is authorized to "make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of the Act" (42 U.S.C. 2201(p)). Also under the present Act, the provisions of the Administrative Procedure Act (APA) applies to all agency action as that term is defined in the APA (42 U.S.C. 2231). Thus, the Commission already has broad rule making authority which must be exercised in accordance with APA procedural safeguards. In using this authority, the Commission should be urged to adopt innovative procedures which are more responsive to meaningful participation in rule making proceedings to cover issues of the type mentioned above as well as such others as may appear appropriate. More meaningful opportunities can be given to the public to participate in rule making proceedings under informal procedures which would involve the use of such devices as the presentation of oral testimony, cross-examination of witnesses and recommended actions by an expert panel used in an advisory capacity.

B. Mandatory evidentiary-type hearings

The logic of continuing to have mandatory evidentiary-type public hearings at the construction permit stage appears to be questionable. If the objective of such a procedure is to assure public participation and there are, however, no issues in controversy between intervenors, the applicant and the regulatory staff, this objective cannot be achieved because of the questionable adequacy of public participation in a hearing conducted where only the applicant and the staff are parties, and they are in fact already in agreement. Hearings conducted under these circumstances lead to the further difficulty that the presiding Atomic Safety and Licensing Board may find itself to be somewhat at a loss as to what function it has to perform in the absence of contested issues.

Furthermore, it appears that the public education value that was in past years anticipated through the use of mandatory hearings has not fully materialized. It is more likely that current AEC public hearing procedures may have contributed more to damaging AEC's credibility with the public than to improving its education regarding nuclear facilities. By the time the AEC public hearing is held, the applicant and the staff have, in almost all cases, already resolved their differences and the regulatory staff is in the position of supporting the application. Members of the public attending such a hearing can be left with the erroneous impression that the regulatory review has not been adequate and that the regulatory agency is concerned with matters other than regulating.

Since public education concerning nuclear facilities is a desirable goal, it can be accomplished in other ways than through the use of evidentiary-type public hearings. Informal meetings, encouraging an exchange of views with residents and others in the vicinity of the plant, the involvement of Federal, State and local officials as well as industry representatives would, for instance, be one way in which this could be done. It would also seem, with the large number of nuclear facilities to be constructed in the coming years that the electric utility and nuclear industries have the burden for establishing and conducting responsible, thorough and responsive programs for public education. Further where mandatory hearings are required and there is no public intervention, it would seem suitable to use a legislative, informal type of hearings rather than evidentiary-type hearings.

C. Basis for interventions

Implementation of the concept of allowing meaningful public participation in the nuclear facility licensing process should mean that when there are points at issue between the public and the applicant or the regulatory staff, an opportunity for an evidentiary-type public hearing should be afforded. This approach would appear to be generally, but not necessarily uniformly, applicable at the construction permit stage, the operating license stage and, indeed, at any time during the life of the facility.

The hearing record reflects a wide range of views on the subject of interventions in nuclear facility licensing procedures. At the one extreme is the position that interventions have not contributed to nuclear safety and that questions of nuclear safety might better be resolved in some forum other than an adversary proceeding. At the opposite extreme is the view that adversary proceedings of extremely broad scope should always be permitted to explore every question raised about nuclear safety no matter how improbable or imponderable the question might be. However, the fact remains that the open hearing of adversaries, fact finding upon these open records and disposi-

tions based upon facts thus found represent the best known method yet conceived to resolve factual matters properly in dispute.

The Commission for many years has permitted interventions in public hearings for construction permits and operating licenses almost automatically and very broad and generally stated grounds. While it is clear that interventions must be permitted when justified, it must be recognized that an evidentiary adversary hearing to be meaningful and efficient must necessarily focus on the specific issues that are in controversy. Thus, it would seem sensible that the AEC's rules of practice should require intervenors to show good cause that there are specific issues to be contested, rather than to have the Commission: (1) measure the validity of an intervenor's contentions against the generally stated findings that the Commission itself is required to make before issuing a license; or (2) equate standing to intervene and the showing in that regard with the necessary showing that there are specific matters properly in dispute for adjudication. Standing to intervene and intervention is one thing; the issues to be adjudicated as a result of a proper intervention are another. AEC's rules of practice should recognize that distinction.

It also seems necessary and logical that the good cause requirement by intervenors could be different depending upon the state of the facility. For instance, at the construction permit stage, where specific aspects of the facility are being considered for the first time, that requirement could be somewhat less stringent to help assure that there is adequate public participation so that as few issues as possible remain unresolved prior to the commencement of construction. On the other hand, it would seem appropriate considering the potential that interventions have to delay operation of already completed multimillion dollar facilities—that intervenors requesting a hearing at the operating license stage be required to demonstrate that substantive, specific issues exist before the Commission determines that a hearing is needed.

D. Early public access to application information

Intervenors in several proceedings for the licensing of nuclear power plants have stated the need for and made extensive use of "discovery" procedures both before the AEC public hearing commenced as well as during that hearing. The stated basis for this has been that the amount of material filed by an applicant in the course of AEC's review is extremely voluminous. Intervenors have claimed that, whereas AEC has on the order for a year or more to review this information, the intervenors cannot in the short period of time between publication of the notice of AEC's hearing and the start of the hearing, thoroughly examine this mass of material. Thus, they are forced to engage in extensive "discovery" procedures in the hope of reducing the amount of time required for their review.

It was also suggested by several witnesses that the public be given early and easy access to the application and other key documents generated during the course of the regulatory review as a means of providing potential intervenors with sufficient time for thorough examination of the documents and thus helping to eliminate what was purported to be the principal cause for the use of extensive discovery procedures. This appears to be an eminently sensible suggestion and the AEC should be urged to develop procedures, including a general description of the documents to be so treated for accomplishing this objective.

E. Possible limitation of on-site construction prior to determination of site suitability

Under present AEC regulations, determination of site suitability is made by the Commission as part of its review of the application for a permit to construct the nuclear power plant. Some work on the proposed site is permitted under AEC regulations before an AEC construction permit is issued; and additional work can be authorized under an AEC exemption from the requirements of a construction permit (10 CFR 50.10 and 50.12). By the time a utility has applied to the AEC for a construction permit, it could have constructed foundations for the nuclear plant and made a substantial investment.

An objective of the Commission's early site authorization legislative proposal is to provide for a regulatory review of site suitability, including opportunity for public hearing, before there is an irrevocable change in the landscape at the proposed site. During such early site review all environmental matters would be considered and the public would have full opportunity to participate in the site authorization proceedings. The important objective is also one of the goals of overall power plant siting legislation now before other committees of both bodies.

It would appear that this objective, which is consistent with the policy objectives of the National Environmental Policy Act of 1969, could be achieved in large measure under existing authority. As noted above, the existing pre-construction permit activities are authorized pursuant to Commission regulations issued under the rule-making authority bestowed by the Atomic Energy Act of 1954, as amended.

"THE RIGHT TO BE HEARD"—LAYING IT ON THE LINE

(By Commissioner William O. Doub)

It is a distinct honor and pleasure for me to be here today. The Forum brings together an unusually stimulating and perceptive segment of the nuclear community, and I look forward to meeting many of you personally.

The topic for your symposium session is "The Crisis in the Licensing and Regulation of Nuclear Power Plants." While there may be divergent viewpoints as to the aptness of the word "crisis" for describing the present situation, there is an undeniable and widely shared concern as to the ability of the nuclear licensing process to cope with the demands which are being placed upon it—a problem to which I am devoting a substantial amount of my time together with my fellow Commissioners.

At a time when the Nation is demanding more electrical power and when nuclear facilities are being called upon to meet a constantly mounting share of that energy demand, we have been encountering vexing—and frankly untenable—delays in completing the licensing consideration of nuclear power plants.

There is, to be sure, a complex mix of factors which enter into the overall "delay" picture. A full survey of these matters is plainly not feasible within the scope of my brief remarks this afternoon. Instead, following the enjoinder to "particularize," which I hope will soon become the hallmark of our licensing hearings, I am going to focus one one element in this mix, that of public participation in decision-making on nuclear plant siting, construction, and operation. This is not to imply that other important parts of the regulatory program are not receiving vigorous review, and I intend to comment briefly on some of these aspects also.

So that there will be no mistaking the guiding premise in my approach to this subject, let me state my basic and fundamental belief at the outset. In my judgment there are sound practical and social reasons why the public properly claims and is afforded the right to be heard in our licensing proceedings. Public participation is a cornerstone of administrative law and is an inherent and necessary factor in the regulatory processes of a public agency such as the Atomic Energy Commission. As far as I am concerned, this right of the public to be heard is non-negotiable and should not be the subject of time-consuming debate. For in the final analysis, it is the public which derives the very real benefits from the safe operation of well designed and constructed nuclear power plants and which must as a corollary of that benefit shoulder the associated environmental costs.

I recognize that many thoughtful observers are disquieted by the fact that the systematic environmental inquiry, which is an integral part of the nuclear licensing process, is singularly absent (at least at the Federal level) when it comes to the construction of fossil-fueled plants which concededly have appreciable environmental consequences of their own. Some environmentalists and other concerned groups are seeking to fill this "gap," using legislation such as the National Environmental Policy Act (NEPA) to require broad-gauged environmental reviews in individual cases, like that of the Four Corners project in the Southwest. More broadly, power plant siting legislation now pending in the Congress would provide a national structure for thermal plant environmental reviews on an across-the-board basis.

But whatever the future may hold in the non-nuclear sphere, in the nuclear area we are presently operating within the demanding framework of existing law, and of court decisions applying that law. The *Clavert Cliffs* decision,[1] regardless of individual personal opinions as to its merits, leaves no doubt as to its "holding" and I believe that the AEC is being responsive to its clear definition of the agency's responsibilities under NEPA. Nuclear plants are now subject to a plenary environmental review prior to the issuance of a construction permit—and then again before operation—and at each stage affected segments of the public have the legal right to be heard in a quasi-judicial proceeding.

Of course, as I am continually discovering, stating these obvious requirements is one thing; translating them into a viable regulatory process—one which keeps step with a dynamic technology and equally dynamic social patterns—is quite another matter. And nowhere is this more evident than with the hearing phase of the process. We are confronted today with formidable problems in restructuring our hearing procedures so as to meet not only our obligation to the participating public but also our responsibility to the general public—a responsibility to arrive at sound decisions in a timely fashion. This present broad-gauged AEC responsibility demands a total in-depth review of the AEC licensing program with equal attention to the past approach of industry intervenors, and the utilities in the process. My initial reaction—which is more than just an impression—is that there is need for considerable improvement across the board.

The dimensions of problems are reflected in the increasingly lengthy proceedings which we are seeing in plant licensing. In some instances, hearing times are beginning to be measured in years—not simply weeks or even months. Parenthetically, as we all know, the time factor between the filing of an application and the granting of a construction permit or operating license has been increasing in recent years on the average of something in excess of 20% annually. And a look to the future with the additional review responsibilities stemming from the Calvert Cliffs decision, serves only to

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[1] *Calvert Cliffs' Coordinating Committee, Inc., et al.* v. *United States Atomic Energy Commission, et al.* (Nos. 24839 and 24,871, D.C. Cir., July 23, 1971).

underline the potential scope and the seriousness of these matters.

What are some ways that the hearing procedures and the actual conduct of the hearings can be improved? This is the focus of our attention this afternoon.

In approaching the matter, I should like to put to one side the legislative proposals affecting plant siting—nuclear and otherwise—now before the Congress. We have whatever their outcome, an independent administrative obligation to act now with the means we presently possess.

Moreover, I am not disposed to be pessimistic about the possibilities for substantial progress through changes which are within our present capabilities: changes which build on concepts which have been subjected to intensive reexamination in recent months by the Commission. I would like to share with you some of these possibilities this afternoon. While the majority of my suggestions—particularly the ones for procedural change—are within the domain of the AEC, before I conclude these remarks I should like to discuss several suggestions for changes which the industry itself might undertake and also some observations for those environmental groups which have taken an active interest in our licensing proceedings.

* * * * *

Let me turn first to the licensing hearing itself, the ground rules under which it is conducted, and the role—and responsibilities—of the respective parties in a contested proceeding.

I see no inconsistency between active public participation in the decision-making process and the legal prerequisite that this participation take place in a reasonably ordered manner. Indeed, if it cannot, the concept of public participation will be on a collision course with another concept—that of the necessity for the administrative process to permit decision-making on a basis timely enough to serve vital public needs.

I am not willing to concede that there is any inherent incompatibility between these two concepts. Hearings, of course, take time; but agencies, like courts, are not without means to so structure a proceeding as to accomplish its purpose with the maximum possible dispatch. The Commission recently issued proposed amendments to its procedural guidelines (Appendix A to Part 2) which were designed to take account of the fact that reactor licensing had passed from an era of essentially uncontested hearings, where public education was a primary function of the licensing proceeding, to one of contested hearings, where the settlement of disputed matters was the central purpose of our adjudicatory process.

The recent *Calvert Cliffs* decision clearly called for a reexamination of the matters dealt with in those proposed guidelines; and we are now in the process of recasting them—as well as some of the basic procedural rules in Part 2 itself—to take account of *Calvert Cliffs* and also of suggestions received from industry, environmental groups, and some further thoughts of our own. I might add that we expect shortly to complete a new draft issuance of Part 2 and its appendix and that we plan to discuss our proposals with representatives of industry and environmental organizations and to assess their further comments prior to adoption of new procedures.

As to our present thinking, let me outline briefly some of the procedural changes we are considering. Functionally, these changes are built around two objectives, which I view as being mutually complementary: First, to provide for earlier public participation in licensing proceedings, within a context of maximum and convenient public access to facility licensing information; and, second, to demand a sharper focus on matters which are actually in controversy, and a greater discipline in dealing with those matters, during the hearing phase of the licensing process.

To be more specific about the direction the thoughts of some of us are taking:

In the sphere of earlier public participation, consideration is being given to allowing intervention in licensing proceedings at a much earlier point in time than is now permitted—even under our early notice procedure. This is a step which some environmentalists have been urging the AEC to take to facilitate public participation and to expedite the conduct of the later hearing—and I believe it makes sense.

As a correlative step, we would plan to assure that the application and all of its amendments, the staff-applicant correspondence, the safety review and NEPA documents, and the like, would be conveniently accessible to the public as they become available from the date of the filing of the application onward. We have just recently moved in this area by establishing a public document room at each site locality.

As an additional measure in pursuit of this objective, we are considering liberalizing further our rules dealing with availability of AEC records by eliminating certain of the present privilege exemptions for internal documents. This would not only broaden information access to the public—desirable in and of itself—but could also appreciably lessen the time loss involved in licensing proceedings through protracted arguments over document production.

Early, readily available access to all of the foregoing information, and a forthright approach in the manner and attitude of applicants with regard to the production of information—about which I'll say more in a moment—could make early intervention a highly useful step. It is painfully apparent to me that a considerable, and to a large degree unnecessary, amount of time is expended by concerned parties in simply trying to acquire what I believe should be readily available information regarding the proposed plant.

Let me add one further thought on the matter of early public participation. I can well understand the concern—if not the sense of frustration—of local citizens and civic and environmentally minded groups who observe site preparation and construction to grade of a proposed plant prior to an opportunity to be heard. I believe constructive steps are needed to come to grips with this problem, and we will be giving this additional attention.

Turning to the matter of providing a sharper focus and a more orderly process for the contested hearing, we are looking at the following steps:

Early identification of the issues to be considered in operating license hearings and restriction of testimony to those matters which are actually in controversy;

Greater utilization of the prehearing mechanism for the purpose of showing substantiality of issues both in construction permit and operating license proceedings, as a prerequisite to the raising of radiological safety or NEPA contentions;

Greater utilization of prehearing conferences and procedures to better define and narrow controverted issues and to deal with related discovery matters; and

Recognition of the authority of the licensing boards to impose limitations, where appropriate, on the time within which a hearing or any part of it may be completed. This last point, as some of you will recall, is in line with the provisions of our revised NEPA regulations in Appendix D to Part 50.

I believe, moreover, that our procedures should contain some express recognition of the role which can properly be played by party settlements of disputed matters in contested licensing proceedings. Settlement by mutual agreement of all parties is an accepted aspect of judicial proceedings and, as a practical matter, it is an essential ingredient in day-to-day business and personal affairs. There are sound public interest considerations for encouraging this kind of settlement of disputed matters in our licensing proceedings and our procedures should not only reflect this but also provide mechanisms which take into account of productive party settlement efforts.

Beyond these and other measures which might be adopted, a cardinal objective on our part will be to set the tone for the conduct of hearings by our presiding officers—a tone which while demanding recognition of legitimate party rights would also require the shouldering of corresponding responsibilities. The boards would be urged in this regard to use the tools given them by our rules and in principal accepted by the courts as precepts of effective administrative law—for control of prehearing and hearing schedules, for preventing abuse of discovery mechanisms and for maintaining rein over hearing examination and cross-examination—to move the parties to completion of the decisional record as expeditiously as possible consistent with the right of all parties to be heard.

Having said all this, I want to emphasize that a licensing hearing is obviously not an opportunity for a free-for-all nor is it a Hyde Park where unlimited oratory can be practiced. Such a hearing functions—or should function—within reasonably defined sensible and logical rules. Intervenors, equally with the staff and applicant, must be required to respect the rights of all participants. Hearing boards are obliged to consider all timely presented, relevant evidence, but should not unduly accord special privileges to any one participant. In practical terms and putting it bluntly, this means that no one has the right nor should be permitted to use a hearing simply as a device to delay a decision on construction or operation of a plant.

In advancing these suggestions, I would not want to appear the pollyanna or to profess to believe that licensing miracles can be wrought with these or any other rules changes. But I do believe that earlier, informed, public participation can only help the licensing process; and, further, that such participation provides the most viable framework for subsequent adherence to firm procedural groundrules.

As to the efficacy of those groundrules, we must, of course, recognize their practical, and proper, limits. We do know, however, that our country's judicial system has been able to achieve similar goals within the framework of procedural rules roughly parallel to our own; and I know from my own experience as People's Counsel before, and then as Chairman of the Maryland Public Service Commission, that fair and well-defined rules administered by tough, impartial and fair-minded hearing officers can do a great deal to move a proceeding forward to its conclusion.

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I promised earlier that I would have a few thoughts regarding changes in approach on the part of the industry which could help in the amelioration of hearing delays.

At the outset, let me remind you that the hearing is only the capstone of an overall process which begins with utility planning and ends with governmental licensing. The public's disposition to raise contentions for governmental consideration at the relatively late adjudicatory stage is, more often than you may care to acknowledge, a byproduct of a utility-applicant's failure to do its "homework" with its constituency in the earlier phases of the process. In all too many cases a frustrated, confused, and often

alarmed citizenry has no other recourse than to contest an application—if initially only to acquire information.

I am speaking now of early, open and full communication of utility plans for facility siting and construction. I recognize that some utilities have been established a fairly impressive track record in this regard of late, and that others are improving on past performance. But we still see instances of plant construction plans that are disclosed relatively close to, if not contemporaneous with, the filing of governmental licensing requests. And we also know that public information programs, when they have been mounted—as they increasingly are these days—have ofttimes been found to be superficial by responsible environmental groups; and that some utilities may not be prepared to give these groups the hard information they are seeking. This old-line, close to the vest approach is a residual byproduct of a philosophy of managerial prerogatives that is not viable in an economy such as this where electricity plays such a significant role.

Moreover, the impact of delays that occur at the hearing stage cannot be divorced from events within a utility's control that occurred much earlier: less than adequate plans for load growth; indecisiveness in making basic determinations, such as whether to go fossil fuel or nuclear; woefully incomplete initial construction permit applications; failure to develop in-house quality assurance expertise; not pressing for licensing hearings as early as one might because of what may be termed "local resistance" factors. These are only the examples that most readily come to mind.

In another vein, the industry has quite rightly urged the Commission to utilize rulemaking for the establishment of generally applicable design and other standards, rather than leaving matters to *ad hoc* facility reveiew and adjudication. The Commission has, in fact, been moving in this direction but our pace is in no small measure influenced by the degree of standardization which obtains among the equipment vendors and particularly the architect-engineers. Reading some of Craig Hosmer's comments in this year's Joint Committee hearings on the regulatory program, I am convinced that there is considerable room for improvement on this score. Whereas there appears to be a gradual and encouraging trend toward limiting the types of nuclear steam supply systems being offered by the vendors, the non-nuclear portions of the plants (by far the largest fraction of the investment made by the utilities) change from one plant to the next. In my own mind, this seems to be an unnecessarily expensive approach and there is no question that it complicates the regulatory process when the interaction between the nuclear and non-nuclear portion of each plant must be exhaustively studied in a safety context.

In terms of the hearing itself, the most useful step I could urge upon the utility-application is maximum openness with information in its possession. Proprietary information may present special problems but, with limited exceptions such as that, I frankly believe that a license applicant is best advised to make available to a requesting intervenor the greatest amount of information possible. And I include within the "availability" category information which may only be arguably relevant. The hearing boards, after all, will ultimately determine the evidentiary admissibility of any information furnished. The dividends realized in enhanced communication—and in simple savings in hearing time—make this, to my thinking, the eminently sensible course.

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Since I am being liberal with my advice today, it is only appropriate that I save a few words for the representatives of environmental organizations. I hope you will be frank and recognize that these organizations have been instrumental in rightfully bringing to light a national lack of concern about the environment. As a result, a striking and irreversible change in the outlook of policy makers has occurred and "concern for the environment" is no longer a catch phrase but a mandate that we must follow and enforce. As in most matters involving radical change, adaptation has been accompanied by the need to resolve practical as well as legal and administrative problems. For example, in the past, a primary complaint of a number of the environmentalists was the jurisdictional refusal of the AEC to consider the full environmental impact of proposed nuclear plant licensing actions. The grounds for that complaint went by the boards, so to speak, with the enactment of NEPA, the subsequent *Calvert Cliffs* decision and our recent procedures implementing that decision. We now have a system, and scope of review, which is truly unique insofar as environmental examination of industrial undertakings is concerned.

The basic question confronting us now is whether this system can be made to work in a fashion timely enough to serve essential public needs—or whether it will be overwhelmed, as some are fearful. I can only assume that it is in the best interest of environmentalists to help us make the new system work, as they have repeatedly stated in the past that it could be made to work. *Responsible* participation in our proceedings and a recognition of the practical limits of the new system—particularly at this early stage—will be key elements in this regard.

I would hope also that the emotionalism which has marked the approach of some to the question of nuclear plant environmental impact will be tempered in the cold light of the NEPA review process. The Commission fully intends, as Chairman Schlesinger has stated, to be responsive to the conservation and environmental concerns of the public. But we would be serving no sound public purpose, and defeating NEPA's ends, if we were to deal with these matters other than through the process of dispassionate and balanced assessment.

CONCLUSION

Let me add a concluding observation on the licensing "crisis" we are examining this afternoon.

I harbor no illusions as to the magnitude of the task facing the Commission as we move forward into what, in a very real sense, is a new era of licensing responsibility. We are called upon to match the capabilities of a dynamic and complex technology to the urgent energy and environmental needs of the country, and to accomplish this within a legal and social framework which calls for the most sophisticated type of decision-making.

But meeting the challenge which change poses is hardly a novel experience for either the Commission or you members of the nuclear community. The Commission's licensing program and the industry it covers never have been static. They are today the end-product of evolvement and of adaptation to the constantly changing circumstances of the past 15 or so years.

Without pretending to special insights—only a willingness to tackle the problems—I am cautiously optimistic for the future. We have available the talents of an unusually gifted group of people, both in the public and the private sectors, and the pressing needs of our country provide an unremitting reminder that we have no choice but to succeed.

CONGRESS OF THE UNITED STATES,
Washington, D.C., October 19, 1971.

HON. JAMES R. SCHLESINGER,
Chairman, U.S. Atomic Energy Commission, Washington, D.C.

DEAR DR. SCHLESINGER: I am enclosing a copy of a press release which I have authorized for release this afternoon. The press release states that the Subcommittee on Legislation which I chair will not report the AEC's bills on early site (H.R. 9286) and ACRS (H.R. 9285) to the full Committee during this session. The reasons for that decision are set forth completely in the press release.

The press release also reiterates several earlier suggestions by the Committee that the Commission act under the existing authority bestowed on it to make procedural changes in the licensing hearing powers which are long overdue. I am pleased to note that Commissioner Doub in his recent speech believes that corrective action is necessary.

Although these matters have been discussed and considered for some time, the remedial action has been slow. It would be very much appreciated if the Commission would advise me of the specific procedural changes which are being considered, and the target dates for their implementation. I would also like to know the extent to which the services of the Chairman of the Administrative Conference of the United States and other interested persons will be used in this effort. I would like to be informed of any obstacles which are foreseen to implementing the procedural changes which may be needed to provide for more effective public participation in the licensing process and to restore vitality to the administrative licensing process.

I close in noting that the press release also stated that if it develops that needed procedural changes will require additional legislative authority, the Committee stands ready upon request to consider carefully any proposal which the Commission forwards to the Congress.

I very respectfully urge that this matter be given priority attention.

Sincerely yours,

MELVIN PRICE,
Chairman, Subcommittee on Legislation.

EXPECTATIONS AND RESPONSIBILITIES OF THE NUCLEAR INDUSTRY

(By Dr. James R. Schlesinger)

It is a privilege for me to be with you this evening at the Joint Meeting of the Atomic Industrial Forum and the American Nuclear Society. I trust that my remarks will be useful to you in casting some light on the environment in which you will be operating in the years ahead. It has been suggested to me that there is some curiosity, even eagerness, regarding my attitudes and what I might say in my first formal expression of views before a large segment of industry. Consequently, if you will permit, I shall dispense with the barrage of compliments, reminiscences, anecdotes, and clumsy jests, which are customary on such occasions. Since I wish to limit my remarks to a reasonable time, I shall turn right to the substance.

Despite the wide span of interests in the audience, the focus of my remarks this evening will be nuclear power. Initially, I shall concentrate on my impressions regarding the status of the nuclear industry. Later I shall indicate my views regarding the responsibilities of that industry—and the quite separate responsibilities of the Atomic Energy Commission. Together these should provide a framework of expectations regarding the future. And—hopefully—an understanding of the interplay of rights and responsibilities that should govern our activities.

You will appreciate that I have been in my present position for only two months, so that much of what I will say could be classified under the heading of early impressions rather than a complete and systematic treatment. Nonetheless you should not take these comments lightly on that score. You will also appreciate that I come to the AEC with a primary background in the national security end of AEC's responsibilities. So I am prepared to look for those things that are given emphasis in the weapons program: safety,

predictable performance, high reliability, thorough and painstaking component testing, and an extensive program dedicated to quality assurance. With respect to nuclear power these objectives carry clear and necessary implications in regard to the reliability and maintainability of plants, the security of electric power supply, the long-run costs of electric energy. Above all, they relate strongly to the safety of those plants, which continues to be our primary responsibility to the public. The theme of quality assurance is one that you have heard discussed in the past; you will be hearing more about it in the future—and I shall return to it in a few minutes' time.

I. WHAT IS THE PRESENT STATUS OF THE INDUSTRY?

When I met with some of you in Geneva, my assessment regarding the future of the nuclear industry was optimistic. It continues to be. Some of you may find it difficult to share that optimism—particularly in the atmosphere that has hung over the industry since Calvert Cliffs. Indeed, I can fully understand why many of you are distressed. Still it should be difficult to be other than bullish about the long-run future.

The development and the expected growth of this industry are simply remarkable. What other industry can look forward with the same degree of confidence to a growth rate of roughly 15% per annum. The future is spectacular—the ultimate future. The pace of achievement, however, will depend heavily on two provisos: first, provision of a safe, reliable product; second, achievement of public confidence in that product. Satisfying these provisos will be a demanding task. But it can be done, if we recognize that it is imperative to provide the determination, the resources, and the organization to meet the challenge.

There are two problem areas: first, a set of difficulties, probably unavoidable, reflecting the "growing pains" of the industry, and, second, the state of congestion in the review process. It may be natural to ask who or what is to blame. But that is useless. All bear some degree of responsibility—in failing to take the necessary actions in the light of persuasive evidence of trouble ahead.

Yet, if you are inclined toward gloom, think for a moment about the truly remarkable achievements of the industry in a brief span of time. It is just 18 years since construction started at Shippingport. It is under 17 years since President Eisenhower's Atoms for Peace Message. It is but 15 years since the Commission inaugurated its Power Reactor Demonstration Program. It is but 8 years since Oyster Creek. It is just 5 years since the first order was placed for a 1000 MWe power reactor. In a four-year period, 1963–1967, capacity on order from the industry increased fifteen fold. These are spectacular developments. To draw an analogy, it is similar to the entire history of commerical aviation from Kitty Hawk to the Boeing 747 being compressed into less than a score of years. And in the commercial breeder and the fusion reactor we look forward to, as it were, the veritable space age of nuclear energy.

Perhaps in some respects the pace has been too swift. In any event, no one should be surprised if there is evidence of growing pains. Inevitably there has been a shortage of experienced personnel—eased by the supply provided adventitiously from Admiral Rickover's naval reactors program. It was not inevitable that the shortage be permitted to persist. Some utilities have purchased power plants based on financial considerations, paper designs, and paper calculations—without adequate technical knowledge as to what they were buying. Over time, new paint designs have been based upon large engineering extrapolations.

Many of the architect-engineering firms appear not to have assembled the needed resources of qualified personnel to carry a large number of power reactors through to the operational stage. This is the more significant since these firms may be attempting to substitute for designers, and for customers are not sufficiently knowledgeable or demanding to cope with many first-of-a-kind items and within an expanding program. A consequence has been a wide spectrum of uncertainties in costs, schedules, and plant performance—and the need for prolonged test and shakedown periods.

Under these circumstances one should hardly be surprised that there are growing pains, but rather that the industry is already so far ahead. In this connection, neither should you be surprised if the Commission lays stress on dsciplined engineering and on quality assurance. This is essential to the long-run success of the industry—and to satisfy the legitimate public concern, which the AEC represents. We will need to be assured that piping is of the highest quality, that pumps work, that values are properly designed and operate reliably, that welding has been done in accordance with specifications and that radiography confirms this fact. Those in industry who have chided us—quite properly—about the AEC regulatory process, know full well that you have reason to blush regarding some of these aspects of quality assurance. Gentlemen, these engineering details are not peripheral; they are the heart of our problem.

The focus of concern should be the likelihood of small accidents, small spills, unplanned shutdowns, power interruptions and associated higher construction and maintenance costs. Potentially these could be the source of far more trouble over the long run than the possibility of hypothetical disasters.

We must of course give careful consideration to these hypothetical accidents, even though their occurrence may have virtually zero probability. But we must insure that such consideration does not unduly divert our limited resources in management and technical personnel from adequate attention to the unglamorous engineering tasks that constitute the heart of the safety problem—and the heart of your commitment to produce reliable power. We regard it as vital that purchasing utilities acquire trained personnel and technical expertise, that they become knowledgeable and demanding customers—to insure that they receive full value for the dollar expended, to avoid power interruptions, to insure that plants can and will be properly maintained, and, among other things, to avoid relying on the Atomic Energy Commission to perform this critical task. Moreover, we are confident that reliable power reactor vendors want nothing more than a knowledgeable and demanding customer.

II. WHAT IS THE AEC'S ROLE?

There is another aspect to growing pains which casts light on the relationship between the industry and the Commission. Some of you may feel that Calvert Cliffs was a watershed event in other respects—that the Court's decision should have been fought, that by failing to appeal the decision and by issuing regulation in conformity with the court's decision the Atomic Energy Commission was admitting that it was wrong, that the whole set of events was tantamount to the AEC's abandoning the industry. In light of the historical climate in the industry, this is an understandable response. From its inception the Atomic Energy Commission has fostered and protected the nuclear industry. Looking back one can, I think, say that this was the right policy for that historical epoch. The policy permitted a new and vital technology to be exploited; it created an industry and then protected the industry as it grew to relative maturity. But that industry, insofar as it involves the exploitation of light water reactor technology, should now be on a self-sustaining basis. Those of you who regard the response to the Calvert Cliffs as indicating a climatic change in the relationship between the industry and the AEC could well be right, though perhaps for the wrong reason. The move toward greater self-reliance for the industry had a certain historic inevitability. Such a process is always painful. It is, however, necessary. One result will be that you should not expect the AEC to fight the industry's political, social, and commercial battles. These are your tasks—the tasks of a self-reliant industry.

The logic is, I think, quite clear. This is no longer an infant industry; it is rapidly approaching mature growth. The history of the tariff is replete with brawling, vigorous industries continuing to demand protection appropriate to the years of early growth, when the stage of infancy had long since been passed.

In this regard the thrust of the Atomic Energy Act of 1954 can readily be misconstrued. The concept of "promoting," implicit in the act, is an elastic one. It can be interpreted, quite properly, to mean that the AEC has responsibility aggressively to develop new or improved technical options which may be exploited for public use. It can be interpreted, quite improperly, I believe, to suggest that the Atomic Energy Commission should indulge in promotional activities on behalf of well-established industrial sectors. Perhaps the phraseology is obsolescent. In any event the word "promotional" has served to confuse some sections of the government, the industry, and the public regarding the proper role of the Atomic Energy Commission in this mature stage of the industry's development.

It is the responsibility of the Atomic Energy Commission vigorously to develop new technical options and to bring those options to the point of commercial application. It is not the responsibility of the Atomic Energy Commission to solve industry's problems which may crop up in the course of commercial exploitation. That is industry's responsibility, to be settled among industry, Congress, and the public. The AEC's role is a more limited one, primarily to perform as a referee serving the public interest. I might add that it is to industry's long-run advantage that the public has high confidence that the AEC will appropriately perform its role in this regard.

In the weeks since I came into this job I have been impressed on a number of occasions by the failure in the industry and in-house properly to distinguish between the role and responsibilities of industry and the separate role and responsibilities of the AEC. In the future I trust the distinctive responsibilities of a government agency will become more sharply etched in the minds of all of us. I have suggested some of my concerns, let me be more precise.

The Atomic Energy Commission does not sell power reactors. We are a by-stander, sympathetic I trust. The selling of power reactors is a concern of the vendors; the decision to buy that of the utilities. The Atomic Energy Commission has issued projections indicating 150,000 MWe installed by the end of 1980. We are interested, of course, but it is a projection not a target of the Atomic Energy Commission. If it turns out to be a 130,000 rather than 150,000, or 160,000 for that matter, that reflects, quite properly, the decisions of industry. They are not our decisions. The AEC's primary responsibility is to assure expeditious reviews of applications—a subject which rightly concerns you and to which I will return.

Again, it is not a responsibility of the AEC to supply power, even nuclear-generated power. I recently read an EEI study seemingly based on the premise that the AEC has

a responsibility for power production. I question that premise. Utilities sell power. The Federal Power Commission is the primary agency concerned with power supply. Congress provides the framework. Unquestionably it is the AEC's responsibility to take local power supply conditions into account when an application lies before the AEC. Our new regulations specifically recognize this responsibility, but I underscore that in the existing statutory framework our responsibility is not the overall power supply situation, but rather providing technical options and seeing that the technology is appropriately and safely utilized.

You have every right to demand that the AEC perform its duties efficiently. If extraordinary costs are incurred because of the unduly slow functioning of AEC procedures, that is our problem and our responsibility to solve it. It is not our responsibility, however, if a utility encounters unanticipated costs because of a failure to do its job properly, failure to comply with the procedures, or because of a change in the law. We are sympathetic; we understand your problem, but it is your problem.

Finally—and let me underscore this point—it is not the AEC responsibility to ignore in your behalf an indication of Congressional intent, or to ignore the courts. We have had a fair amount of advice on how to evade the clear mandate of the federal courts. It is advice that we did not think proper to accept. If you regard the legislative or judicial framework as extreme or unworkable, you have a clear remedy through the seeking of legislative relief. We sympathize with the difficulties that you are facing, but we have no intention of evading our responsibilities under the law.

Since these difficulties stem from the enhanced concern about the environment, let me say a few words on that subject. Environmentalists have raised many legitimate questions. A number have bad manners, but I believe that broadside diatribes against environmentalists to be not only in bad taste but wrong. I believe that we shall receive from the responsible environmentalists considerable assistance in resolving our present difficulties. Take air pollution. It is my personal judgment that when all environmentalists, including ourselves, have a chance to assess the contribution of nuclear power to the reduction of sulphur and nitrogen oxides and particulates, that all environmentalists will appreciate the advantages of nuclear power in relation to the real alternatives. I believe the argument over radioactive discharges is pretty well off the boards. Good answers will still have to be provided regarding safety, transportation, and waste management. Moreover, the responsible environmentalists are keenly aware that the present situation can boomerang. If there are power interruptions, brownouts, and blackouts, the environmental movement will pay a severe price along with the rest of us—and that is the situation the environmentalists wish to avoid.

Dealing with intervenors is a time-consuming process. Most intervenors ask appropriate questions, albeit somewhat repetitiously. Some intervenors are deliberately exploiting existing procedures in order to cause delay. To the extent that delaying tactics have been used as a tool to force the provision of information that the intervenors may feel that they have been improperly denied, it is understandable. There is a direct way of dealing with this problem. To the extent that delaying tactics have been employed sheerly for the purpose of delay, to put off month-by-month or year-by-year the operation of plants and imposing costs on industry and the public, it cannot be condoned.

Environmentalists have also been raising questions that transcend the issues involved in individual plants. The question has been raised, by Michael McCloskey of the Sierra Club among others, whether our society for environmental reasons viewed broadly ought not curb its appetite for energy and for electric power. It is a legitimate social question. It is not unreasonable to question whether neon signs or even airconditioning are essential ingredients in the American way of life. More fundamentally it is not unthinkable to inquire whether energy production should be determined solely in response to market demand. Some of you I suspect have strong views on this matter. You should be prepared, whenever the necessity arises, to present your position to the public just as the Sierra Club does—and I suspect that at this reading you are likely to have the public with you.

Whatever the private views of the Commissioners, it would seem to me inappropriate for the Atomic Energy Commission to take a position on this issue. The AEC should be officially neutral. It is the AEC's mission to provide energy options that will serve public needs—in whatever manner the public prescribes those needs. The AEC lacks authority and consequently should avoid becoming entangled in the determination of broad social issues of this type.

III. FUTURE PROSPECTS

Let me address one more issue as I draw to a conclusion. In the reaction to Calvert Cliffs it has been remarkably clear that the utility industry does not relish operating in the spotlight of public attention. The traditional ways of doing business seem preferable. A utility could get on with the job of installing a 100 or 200 megawatt fossil-fueled plant and nobody really needed to be consulted save for the property owners and the local authorities, who could be dealt with on a private basis. Nowadays every plant seems to be drawn into public controversy. I can understand the nostalgia. The old ways were neater and more efficient, at least in a limited sense. But this is 1971. We are more crowded. There is a heightened public sensitivity on environmental issues—an insistence by the public that it be consulted. We shall all have to learn to operate under these changed conditions. You will not only have to operate in the glare of publicity, you will have to take your case to the public. Do not expect us to do this for you.

I have heard the charge that the AEC has been "over-reacting." The new regulations are tough; you will agree, however, that they comply with the spirit of the court's decision. While they are tough, they are workable. I am surprised and concerned therefore by the attitude of discouragement to which I referred previously. These new regulations present no insuperable difficulties, if you will get on with your part of the job and we get on with ours. For our part, we shall make every effort to minimize the time to be absorbed in the review process. Some components of the review can be carried on in parallel rather than in series. A suitable cost-benefit study can normally be developed on the order of two months, particularly if there is a suitable format. There are scores of qualified individuals who can do the requisite work. The cost will be miniscule in relation to the total cost of a plant—or in relation to the cost of delays. You will need guidelines for such studies and you shall have them.

If there are endless conversations about one or even two years delay and we all sit on our hands, the delays will be endless. Let us not sit back and fail to take the steps indicated in the regulations—and take them as expeditiously as possible. In this respect I can assure you the AEC will make every effort to move the paper and proceedings along quickly. But in some situations we can only follow your lead. For example, how many of you have filed show-cause orders with regard to ceasing construction on your plants? We are still awaiting requests to go to one percent power or twenty percent which is permitted under the regulations.

We can never act on requests that are not transmitted to us. Handwringing will serve no purrpose. As I suggested earlier, a great deal can be accomplished within the framework of the regulations. Self-help is the best help. In the absence of adequate response from the industry the question of just who it is that is "over-reacting" will be more readily resolved.

Now, some of my words have been strong and some of my message has not been easily palatable. You may have concluded that I have spent too much time discussing why your expectations may be pitched too high and why your actions have been pitched too low. You may also have felt that I have spent too little time discussing the responsibilities of the AEC. You are right. But you should also understand that we have a full appreciation of the formidable job ahead of us. I have indicated the respects in which the responsibilities of the Commission and industry should be viewed and emphasized. A government agency has separate responsibilities, distinct from those of industry. What are those responsibilities? The first is to conduct its business in an efficient manner, so that we are not the source of delay. The second is to avoid changing the rules of the game for other than sound reasons. You have every right to demand that of us.

You have a right to demand that licensing reviews be expeditiously carried out. Improvements clearly are needed. But this is a task which requires action on both our parts. For example, in 1969, the Internal Study Group, established by the Commission to review its Regulatory Program, after consulting at length with all segments of the nuclear industry, reported that:

"The lack of a comprehensive set of regulatory safety criteria and industry codes and standards relating to the safety of nuclear power plants contributes to the uncertainty concerning regulatory requirements and to the length of time required to conduct regulatory safety evaluations."

It concluded that:

"There is an urgent need for substantially increased participation and support of these efforts by all segments of the nuclear industry, especially the utilities."

While some improvements have been made, it is nonetheless clear, that the need in this area has not been met, and that greatly intensified effort—on both our parts—is needed to develop nuclear industry criteria and standards.

In this and other respects I have cited a determination to do our job better. In many areas we have already taken or initiated the actions necessary to strengthen and augment our capabilities to do this. We intend to redouble our efforts, firm in the view that we can best be of help to the nuclear industry and the public by carrying out our own responsibilities effectively. I think the more you reflect on the matter that is really all that you require from a government agency with regard to your well-established programs.

Let me reiterate: the Atomic Energy Commission, like any government agency, exists to serve the public interest. The public interest may overlap, but it is not coincident with private interests. Private interests may, and indeed through the operation of the well-known invisible hand are likely to, serve the public interests. The motivation is different. The role of a government agency, designed to achieve and enforce public goals, is distinct. Yet, as the Atomic Energy Commission performs its public role, I believe that it will help you to achieve your legitimate and long-run objectives.

Thank you very much.

IRISH FREEDOM

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. KOCH. Mr. Speaker, the continuing turmoil in Northern Ireland is deeply depressing. The bloodshed there is the bitter harvest of years of deliberate discrimination against a Catholic minority, it is an echo of earlier violent aspects of Irish history when Irishmen rose up to protest the cruel penal laws which for centuries denied the rights of Irish Catholics. It is the obligation of public officials to speak out against such discrimination whenever and wherever it occurs.

Ever since the treaty of 1921 which officially marked the separation of the six counties from the rest of Ireland, Catholics in the north have been denied the most basic civil rights. The Cameron report, a 1969 official document of the British Government, cites examples of this discrimination in the areas of local government appointments, local government electoral boundaries, housing allocations and employment. While some measures of reform have been implemented in a belated effort to end these injustices, the Faulkner government's sudden revival last August of internment policies under the Special Powers Act is a monstrous step backwards that has only inflamed longstanding animosities.

The present violence and state of military occupation which prevails in Northern Ireland cannot solve the problems there. In the face of the British Government's inability to restore an atmosphere of stability and justice, it is imperative that our Government use all possible powers of diplomacy to insure democratic self-determination for all the people of Northern Ireland.

Accordingly, I have cosponsored a resolution in the House, H.R. 653, initially introduced by Representative HUGH CAREY, which would request the U.S. Government at the highest level to urge implementation of the following:

First, termination of the current internment policy and simultaneous release of all persons detained thereunder.

Second, full respect for the civil rights of all the people of Northern Ireland and the termination of all political, social, economic, and religious discrimination.

Third, implementation of the reforms promised by the Government of the United Kingdom since 1968 including those reforms in the field of law enforcement, housing, employment, and voting rights.

Fourth, dissolution of the Parliament of Northern Ireland.

Fifth, withdrawal of all British forces from Northern Ireland, and the institution of law enforcement and criminal justice under local control acceptable to all parties.

Sixth, convening of all interested parties for the purpose of accomplishing the unification of Ireland.

This resolution has also been introduced on the Senate side by Senators EDWARD KENNEDY and ABRAHAM RIBICOFF.

Throughout the history of Ireland's struggle for independence one notes that the leaders of that struggle were Catholic and Protestant alike. There is no irreconcilable friction between these groups. The issue at stake in Northern Ireland is not a question of religious preference, but of the freedom for self-determination. This freedom should pose no threat to Protestant or to Catholic, it is a goal that can only be achieved through the cooperation of both sides. Of the present violence one must ask in the words of Yeats:

> Was it for this the wild geese spread
> The grey wing upon every tide;
> For this that all that blood was shed,
> For this Edward Fitzgerald died,
> And Robert Emmet and Wolfe Tone,
> All that delirium of the brave?
> —(September 1913).

ECONOMIC UNCERTAINTIES PROLIFERATE

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. BLATNIK. Mr. Speaker, it is now less than 2 weeks until the end of phase I—the wage-price freeze part of the new economic policy. On that date the lid will come off suppressed economic forces and there will be a scramble by each sector of the economy for rectification of real or alleged injuries suffered as a result of the freeze.

The scramble will be unlike any we have ever seen in this Nation's history. And it will be compounded by the inevitable uncertainties about the effectiveness and legality of the Pay Board and Price Commission decisions.

Mr. Speaker, I dislike dragging the word "priorities" into my remarks. But the economic policies of phase I and phase II are a direct reflection of this administration's political philosophy of total expediency. In my judgment the economic priorities of this country should be first—jobs; second—stable economic recovery and growth; third—a balance of reasonable wage and price increases that support those priorities.

In other words, Mr. Speaker, the first economic priority of this Nation is not to squeeze our economic lifeblood by reducing, almost overnight, an average 4.5 percent rate of inflation to 3 percent or less, jeopardizing our health and well-being to insure the reelection of the President in 1972. This line of reasoning also applies to the impounding of $12 billion in funds Congress has appropriated for fiscal 1972.

If the President is really interested in creating jobs and getting America back to work, I urge him to fund in full the accelerated public works program. This would demonstrate more than anything else this administration's commitment to stimulate expansion and growth in the economy, and create the millions of jobs the Nation's unemployed need right now.

The economic indicators for the third quarter were dismal and the President knows it. They will remain so until the administration decides to spend the $12 billion of appropriated funds presently impounded and instill confidence in the American working consumer by programs and policies designed to create jobs.

Mr. Speaker, I have been calling for this type of economic policy for over 3 years. I have been joined by many of my colleagues. Many of the most distinguished economists in this country have been calling for this type of economic policy. Guidelines should have been sufficient to keep the lid on wages and prices in a time of gradually dissipating inflation and we would have been able to stimulate sound expansion of the economy, bring plant utilization up to a more healthy figure, induce consumer confidence and spending, and, above all, take the blatant politics out of our economic policies. This administration must begin to place first things first.

Mr. Speaker, two eminent students of the economy have written articles which appeared in the Sunday Washington Post of October 31. I urge my colleagues to read these articles by Hobart Rowan and James Tobin. They represent the most incisive descriptions of the very risky uncertainties we are facing as we embark on the uncharted economic seas of phase II and beyond.

Mr. Speaker, I include the articles in the RECORD:

BUSINESS, CONSUMERS EDGY ABOUT IMPACT OF PHASE II

Spokesmen for the Nixon administration are trying to suggest that the recent bear market in Wall Street can all be attributed to "uncertainty" over the Phase II controls operation; that once the new rules are published and understood, the stock market—and the economy—will resume an upward march.

But this is not the whole story. There is, indeed, uncertainty over the nature and the functioning of the wage-price controls system, involving a Pay Board and a Price Commission. There is even a chance that in mid-November, the AFL-CIO will walk off the Pay Board if the board fails to approve substantial wage increases in 1971 and 1972 provided in existing contracts.

And that's just the domestic side of the New Economic Policy announced on Aug. 15. Throughout the free world, there is great concern that Mr. Nixon has touched off a protectionist tide that may envelop everybody in a recession.

But with or without the New Economic Policy, there is growing concern among business and academic economists that underlying trends here show weakness.

I think there is little mystery about the situation: the administration, at every opportunity, stresses that no big bureaucracy is needed to police price increases, because there is now no excess demand in the economy, hence no threat of a black market, as in World War II or Korea.

Hence, they say, if care is taken not to push monetary and fiscal policy too far, the risk of excessive purchasing power can be averted.

But that's a declaration that the economy will be kept under wraps, below capacity, with excessive unemployment. It contradicts the whole rationale for an "incomes policy," which was belatedly adopted to allow for the stimulus necessary to get back toward full employment.

On "Meet the Press" two weeks ago, Walter W. Heller, who has a knack for putting things succinctly, observed that the Presi-

dent "sounds as though Phase II is designed to make the world safe for profits, rather than for jobs, and I think there has been an imbalance there . . . The rhetoric has been going the wrong way, and I have found too little attention to that four-letter word, 'jobs'."

Former Economic Council Chairman Arthur M. Okun told the National Economists Club the other day that even assuming that the President is successful in his attempt to cut the level of inflation in half, the unemployment rate will range well over 5 per cent in 1972, with Gross National Product running $50 billion below capacity.

Now, officially, this is not the way the administration sees the picture. The President, in his address of Oct. 8 announcing the Pay Board and the Price Commission, said:

"Let us look into the future.

"I have said that 1972 will be a very good year for the American economy. Let me broaden that estimate tonight.

"The coming year can be more than a very good year for the American economy, it can be a great year for America and the world.

"It can be a year, for the first time in 15 years, in which we can achieve our goal of prosperity in a time of peace."

There should be evidence, fairly soon, whether the President has called the turn, or whether Okun is right in saying that the nation is "two years away" from prosperity.

By the 4th quarter of the year, if consumers haven't shaken their doldrums, there is little chance that the current "consensus" forecast among economists for a 9 per cent GNP gain to about $1,150 billion can be achieved. And there would be zero chance for Mr. Nixon's "great" year, meaning unemployment moving down toward 4 per cent.

The nation has an enormous stake in the psychological attitudes of business, labor, and the consumer toward the prospect of controlling inflation.

In recent years, the consumer has demonstrated that his reaction to inflated prices is to quit spending—where he can—and to save more. The pocketbook doesn't get unbuttoned until there is some assurance of stability.

Thus, the failure of consumer spending to expand since the freeze betrays a real lack of confidence in the future effectiveness of the controls system.

People seem skeptical of the Price Commission's ability to control prices with only a limited number of agents. Checks in retail stores by The Washington Post and New York Times show widespread violations during the freeze, with mere wristslapping efforts at compliance.

Labor, meanwhile, seems destined to "get theirs," almost certainly through the validation of existing contracts.

Herbert Stein, Presidential economist and one of the chief designers of the Phase II Operation, said last week that the government, labor and business would have to evolve a satisfactory relationship because "no one (group) can be in a position of being responsible for tearing it (the system) down."

That's certainly logical. But whether logic will prevail remains to be seen. There is a danger that Mr. Nixon's Phase II will fall apart, and as Heller said, in that case the President will have to set up a government wage-price board to concentrate on what Okun calls the "whales" in the economy, or slap direct controls on everybody.

It would be much better if Phase II is moved smartly into place with a decent wage yardstick—5 to 6 percent, if the Price Commission holds a tough line on prices, with adequate enforcement personnel; and if Congress speeds up and improves the expansionary elements in the tax program.

As Heller suggested, everyone—and that includes George Meany—ought to re-focus attention on that four-letter word: Jobs.

Administration's Gamble With Nation's Economy

(Dr. Tobin Sterling, Professor of Economics at Yale University, was a member of the Council of Economic Advisers in 1961–62.)

In imposing wage and price controls, the Nixon Administration is taking an enormous and reckless gamble with the American economy. Never before in peacetime has an American government subjected virtually every price and wage in the country to legally enforceable ceilings. How will a private enterprise economy perform under such sweeping regulation? Economists do not know, and neither does the Administration.

The immediate danger is that the controls will prolong and deepen the subborn business recession that has characterized our economy throughout 1970 and 1971. In terms of unemployment and utilization of capacity, no perceptible recovery has yet begun. Recovery won't occur until consumers and businessmen increase the rates at which they invest in houses, consumers' durables, and business plant and equipment.

Will consumers spend more when they don't know what their wages and salaries will be next month and next year, when they are still in the dark whether they will receive wage increases already promised or agreed by their employers? Will businessmen commit themselves to further expansion when they don't know what past and future cost increases they will be allowed to cover in their prices? It is no answer to say that most economic units in the country will be subject only to very loose surveillance or self-policing. Everyone legally bound by the controls will need to be sure that his actions will be defensible if challenged.

The uncertainties and confusions are probably at their peak right now. The President promised that the freeze would end on November 14, and then delegated the design of Phase II to a Pay Board and Price Commission which was not even appointed until October 22. The members of these two bodies must now agree on general standards, and on procedures for translating them into specific rules that can be applied to the incredibly diverse transactions by which Americans earn their livelihood and conduct their affairs. It will be entirely understandable if it takes the able and dedicated citizens who have consented to serve in these agencies a long time to agree among themselves and to spell out their policies with reasonable clarity. The blame will not belong to them but to an Administration that acted with decision and drama but without foresight and preparation.

When and if the new control apparatus matures, workers and businessmen will still have plenty of reason for uncertainty and caution. Meanwhile economic activity is in special peril of receding further from its current state of recession, the more so because the tax reductions that are supposed to stimulate demand have yet to be enacted and to take effect.

The possibility that controls are per se deflationary is not commonly appreciated. The reason is that wartime controls were always associated with insatiable excess demand and over-full employment. Any deflationary by-products of wage and price regulation were welcome though fruitless. But now this is definitely not the case.

The Administration wants to reduce unemployment, and its tax reductions will give the economy considerable stimulus, although the corporate tax cuts are weak so long as there is so much excess capacity. The standard forecast for 1972 is for a GNP gain over 1971 of $90–100 billion, 9–9½ per cent in dollars, perhaps 5–5½ per cent in constant dollars. The coming tax cuts are responsible for only a part of the optimism of these forecasts. They also depend on the debatable assumption that wage and price controls will boost consumer and investor confidence and increase spending. So far neither securities markets nor surveys of attitudes and intentions support this assumption. Much more than usually, forecasters are groping in the dark.

Another reason for pessimism about recovery in employment and production is the priority the President now gives to his anti-inflation objective. The only definite thing about Phase II is the firm commitment of the Administration to reduce the rate of inflation below 3% by the end of 1972. This commitment is necessary to motivate and justify the revolutionary extension of federal power and bureaucracy. We will be hearing a lot in the months to come about the importance of not overloading wage and price controls by excess demands in labor and product markets. The viability of the controls will become an end in itself. Monetary policy will be very cautious. The Federal Reserve Board is of course constrained not to let interest rates rise. But that should be no problem in a sluggish economic environment. The Fed will have several reasons to lean against expansion: to make the lives of the wage and price controllers easier, to assure the achievement of the inflation objective, to avoid large declines in interest rates that might be politically difficult to reverse.

I have argued that wage and price controls in Phase II are an immediate threat to recovery and prosperity. In the longer run they will impair the efficiency of the economy. The sheer administrative load on government, business firms, accountants, unions, and lawyers will be formidable—determining what is legal, obtaining interpretations and rulings, seeking exceptions, holding hearings, enforcing the rules, keeping records, and so on. Energy and ingenuity will be devoted to maneuvering around the rules—for example, inventing new jobs and new products to dodge ceilings on the wages and prices of the old one. Even more important in the long run, the controls will impede efficient reallocations of productive resources. The story of economic progress is one of wages and prices of the old one. Even more important in the long run, the controls will impede efficient reallocations of productive resources. The story of economic progress is one of endless shifting of labor and capital from obsolescent to dynamic industries. Wages and profits must rise in the growing sectors, relative to those elsewhere, to induce these movements. A control system will almost inevitably limit changes in relative wages and prices. The controllers' main concern is bound to be equity, and their conception of equity will necessarily be to keep all groups as close as possible to relative standings of 1970–71 before the freeze.

Wage and price controls will overload politics as well as administration. The businessman or labor leader with a grievance or petition will turn to his congressmen and Senators, who already have more "ombudsman" business than they can handle. An immense new area of economic activity will be politicized. Anyone who thinks his wages or prices are unfair will have a visible and personal target. There are some advantages to the anonymity and impersonality of a market economy.

And why are we embarking on this risky course? Before August 15, the Consumers' Price Index was rising at a rate of 4.4 per cent per year (January-July 1971). Increases over the same month of 1970 have been 4.5% in June, 4.4% in July, 4.5% in August, 4.25% in September. As the Administration itself told us, there are signs that the inflation has been gradually decelerating. It would have been possible for the Administration to rely on voluntary guideposts, to continue the wage stabilization effort in the construction industry, and to adopt an agricultural policy that would convert the year's bountiful harvest into lower food prices.

Instead, the Administration has undertaken an adventure in a controlled economy designed to diminish the rate of inflation from 4 plus to 3 minus per cent per year! What are the great benefits of so modest a difference in the speed of inflation? The Administration has not told us. The evils of inflation are universally deplored but almost never described. One may sympathize with the quandary of Judge Boldt after his appointment as Chairman of the Pay Board, when he said "Every American, however sophisticated, knows that inflation, by whatever name you call it, is a very bad thing, and that somehow or other we must find ways to control it. If we do not, disaster will certainly follow in *perhaps forms that we cannot presently understand or contemplate.*" (My italics.) To mitigate slightly an undefined future contingent evil, the Administration has decreed the most drastic change in the nation's peacetime political economy since the late unlamented NRA. The NRA also subjected prices and wages to legal control, although the purpose was to raise them rather than to keep them down. It was one of Franklin Roosevelt's errors, ironically one from which he was rescued by a conservative Supreme Court. Nixon will probably not be so lucky; unlike FDR, he has his own men on the Court.

For at least a quarter of a century, economists have known that a modern industrial democracy cannot simultaneously achieve more than two of the following three goals; full employment, price stability, uncontrolled and decentralized determination of wages and prices. In desperate search of the second, this country has now given up the third. Many who rightly or wrongly attributed their economic disappointments and misfortunes to inflation are going to discover that controls are no picnic. The frightening prospect is that we will not achieve even two of the goals; we may end up with only the anti-inflation goal, and really only half of that. The chances are that we will not soon get full employment in return for submitting to controls.

Priorities have been distorted once again. Maintaining and increasing the purchasing power of workers' time is ultimately much more important than the purchasing power of green paper notes.

BAPTIST GENERAL CONVENTION OF TEXAS OPPOSES ERRONEOUSLY LABELED PRAYER AMENDMENTS

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. ECKHARDT. Mr. Speaker, the House will soon be called upon to vote on House Joint Resolution 191, commonly called the prayer amendment. The Baptist General Convention of Texas messengers—delegated—met in Houston, Tex., last week. The issue, House Resolution 191, was opposed by this group. For the information of my colleagues, I submit the following wire service report of the action by the Baptist General Convention of Texas:

The 1.0 million Baptist General Convention of Texas reaffirmed Thursday its "opposition to the constitutional amendments erroneously labeled in some channels as 'prayer amendments,' now being considered by the Congress of the United States, which would revise or supercede the First Amendment." The resolution said any amendment would weaken the First Amendment's strength "and open the way to further revision and modification in the future and therefore endanger our precious freedom of religion and religious liberty." The Convention's Christian Life Commission report stated that authorizing participation in nondenominational prayer "opens the door for government to determine what is acceptable prayer. . . . No government has the right to determine either the place or the content of prayer. To authorize government to intervene in the sacred privilege of prayer makes government a judge of theology and an administrator of religions practices. The amendment would enable government to impose the limits of 'nondenominationalism' on religious practices in any building built in whole or in party by public funds."

WORLD AFFAIRS REPORT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. BOB WILSON. Mr. Speaker, the shameful ouster of Nationalist China from the United Nations shocked all of us and brought into sharp focus the need for improved relations within the world community.

For several years, Robert Letts Jones, president of Copley Newspaper, has traveled throughout the world meeting with political leaders and newspaper editors of many countries and discussing the role of the United States in world affairs. Tragically, he has found that our esteem has been on a steady decline and many things must be done to prevent the United States from being pushed into a second-class status within the world community. I include the report on world affairs, which was presented recently before the San Diego Kiwanis Club, in the RECORD so that our colleagues can have the benefit of Mr. Jones valuable observations:

WORLD AFFAIRS REPORT: FALL, 1971

As we enter the final months of 1971, we find our nation in peril.

Under such state of stress, the burden we carry might be considered a dismaying one. Throughout the 20th Century, we of the United States of America have been looked upon by the oppressed as their hope for survival. Always we have responded to the call of those who asked for help. Always we have been the protector of the peoples of the world who seek to live their lives in peace, free of outside interference.

However, in the past 15 years we have witnessed a gradual decline of the esteem we once held in the eyes of all nations, friend or enemy.

We are part of a new American society which appears ready to permit our nation to withdraw from responsibilities in our own hemisphere, as well as those abroad. We are watching our once respected protective military establishment wither as our enemy grows stronger and more belligerent. We are experiencing a trend, which continued, will fade us into second class status.

In early June it was my privilege to address the 24th Congress of the International Federation of Newspaper Publishers in Zurich, Switzerland.

Impressions gained on my European visit left me with a deep feeling of uneasiness, not only for the declining image of the United States, but for the unfavorable change in the balance of power between the free world and the aggressive Communist world. A global confrontation could unexpectedly smash the fragile relationship between the West and the Russian imperialists. Meanwhile, Communist-backed "local wars" continue to sap the strength of America and our allies, while Russia and China sit smugly but uneasy on the sidelines, supplying their satellite fighting forces with arms—all in the pattern of "protracted conflict."

The balance of military power between our nation and the Communist bloc has become uncertain as the United States has moved from the clear military superiority of the 1950's to bare parity in many categories of forces today, bordering on a secondary position.

Europe's economic situation tends to be critical, as does ours. War in the Middle East smolders dangerously. Everywhere there exists a resistance to established order.

Europeans are deeply concerned over the United States' inability to handle our own internal affairs. Europe fears the withdrawal consequences of our world-wide commitments. Our nation is developing the image of a major power so obsessed with peace and problems at home that it no longer is favorable toward, or concerned with, protecting its rights and interests abroad.

How can we avoid second-class status?

Respect for authority is respect for the ultimate goals of American society. To rekindle this respect, it will be necessary to look with reasonable, studied optimism to the future, to our ability to adjust to changes in the basic way of life that has made America great, and to the innate potential for creativity and greatness of the individual. There can be no progress in the nation or the world without law and order.

I am proud to state that Copley Newspapers have contributed significantly to encouraging such a needed, positive approach to our current problems.

President Nixon is quietly but competently disengaging U.S. military forces from Southeast Asia. At the same time, he stands resolutely against the outcries directed toward shattering United States foreign policy by precipitous actions which would cause us to experience further loss of face in the Orient.

The President has expressed concern, also, for our obligations in other parts of the globe:

"The day the United States quits playing a responsible role in the world, in Europe or the Middle East, or gives up or recedes from its efforts to maintain an adequate defense force—on that very day, this will become a very unsafe world to live in." I fear we may have almost reached that day. How can we continue to cut our forces on which our credibility in world affairs rests so importantly?

As I have cautioned our Copley Newspapers executives in the past, the sinister objectives of communism reach deep into the Western Hemisphere.

Preoccupation with efforts to end one war in Southeast Asia and avert the renewal of another in the Middle East could leave the United States of America vulnerable to a new crisis in this hemisphere.

Negotiations are to begin soon between the United States and Panama over the future of the Panama Canal, our military bases in the Canal Zone and plans for the new sea-level canal that must be built to accommodate increasing maritime traffic across the isthmus.

Prospects for these negotiations are not promising. The canal represents a potentially explosive emotional issue among Panamanians, an issue that will be exploited by anti-American propagandists throughout Central and South America.

A renewed wave of student unrest is sweeping through Latin America. This is not

foreign to that part of the world, however. This period of student unrest began in Cordoba, Argentina, in 1918, immediately after the outbreak of the Russian Revolution the prior year. The goal then and now was that university students must be agents of political change and must acquire the right to administer, as well as determine policies for, the universities. Unfortunately, too many professors and instructors foster these concepts.

As an aside, may I urge a group as influential as you to communicate with our youth with a positive approach.

The South American Andean nations—including Chile, Peru and Ecuador—seem to be working aggressively to put the United States out of business in their countries. The respect for our nation there fades as our global stance wavers. We have not come to the defense of U.S. companies which have had their facilities expropriated.

In March a Soviet plot to train insurgents was smashed by the Mexican government. Venezuela, too, has been a target for subversion, financed partly through Eastern European Soviet satellites. At the same time, Russia is bolstering its foothold in Cuba and, reportedly, integrating Castro's armed forces into satellite status.

Soviet diplomats assigned to Chile's new radical-left government are quietly sounding out the possibility of building new port facilities at Valparaiso for the Chilean fishing fleet. This would be a likely prelude to establishing way-points for Soviet naval power on South America's Pacific Coast. According to Eduardo Frei, Chile's last anti-Communist president, that country faces a "fatal dictatorship" of the Marxists.

Evidence of these ominous designs emphasizes the worldwide pattern of Communist subversion and a growing Soviet power determined to excel that of the United States.

In the past eight years alone, for instance, the Soviet Union has transformed a small border fleet into the world's largest naval force. Only recently, the authoritive Jane's Fighting Ships reported that the size of the Soviet Navy has now surpassed that of the United States.

In an interview, the American editor of Jane's Fighting Ships, in commenting on growing Soviet naval power, said, "What is particularly frightening is that every year we see a new type of surface warship, a new class of submarine, a new missile, a new electronic system or a new radar."

As the result of the U.S. Navy's being temporarily relegated to a second-rate sea power, dangerous political and strategic implications threaten our country and other free nations of the world.

As Congressman F. Edward Hébert, chairman of the House Armed Services Committee, recently warned in a San Diego speech, "The day we lose control of the seas, the security of our nation is a myth."

Encroaching Communism persists, too, as an acute menace to the peoples of West Germany, particularly West Berlin. Chancellor Willy Brandt's re-election was slim indeed in the divided city's March election where his wooing of the Soviet Union was a major issue. Bickering over the meaning of clauses in the recently much-heralded four-nation agreement over Berlin emphasizes the fragile nature of the situation there.

Yugoslavia, under the defiant rule of Marshall Tito, has been a Communist fence-straddler for 25 years. Russia's Brezhnev and Tito agreed over this past weekend, however, to "intensify" cooperation in both foreign policy and the economic field. Yugoslavia's right to control its internal affairs was acknowledged, as well as that nation's status as a nonaligned nation outside the Soviet bloc.

By this agreement, Moscow blocked Tito from becoming an ally of Red China.

If the United States continues to move toward a philosophy of isolation, it can be only a matter of time until we withdraw substantial numbers of troops from the Continent.

The reality of this isolationist attitude in our country can be seen in our moves to pull away American forces from Japan, Okinawa, Korea, the Philippines and, of course, Southeast Asia. Our ability to hold on to bases in the Orient is thus weakened, as is our diplomatic image.

Recently, the world was surprised by President Nixon's announcement of plans to visit Communist China before next May. When the President embarks on this intended "Journey of Peace," he does so against the backdrop of a quarter-of-a-century of almost barbaric behavior on the part of Mainland China's leadership.

The President will be forced to exercise diplomacy on such a high plane if he is to escape the Communist wiles so artfully detailed by Chairman Mao Tse-tung in 1940 when he wrote:

"Our tactics are guided by one and the same principle: To make use of contradictions, win over the enemy, oppose the few and crush our enemies one by one."

Only a month ago Adm. John S. McCain, chief of the U.S. Pacific Command, warned that the United States must not relax its guard despite hopes for improved relations with Red China and other Communist countries.

"Without doubt, the leaders of Communist China, North Korea and North Vietnam are the most formidable problem Free World diplomacy has ever faced."

Many Americans have deep concern about the Red Chinese meeting us halfway. If better relations can be achieved, if tensions in Asia can be reduced and if the threat of Chinese nuclear capability can be diminished, then the statesman-like move of the President will be more than justified.

Although the long-term effects of this meeting may be unpredictable, the short-term effects already are numerous and manifest.

Immediately following the President's announcement of his decision, Red China began to be touted by some news media as a "giant power." Conversely, the stature of the United States has been reduced in the eyes of many Asiatics and of all Communists, who regard overtures toward negotiation as evidence of weakness.

In the meantime, something seems to be afoot in Red China with reports that Chinese soldiers have been called back from home-leave in recent days.

Turning to another part of the world, foreign diplomats and military sources stationed around East and Central Africa say the Dark Continent soon will become another scene of sharpened, not blurred or softened, cold-war confrontations.

Russia and China have footholds throughout Africa. Anti-Communist statesmen are worried, some more by Red China, particularly in the Persian Gulf area. Red Chinese have secured a position of military influence in South Yemen, whose capital is Aden. That strategic geographical position controls the sea route from Suez to India.

The Soviets, after a 10-year Russian build-up and gradual British withdrawal, are moving toward gaining a dominant position in the Indian Ocean, which has become one of the crucial bodies of water in the world.

Russia's foothold in the Indian Ocean received major strengthening last month when she signed a 20-year peace treaty with India. The pact aligns Russia on the side of the Indians in their still smouldering dispute with Pakistan, a country receiving military aid from both the United States and Red China.

If the Suez Canal is reopened, the Soviets will be able to transfer warships back and forth with ease, thereby maintaining a commanding naval presence in the Indian Ocean without establishing too many costly base facilities. Thus, for the first time, it is in the interests of the United States to keep a major seaway closed.

A nation that is willing to test a nuclear showdown over Berlin or Cuba is not likely to rule out Berlin-type confrontations anywhere.

As the threat of world conflagration lingers in Eastern Europe and Asia, so it does, also, in the Middle East and the Mediterranean.

The forces of the belligerent Arab nations and Israel are experiencing a precarious truce.

War clouds darkened when Syria's strong man, Lt. Gen. Havez Assad, called recently on the Arab world to mobilize for war against Israel.

Another Arab strong man, President Sadat of Egypt, has been equally emphatic. He has repeatedly warned that he will not let 1971 end without resolving the Middle East crisis, either diplomatically or by force of arms. Sadat has also stated that, if necessary, he is prepared to sacrifice the lives of one million Egyptians to liberate Israeli-occupied Arab territory.

Israel's first priority is to have a defensible frontier, which means holding on to the Sinai Desert strip and the Sharm El-Sheikh position.

But, in reality, how can a frontier of Israel ever be truly defensible while the Soviets actively expand their military capabilities in Egypt? Today Red troops assume combat roles and man land-based airfields on the southern shores of the Mediterranean. Meanwhile, the newest Russian fighter, capable of outperforming the American F–4 Phantom used by Israel, is now operational in Egypt.

The Soviet's growing foothold in the Middle East is further evidenced in Sudan by Jaafar Numeiry's charge that the Russians had masterminded an abortive coup against him in July.

With a formidable Soviet presence in the Middle East, Israel's frontiers, whatever they may be, can be defensible only if the United States stands ready to challenge any Soviet attempt to force its will by military blackmail. But with the state of mind of our nation today, are we ready to guarantee such a positive armed response in the Mediterranean?

Trouble, too, seems to be stirring again on the island of Cyprus.

Implicit in the inflamnable condition of the Middle East and Mediterranean is the challenge to the Western World's dominant interest in oil. Two-thirds of the world's oil reserves are reportedly in the semi-circle of states bordering the Persian Gulf. That area supplies 77 per cent of the oil for Europe and 80 per cent of the oil for Japan. In a time of international crisis, control of those oil reserves and supplies could be of utmost strategic significance.

The balance of power in the Mediterranean and the Mideast is swinging dangerously to the East. Little is being done to counter that development by the West.

At the same time the Mediterranean could become a Soviet lake. Our Sixth Fleet now comprises some 35 to 40 vessels, all but nine dating from World War II. In contrast, the Soviet Mediterranean fleet frequently consists of up to 62 vessels, all modern, with two guided missile cruisers and two guided missile destroyers. It also has 14 submarines, three of which are nuclear.

Tending to worsen our situation, the liberals' drive for still further defense economies means that, instead of laying keels for modern ships, we are forced to mothball existing ones.

Re-establishment of the strongest possible American naval presence in the Mediterranean is an urgent necessity today.

The turning point in current history can come when the Soviet Union achieves a military force sufficiently superior to that of the United States to force a global showdown by nuclear blackmail. Determination by the Soviets to do so is well established.

In this regard, Senator Henry Jackson bluntly warned that the Soviet build-up of nuclear power soon will have the capability of destroying the United States if that Red build-up goes unmatched.

Because of this calculated military build-up by the Soviet Union, Senator Barry Goldwater believes that the United States has already become a second-rate power.

At best, America faces a withdrawal from commitments and from a position as a first-class power unless the United States' over-all military weakness, particularly as concerns our Navy, is corrected immediately and vigorously. Failure to do so would be the worst kind of fiscal and national irresponsibility.

Unless we face up to our immediate national obligations, we can expect an acceleration of the backing-down process in which we now are engaged, as the country's will is eroded by divisiveness at home and by the enemy abroad. The cold war will turn increasingly warm as a result, until the challenge of power will offer the United States the choice of war or surrender. In my opinion, however, the Cold War has never let up since the end of World War II.

Unless we respond with determination to meet the challenge of today, we could well have to learn to live tomorrow with the consequences of becoming a second-class power—second to a nation sworn to eliminate us as threat to its avowed objective of world domination. The alternative to the latter consequence is positive action now to rebuild and modernize our defenses. But the level of funding must, likewise, be increased.

In our situation, the parallels of history are distressing.

It was an isolationist mood in the 1930s that deprived the United States of effective defense forces and installations in the Pacific. In the 'Thirties, too, popular and governmental divisivenes paralyzed France in the face of Hitler's avowed aim to conquer that nation. The French would not listen to the warnings or heed the pattern of aggression of the Nazis.

The outline of world domination set forth by the late Nikita Khrushchev is moving closer to possible reality than most Americans and Western political leaders will allow themselves to believe.

Is the unfolding of the mounting crisis so surprising? In the middle 'Fifties Khrushchev referred openly to "our certainty of victory."

His formula, as outlined in the U.S. News & World Report in 1956 was:

Lull Russia's enemies with talk of peace.

Infiltrate foreign governments and trade unions; seize powers from the inside.

Win weak nations with trade and aid.

Foment revolutions in "colonial" areas, agitate race hatreds, make trouble everywhere, then turn it to Communist advantage.

If fighting becomes necessary, let satellite armies do it.

To this strategy, Mao Tse-tung urged the addition of terror.

We were reminded again over the weekend of the disturbing scope and size of Russia's infiltration and espionage system when Great Britain ordered 105 Soviet officials expelled. They were only part fo Moscow's global spy network, one element in the tactics aimed at world conquest.

In summary, the world and the United States in particular are entering dangerously crucial times.

In previous crises, allies, time and our country's resources and power have permitted us a grace period to meet major national emergencies. In this nuclear age, how can we believe we would be allowed the benefit of time to marshal forces to respond with confidence to an attack or the threat of nuclear annihilation?

As the United States faces these ominous trends and realities of the 1970s, we must draw upon, and inspire, an effective demonstration of our country's basic strengths which have been fundamental to our nation's progress and global stature.

We still have an abundance of natural and human resources, much of which remain unused or undirected. We still have a technological base which remains the envy of the world, although some Americans would choose to relinquish this great asset.

I believe we are willing to pay the price to remain free. The alternative is slavery.

And, finally, I believe we have the natural vitality and innate confidence to meet successfully the challenges implied.

Paraphrasing the famous words of Sam Foss in his poem "Bring Me Men To Match My Mountains," I suggest the United States of America today truly needs men to match the problems threatening our survival in this increasingly dangerous world of the 'Seventies.

I don't stand alone when I warn as I do. Only this morning columnist Henry Taylor wrote in The San Diego Union: "Our distracted country now stands at the absolute mercy of the U.S.S.R.—on land, on sea and in the air. And unless we face up to this overwhelming fact, God help the United States."

Thank you.

THE DR. T. E. MUSSELMAN AUDUBON SOCIETY

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. HUNGATE. Mr. Speaker, one of my earliest recollections of conservationists and lecturers on the Audubon Society came from hearing Dr. T. E. Musselman when he spoke annually at the Bowling Green High School. I am pleased to see that the citizens of his community have honored him for his work over the years on behalf of the Audubon Society.

[From the Quincy (Ill.) Herald-Whig, Oct. 22, 1971]

SOCIETY IS NAMED FOR "TE"

The Dr. T. E. Musselman Audubon Society was organized Thursday night at the Good Samaritan Home.

Named after the well known "Birdman" naturalist and educator, Dr. T. E. Musselman of 124 S. 24th, the society has 49 members.

Dr. Musselman was "quite touched" when members visited him Thursday night to tell him the society had been named in his honor.

"This is really an honor," Dr. Musselman said Friday. "I believe this is one of the first Audubon societies to be named after a person. Most are named for the city or locality," Musselman said.

Musselman has been confined to his home for the past several months, being able to take only a few car trips since spring.

President of the society is Edward Mayer. Donald Landess is vice president; Mrs. Edward Mayer, secretary, and Mrs. Richard Rakers, treasurer.

Meetings will be held the third Thursday of each month at 7:30 p.m. at the Good Samaritan Home.

Membership is open to anyone who currently is a member of the National Audubon Society. The national dues are $12 for individuals and $15 for family membership. John Piggot of 10 Ken Mar is membership chairman.

A constitution committee was formed with John Deege as chairman.

Work will start soon on the major project to restore and maintain the bluebird boxes Dr. Musselman has set up in the past throughout the country.

Next year the society hopes to set up nature trails for field trips and bird watching and to provide activities on nature and birds for youths.

Research will be conducted on stream channelization.

A 15-minute film, "SOS Galapagos," was shown at the meeting. The next meeting will be held Nov. 18 at the Good Samaritan Home.

CHILD DEVELOPMENT CONFERENCE AGREEMENT REACHED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. RARICK. Mr. Speaker, the mass news media, which has never utilized its right to know facilities to tell the American people the sinister truth about the comprehensive child development programs and S. 2007, now advises that an agreement has been reached between House and Senate conferees on the federalized day care center feature—but one of many revolutionary programs.

The Comprehensive Child Development Act was not a part of the OEO bill in the House but rather was added as an amendment to the OEO bill by a 3-vote margin on September 30, 1971.

An informed people will remain a free people—which makes many wonder why our newspaper people suppress detailed information explaining the seriousness of a bill to replace U.S. parents with the Federal Government and the home with a national institution.

I insert two pertinent newsclippings in the RECORD at this point.

[From the Washington Post, Nov. 1, 1971]

CONFEREES, NIXON AT ODDS ON DAY CARE

(By Nick Kotz)

On Sept. 9, 1971, the Senate approved legislation that could dramatically change the lives of American children and their mothers. The bill would provide high-quality child day care at no cost for millions of poor children and at partial cost for millions more in the middle class.

If enacted into law, this proposal would fulfill a dream of women's liberationists. It would deeply involve the country in comprehensive early education for its pre-school children. It would offer meaning to President Nixon's 1969 commitment "to provide all American children an opportunity for healthful and stimulating development in the first five years of life." It would provide significant practical advantages to about 10 million working women who could drop their young children off at day care centers.

And it would cost billions.

The proposed Child Development Act and a far more modest House-passed bill are now being considered in a House-Senate conference committee, attended by a dozen or so members of Congress.

The conference has made some progress as

Sen. Walter Mondale (D-Minn.) and Rep. Albert Quie (R-Minn.) worked out a scaled-down compromise measure.

But the conferees have made no progress with President Nixon, who has threatened to veto any child day care plan that goes beyond the administration proposal.

Mondale views day care as a problem in itself. His concept of comprehensive education, health, and nutrition care is designed to accomplish more than provide baby-sitters for working mothers. His emphasis is on "child development."

In contrast, the White House has viewed day care primarily as a way to cut the welfare rolls. The idea is to provide care for children so welfare mothers can be required to work.

The President has endorsed the broader concepts of comprehensive day care, but administration officials insist that limited funds at present must be concentrated entirely on the welfare poor.

Mondale's bill, which passed the Senate, would provide:

Free day care, with education, nutrition, and health components, to all children from families with less than $6,900 annual income for a family of four. (The $6,900 figure is what the Labor Department says an urban family of four needs to maintain a minimum adequate standard of living.) About six million children under age 6 would be eligible for free day care, and about 12 million more between ages 6 and 14 could receive free after-school care.

Middle-class children would receive partially subsidized day care, while the wealthy would pay for it.

The bill authorizes spending $2 billion a year, which would provide high-quality care to only about 2 million children. Far greater spending would be needed in future years to turn the new principle into a reality.

The first $500 million would be allocated to the poorest children in such existing programs as Head Start and $900 million would provide day care for children from families with less than $6,900 income. The other $600 million would provide day care for better-off families who would pay partial or full costs.

The Nixon administration prefers passage of no child development bill now, but would accept one that is geared entirely to its proposed revisions of the welfare laws. In the House-passed welfare bill, free day care is provided to working parents with less than $4,800 income. A welfare mother could get the day care only by taking a job. Families between $4,300 and $6,300 income could take tax deductions for amounts they spent on day care.

Mondale argues that day care is needed not only to free mothers to work, but to meet urgent needs of children, who are now receiving inadequate custodial care or no care at all.

"There are about six million pre-school children whose mothers work," says Mondale, "yet there are only 700,000 government-certified day care slots in the whole country. We don't know what happens to many of these children. But we know that hundreds of thousands are 'latch key' children, cared for by nobody. Many are in overcrowded, custodial care that is damaging children.

"In a country in which more and more mothers are working, we better start worrying about what is happening to their children."

Mondale, Quie, and other congressional proponents are strongly opposed to present quality day care programs which serve only the well-to-do and the very poor.

"Some people in the administration" said Quie, "want to run a program only for welfare mothers. You have to have an economic mix. It's just as bad to segregate people by economic level as it is by race. I know that Elliot Richardson (the Secretary of Health, Education, and Welfare) agrees with us on this."

The Nixon administration gave its philosophical support, if not its financial support, to comprehensive day care after a bruising intramural battle in which Secretary Richardson won out over the Office of Management and Budget.

However, the administration is insistent that aid be limited to families with less than $4,300 income and that priority go to welfare mothers who can't be put to work.

"We're talking about a major financial commitment," said a ranking HEW official, "doubling spending on day care from $600 million to $1.2 billion. Some experts doubt that even that much money can be utilized effectively. But even if it could, there is just no more room in the budget.

"With limited dollars, we should concentrate that money on those who are employable, the poorest welfare recipients. If we had our way, it would be spent mostly on children over six, giving them part-time day care after school, until their mothers got off work."

The facts of the case are that there are now 32 million women in the work force and their numbers are growing rapidly. The number of working mothers has increased by 800 per cent in the last 30 years and now exceeds 12 million.

More than one-half of all mothers with children between ages 6 and 17 are working and about one-third of mothers with preschool children are working.

Many of these women have a real problem. They either have to leave their children alone, with a relative, or pay for day care or a maid they cannot afford. The average woman in the work force earns $4,000 a year, and cannot afford quality day care which costs about $1,600 per child. Few working mothers can afford a maid or baby-sitter at $50 to $80 a week.

This predicament of the working woman has contributed to a formidable coalition backing the Senate bill. Their allies include the women's liberation movement, and civil rights and social action groups concerned about the disadvantaged child.

About 25 national civil rights, religious, education, and labor groups helped push through the Senate bill, and they are now fighting to save its basic principles.

Democrat Mondale and Republican Quie have reached a compromise that Quie and Rep. Ogden Reid (R-N.Y.) will present today to Secretary Richardson.

It provides free day care to children from families with less than $5,250 annual income. Families with higher income would get benefits up to a cutoff point of about $15,000 income. A family with $6,000 would pay $75 per child per year. A family with $7,000 would pay $175, one with $8,000 would pay $412, one with $10,000 would pay $712, one with $12,000 would pay $1,350.

"Quie and I are taking heat from both the left and the right on this compromise," said Mondale. "If the administration tries to shave it further, that will be the end of the negotiations. A bipartisan majority of Congress favors providing day care for more than just the rich and the poor. If that's what the administration is going to insist upon, I guess we are going to have our collision."

If the administration turns down the compromise, Quie predicts that the Democratic Senate and House conferees will merely approve the original Senate bill, which the administration already has said President Nixon will veto.

"I expect that they'll turn it down," said Quie. "I think they'll find it too expensive for them. And they have a legitimate concern about the costs, and about not falsely raising people's expectations."

Several HEW officials said privately that they thought Secretary Richardson has little bargaining room left with the White House, and will reject the compromise plan rather than waging another fight in the administration. These officials said HEW would continue to insist on a plan that provided child care only to families with less than $4,300 annual income.

A White House source familiar with the situation said: "We want to stick at $4,300, but Richardson is calling the shots right now. If he is persuaded there should be a compromise he will discuss it further with the appropriate people at the White House and the Office of Management and Budget."

[From the Washington Star, Oct. 29, 1971]

CHILD-CARE SUBSIDY FOR NEARLY ALL?

(By James Welsh)

Working families with incomes of $20,000 a year and up could get partial government subsidies for day care of their children under an agreement that has been reached by powerful members of Congress.

The legislation in question is a child-development plan, part of an over-all bill to extend the life of the Office of Economic Opportunity.

Separate versions of the child-care plan have been passed by the House and Senate and, for the last month, a conference committee representing both houses has been trying to reach a compromise on questions that could affect millions of Americans and cost billions of dollars:

Who will be eligible for child care?

Who will pay the bill?

The tentative agreement reached this week—and kept under wraps—is due to be presented to the Nixon administration for comment on Monday. Congressional conferees then will complete work. The bill faces the threat of a presidential veto.

The agreement calls for free day-care for children for all families of four where parents work and annual income is less than $5,250.

In addition, according to informed sources, the compromise spells out a formula of sliding fees for families with incomes higher than that.

Maximum fees would be as follows:

Where income is between $5,250 and $7,750, the parents would pay 10 percent of their income over the $5,250 mark.

Where income is between $7,750 and $10,250, the parents would pay $250, plus 15 percent of income over $7,750.

Where income is more than $10,250, the parents would pay $625 plus up to 20 percent of income over $10,250.

In all these cases, the government would pay the remainder of the day-care costs.

It has been estimated by the Department of Health, Education and Welfare that quality day-care on an all-day year-round basis required for preschoolers of families in which both parents work or families headed by one adult who works, can be obtained for $1,600 annually. Other estimates run higher than that.

Using the $1,600-per-child figure, here is the way the formula would work for a family of four with income of $12,000 needing day-care for one child. The family would pay $975 for the child, with the government subsidizing the remaining $625.

As income rose, this family would pay more of the bill. The government subsidy would disappear when earnings reached $15,175.

The same fee schedule also would apply to a family of four with both children in full-time day-care.

With earnings of $12,000 this family still would pay $975 towards the care of the two children. The government would put up $2,225 of the $3,200 total cost.

At income of $20,000, this family would pay $2,425, the government $775. The family would continue to get a subsidy until its annual income reached $23,175.

The formula was hammered out in the last few days by Sen. Walter Mondale, D-Minn., the leader of Senate liberals on the child-development fund, and Rep. Albert Quie, R-Minn., ranking Republican on the House Education and Labor Committee.

It is certain to give pause to the administration, if for no other reason than the potential multi-billion dollar cost of the program.

The White House reluctantly supported a version of the child-development plan, but only on the basis of promising free day care for families of four whose income is below $4,320, approximately the official poverty level. That figure was contained in the bill passed by the House.

But the Senate had passed a bill with the free-care eligibility limit set much higher—at $6,950, an annual-income figure the Bureau of Labor Statistics uses to reflect what a family of four needs to maintain a minimum, adequate standard of living. Mondale and his allies in the Senate argued that children from lower-middle income families are as much in need of day care as are the poor, and that it is better to provide a mix of different economic groups in day-care centers rather than limit enrollment to children from the poorest families.

The conferees have set Wednesday as the day to complete action on the legislation.

SCHOOL PRAYER AMENDMENT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. ROSENTHAL. Mr. Speaker, in the next week or so, this body will vote on a matter of great importance to every American in this country. I speak in reference to House Joint Resolution 191, the school prayer amendment.

I am aware of the political problems in voting against prayer and religion—it is like voting against motherhood and apple pie. But that is not the issue; rather it is whether we want to set up a direct connection between the Government and religion.

The first amendment to the U.S. Constitution protects religious freedom and gives each individual the right to decide for himself what importance he will give to religion and religious doctrine. The Founding Fathers had seen the persecutions in Europe and the establishment of mandatory faiths. They took extensive care to create a wall between church and state. This principle of separation has been a bulwark of our Nation's history.

I do not think we ought to break down, or even put a tiny crack in that wall. I cannot support any attempt to establish a direct connection, however small it may appear, between the public schools and organized religion. To do so would constitute, in my judgment, a grave mistake.

The proposed amendment refers to nondenominational prayer. What does this mean? Who can judge whether a prayer is nondenominational? This is a very personal thing, something that only the individual himself can decide. The type of prayer that might be accepted as nondenominational by one person, might be considered quite denominational by another.

Also, this amendment would be the first revision of the Bill of Rights. As such, it would set a dangerous precedent for rewriting other historical and fundamental freedoms that the American people hold so dear.

I might add, moreover, that this amendment is opposed by most major church organizations. They include the National Council of Churches, the Southern Baptist Convention, the Lutheran Church of America, the American Baptist Convention, the United Methodist Church, the Episcopal Church, the United Presbyterian Church, and the National Jewish Community Relations Advisory Council.

To add this amendment to the Constitution would not help restore the practice of religion in our people, but rather would establish a bad precedent and greatly endanger each individuals' freedoms.

Prayer is certainly an important part of life, a very personal part. It belongs in the churches and synagogues, in the parochial schools, in the home and in the soul, but not in public schools or in public policy.

PD'S CHIEF EDITORIAL WRITER RAY DORSEY CLOSES CAREER

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. JAMES V. STANTON. Mr. Speaker, it was with much regret that I learned of the decision of my close friend, Ray Dorsey, to retire after 8 years of service as chief editorial writer of the Cleveland Plain Dealer. His work has always been consistent with the highest standards of journalistic excellence, and the people of Cleveland have been most fortunate to have a man of Ray's competence and ability serving them in this very influential position.

Among public officials, his understanding of the complex issues with which we have been confronted in recent years has commanded a deep respect. All of us are very much in debt to him for the wise advice and counsel he has rendered us.

I would now like to insert into the RECORD the following articles concerning the career of Ray Dorsey, one of the most objective and impartial newsmen it has ever been my pleasure to know.

The articles follow:

PD'S CHIEF EDITORIAL WRITER RAY DORSEY CLOSES CAREER

Ray Dorsey, who has reported, interpreted and influenced news events here for more than 34 years, retired yesterday as chief editorial writer of The Plain Dealer.

Dorsey was a reporter, political writer, copy editor and legislative correspondent before becoming an editorial writer (associate editor) in 1963.

Less than a year later he was appointed chief editorial writer, in which post he has remained for more than seven years.

Thomas Vail, Plain Dealer publisher and editor, said:

"No person has done more to bring quality, fairness and depth to our editorial page than has Ray Dorsey.

"Having worked with him as a fellow political writer and as a publisher-editor, I came to understand why he is so respected by everyone in the newspaper profession. His judgment has been outstanding, and he has always given a fair hearing to everyone.

"Ray Dorsey has been chief editorial writer through some of our most active and controversial periods, and he has done a superb job."

Dorsey earned degrees at Dartmouth College and the Columbia University School of Journalism before joining The Plain Dealer in June 1937.

He was assigned to City Hall in 1946, after covering a variety of other beats, and remained there until appointment as political writer and legislative correspondent in 1956. For a number of years he wrote a Sunday political column.

Dorsey won a Press Club award and several Newspaper Guild awards.

Since 1956 he has interviewed candidates for political office seeking this newspaper's endorsement.

In 1967 he was appointed a member of the Pulitzer Prize jury.

Dorsey is 58. He and his wife Bettie live at 30200 Ednil Drive, Bay Village. They have a son, Michael.

A note in Dorsey's biographical file says he was once in the public relations business. A "brief and unhappy stint," he called it.

DORSEY RETIRES

Ray Dorsey, for almost eight years director of this page, has taken early retirement. His active association with The Plain Dealer ends today.

The association lasted 34 years and was marked by the pleasant relationship which exists when employer and employe work towards common goals. Dorsey, as a reporter and political writer before becoming editor of the editorial page, was objective and accurate. Dealing with opinions, he stressed fairness and facts.

To be objective and accurate and fair is the desire of a responsible newspaper as well as a reporter-editor. On this note of mutual satisfaction of jobs well done, The Plain Dealer wishes Dorsey health and happiness in his retirement.

COURAGE OF A HIGH ORDER

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. CHAPPELL. Mr. Speaker, it is always heartening to hear of the instances of courage. I know every Congressman here would like to pay tribute to several people I wish to mention who have exhibited this courage.

The people I speak of have been awarded the Red Cross Certificate of Merit, which is the highest award given by the American National Red Cross to a person saving, or attempting to save, a life by using skills learned in Red Cross courses.

Following is the list of people who were given these awards for their meritorious actions. Mr. Kent Buckley, 103 35th Avenue South, Jacksonville Beach, Fla.; Mr. Lon Chatfield, 1018 15th Avenue North, Jacksonville Beach, Fla.; Mr. John Fernsler, 1514 Arden Way, Jacksonville Beach, Fla.; Mr. Dugg Harrison, 728 Palm Tree Road, Jacksonville Beach, Fla.; Mr. James Hughes, 526 11th Avenue North,

Jacksonville Beach, Fla.; Mr. Gordon O'Neill, 205 Margaret Street, Neptune Beach, Fla.; and Mr. John Snavley, 1123 Sebago Avenue South, Atlantic Beach, Fla.

In addition, Officer James B. Robertson, a Daytona police officer, has been named to receive this award. On September 16, 1971, Officer Roberston, who has been trained in the Red Cross first aid, jumped into the water fully clothed, to rescue a drowning man. On reaching shore, he administered mouth-to-mouth resuscitation to the nonbreathing victim until the man was able to breathe for himself. The victim was transported to a hospital and was later released as fully recovered.

As the Red Cross points out:

The lifesaving actions taken by these volunteers exemplify the highest idea. of the concern of human beings for others who are in distress.

Mr. Speaker, we owe a debt of gratitude to these volunteers who have risked their own lives to save others.

WASHINGTON NEWS NOTES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. HOSMER. Mr. Speaker, I am currently circulating the following materials in my congressional district:

CONGRESSMAN CRAIG HOSMER'S WASHINGTON NEWS NOTES

Taking a Chance on Big Labor—President Nixon had a tough choice to make when the AFL–CIO threatened to boycott the new Pay Board over the issue of autonomy. He could either (1) give in to George Meany and risk a runaway pay policy, ruining the Administration program, or (2) limit the Board's autonomy and use Labor's walkout as an excuse in the event the policy failed.

Nixon decided the issue was too great for playing politics and decided to take a chance that Labor would cooperate in a spirit of helping the country. I think it was the right choice. Grandstand critics usually turn into statesmen when they, personally, are on the hot seat.

Ever Hear About an Under-Run?—Several Senators seem to feel that the shortest route to re-election is blasting the aviation and aerospace companies, most of which are in Southern California, for cost over-runs. Funny, though, they didn't seem happy when North American Rockwell announced that it has scored an under-run of $10 million on the Minuteman III missile and $292 million on the B–1 bombers.

The Sands of Seal Beach—At the request of Seal Beach Mayor Harold Holden and Orange County Supervisor David Baker, I am now working with the House Public Works Committee and the Legislative Counsel to come up with draft legislation to relieve the city of the costs of replenishing sand on the beaches. Seal Beach now pays 100% of the sand replenishment costs, while other jurisdictions get Federal help. The idea is to bring Seal Beach under the same ground rules as its neighbors.

Reflections on Camelot—Suppose that a President named "Kennedy" had (1) succeeded in achieving U.S. withdrawal from Vietnam, (2) instituted the most far-reaching economic controls since FDR, (3) proposed admission to the U.N. for Red China and (4) given Okinawa back to the Japanese. That, dear friends, would be Camelot.

Now, suppose that a President named "Nixon" had (1) backed an ill-advised invasion of Cuba which fell flat on its face, (2) sent thousands of troops off to fight in Southeast Asia, (3) appointed his brother Attorney General and (4) failed miserably to get a legislative program through a "friendly" Congress. What would the press call that kind of Administration other than a disaster?

Columnist Mike Royko of the Chicago Daily News raises this very point, concluding that despite an excellent three-year record, President Nixon is still getting kicked around.

In case you missed it—Republic National Committee Chairman Robert Dole will speak in Long Beach at the annual "Lincoln Day" dinner next February 10 aboard the Queen Mary. Bob's appearance in Long Beach is expected to kick off the 1972 Presidential election campaign.

The "Nader Bag"—A National Observer reader suggests that the auto air bags be named after Ralph Nader because "The 'Nader' is a big, noisy, self-inflating gas bag which may blow up in your face on behalf of your safety very suddenly, whether you want it, or need it, or can stand it."

Incidentally, the Department of Transportation has announced that our highway fatality rate is now the lowest in U.S. history—4.9 deaths per 100 million vehicles miles, compared to 9.18 deaths in 1946.

Dollars Anyone?—Since WW II the U.S. $ has been the world's standard currency. Over a hundred nations settle their international trade accounts with it.

Recently U.S. trade balances have switched to deficits because (1) some governments established subsidies to boost sales in the U.S. market, (2) trade barriers have been newly erected against U.S. sales overseas, and (3) countries like Japan refused to revalue their undervalued money (making their autos, etc., artificially cheap to sell here).

President Nixon's international economic moves, including the 10% imports surtax, are aiming at forcing world traders to treat us fairly again and at inducing other governments to price their money at what it is really worth.

In the process, the U.S. $ also may have to be revalued from its legal price of $35 an ounce in terms of gold to around $37.50, which is about what many years of inflation have now made it actually worth.

The Cost of a Clean Environment—According to latest estimates, to do a halfway satisfactory job of cleaning up our air and water, the cash outlay will hit about $105 billion in the 1970–75 period. About 60% of this sum will be paid directly by business and consumers. In fact, about 15% of all the funds business will put out for capital investment in this period will go into anti-pollution devices. Let's not kid ourselves. We all will bear these costs. Business will pass the costs along into its products—it must to stay in business. The 40% borne by Federal, State and Local governments will come out of our pockets in the form of taxes.

Time to Recycle Democracy?—The Pacific Gas and Electric Company poses a timely thought for all Americans to ponder as we approach our bicentennial year of 1976. It reads:

The average age of the world's great civilizations has been 200 years.

These nations progressed through this sequence:

From bondage to spiritual faith—from faith to great courage;

From courage to liberty—from liberty to abundance;

From abundance to selfishness—from selfishness to complacency;

From complancency to apathy—from apathy to dependence;

From dependence back again to bondage.

In a few years the U.S. will be 200 years old. This cycle is not inevitable—it depends on you!

UNITED STATES HUMILIATED ON CHINA VOTE

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. SMITH of New York. Mr. Speaker, I wish to take this opportunity to add my voice to the growing expressions of deep regret over the recent United Nations vote which expelled the Republic of China from that world body.

The expulsion of the Taiwan government, as well as the tasteless display of diplomatic anti-Americanism on the floor of the General Assembly, has humiliated the efforts of the United States to seek a fair and equitable status for both Chinese nations, as set forth in the President's two-China policy.

It is this humiliation to which I address myself today. I feel my colleagues in the House will be extremely interested in the following enlightened editorial comment from the Buffalo, N.Y., Evening News printed Tuesday, October 26, 1971:

UNITED STATES HUMILIATED ON CHINA VOTE

The full damage done by and to the United Nations by last night's General Assembly vote to expel Nationalist China and seat Red China will take a while to assess. But for American diplomacy, committed utterly to the effort to save the Taiwan seat while opening the U. N. door to Peking, the effect of the vote can be characterized at once as somewhere between a humiliation and a disaster.

The American delegation had gone to the utmost lobbying lengths to avert this outcome. As late as dinner-time last night, it was apparently confident it had succeeded in mustering the votes needed to keep Nationalist China from being thrown to the wolves. But then, when the crucial vote was taken on declaring the expulsion an "important question" requiring a two-thirds vote, the U. S. position could muster only 55 votes to 59 nays. After that, the Peking bandwagon rolled to a triumphant 76-35 vote (with 17 abstaining).

The one plus in the outcome, of course, is that mainland China's representation in the U. N. is now certain. This is a result which U. S. policy also sought, but on terms which Communist China had repeatedly threatened to reject. Whether Peking actually would have refused to come in while the U. N. insisted on maintaining a seat for Taiwan as well is a question that can now be debated in endless futility, for we'll probably never know the answer.

The vote, in one sense, was a triumph of pragmatism over principle—the winning argument being that the world body needed Peking's presence more than Taiwan's, and since Peking wouldn't come in while Taiwan remained, Taiwan obviously had to go. Overruled as irrelevant, apparently, was the fact that the Nationalist regime actually governs more people (14 million) than do the majority of the U. N.'s members, as well as any concern for what this brutal and undeserved expulsion will do to the future status and security of those 14 million people.

The vote, in another sense, was an obvious and fairly deliberate kick-in-the-pants for American diplomacy. For U. S. prestige in the United Nations, the failure represents the harshest rebuke ever administered. It is mag-

nified, moreover, by the fact that it occurs while plans for President Nixon's visit to Peking are in the final stages of preparation. For it means that he may now find his Chinese hosts arrogant and swaggering in the full flush of a Communist Chinese diplomatic triumph achieved in the course of handling the Americans a stinging humiliation. The Nixon trip, moreover, is now further handicapped by the danger of having to face a bitter right-wing domestic reaction against this U. N. response to the effort to open a new era of U.S.-China relations.

One may argue, perhaps, that the United Nations had been edging toward last night's vote for a long time, and that Taiwan's expulsion was inevitable eventually. In this view, it was the Americans who were very late—too late, as it turned out—in waking up to reality. Since even we were not pushing a two-China policy until this year, perhaps we shouldn't be surprised by our failure to persuade the rest of the membership of its logic on the first try. One suspects, however, that logic and principle had far less to do with the outcome than a combination of pure opportunism—coupled with an unexpected degree of anti-American animosity which may have been stirred as much by our recent hard-nosed world economic policy as by our own shifting policy on China.

But however the decision is viewed, it is bound to put the United Nations on a very different and decidedly uncertain course, while raising a number of serious questions about America's future role in the world body.

MORE BAPTIST SUPPORT

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. WYLIE. Mr. Speaker, pastor Samuel Arthur Jeanes of the First Baptist Church of Merchantville, N.J., has written me a letter regarding House Joint Resolution 191.

I believe that Reverend Jeanes' letter is indicative of the feelings of many Americans. In addition, I think it eloquently points out what I am trying to accomplish with House Joint Resolution 191.

I commend this letter to my colleagues' attention:

FIRST BAPTIST CHURCH,
Merchantville, N.Y., October 27, 1971.

Re: House Joint Resolution 191.

Hon. CHALMERS P. WYLIE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WYLIE: It is time that the muddled confusion created by court rulings on prayer in tax supported schools be ended. The polls that are taken clearly indicate that the American people, in overwhelming numbers, want to permit voluntary prayer in their schools.

Perhaps, the confusion has been caused because there are those who believe that the courts have said more than they really said and have hastily rushed us into a "prayer vacuum" in public education. The United States Supreme Court in the Board of Regents case ruled against the use of a prayer that was officially recommended by that Board with a directive that it be recited aloud in the presence of a teacher. In a second decision the United States Supreme Court, in the Abingdon, Pennsylvania School District case ruled against a Pennsylvania law requirement that ten verses be read from the Bible without comment at the opening of each school day. A third case never reached the United States Supreme Court but the U.S. District Court of Appeals for New York State ruled that little children could not recite a simple ancient prayer with their morning milk and cookies which went as follows:

"God is great, God is good,
And we thank Him for this food."

All the American people want is the opportunity for their children to offer voluntary prayer in their schools which was the practice for many, many years. The passage of House Joint Resolution 191 could grant this permission and certainly bring an end to the misunderstandings which have led to many excesses.

It is unfortunate that some religious bodies have been mounting pressure upon the Congress to thwart the will of the majority of the people. My attention has been called to statements from the American Baptist Convention of which I am a member. Such statements of opposition to voluntary prayer in our tax support institutions supposedly are based upon resolutions passed by the Convention itself. May I call your attention to the fact that such resolutions are followed by a statement of explanation which says:

"What do American Baptist resolutions represent?"

"American Baptist resolutions are the attempt to help Baptists express a Christian view on crucial issues. To be sure resolutions passed by the American Baptist Convention cannot be said to represent the conclusions of all American Baptists, or even all the American Baptists attending the Convention. They do, however, represent the careful thinking of a large number of people."

To illustrate the limited extent of representation reflected by such resolutions let me quote from the June 4, 1971 issue of Christianity Today which says:

"During debate over a controversial statement on non-traditional 'family life styles' that could have been interpreted as endorsing pre-marital sex and homosexual practices, ABC Treasurer, Milton Bennett—a Toledo restaurant operator—invoked the parliamentary law requiring that a majority of delegates be present when business is transacted. Only a fourth of the 2,800 were on hand, bringing automatic adjournment . . . Bennett's ploy was the first such call in the memories of ABC officials. It will not be the last; delegates spoke privately of using it next year (many of the ABC's most controversial resolutions over the years have been passed by a fraction of a quorum."

The American Baptist Convention claims about 6,100 individual churches with an approximate total membership of 1,500,000 people. There is no reason to believe that even half of the churches had delegates at the Convention session when this resolution against prayer in the schools was adopted. Furthermore, as a rule the delegates who do go to Convention sessions have no authority whatsoever to commit their congregations on any issues. Neither are any scientific efforts made to poll the thinking of the churches or their membership on such questions.

I trust that the members of the Congress will exercise seasoned judgment by accepting such sweeping statements from large organizations for what they are . . . expressions of men based upon very incomplete findings and voted, often by bodies that do not represent even a very small fraction of their total constituency.

The proposal before you does not require prayer, but it certainly does not prohibit it. Neither does it grant authority of any official body to determine the form or content of the prayer.

It should be remembered that the prayer decision of the Supreme Court was based upon their interpretation of the Constitution. However, the Constitution is an instrument ordained, not by the courts, but by the people. The courts may interpret it, but the people have a right to amend it. It should say clearly what the people want it to say.

If public prayer can be offered in the Halls of Congress at each opening session, in military camps and on board ship for our service men, at the inauguration of the President of the United States, at national political conventions, at social, civic and public functions, and even in our penal institutions, why should prayer be banned from the lips of our children and young people in the schools of the nation?

The passage of HJR 191 will give the world a moral witness that declares that for Americans God is important. And it will reaffirm what the Supreme Court itself has said that "we are a religious people whose institutions presuppose a Supreme Being".

Sincerely yours,

SAMUEL A. JEANES,
Pastor.

CONNECTICUT: HOME OF PATRIOTS

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. STEELE. Mr. Speaker, I include the following:

[Reprinted from the San Diego Union, Oct. 17, 1971]

CONNECTICUT: HOME OF PATRIOTS

(By Frank Bauer)

This is one of a monthly series of articles looking ahead to the nation's 200th birthday in 1976. The chronological stories will describe each state in the order of its admission to the nation.

The delicate spires of the familiar white churches of the Connecticut countryside are deceptive frosting for the vigorous sermonizing that goes on beneath them.

This was never truer than during Revolutionary days when the Connecticut pulpit resounded with biblical authority for the cause of freedom and heaped fiery denunciation on Tory and tyrant.

In a little church in western Connecticut, at Sharon, the Rev. Cotton Mather Smith announced the battle of Lexington, then rallied a hundred men on the green after church services, ready to march. Smith himself became a chaplain of fame.

In a small church at Poquonock, in the town of Windsor, the Rev. Dan Foster as early as 1774 was preaching a series of sermons on government, steeped in revolutionary philosophy. And in the same town, the Rev. David Sherman Rowland in 1774 was producing "a very great excitement" by comparing George III with Rehoboam, the last king of old Israel.

"Sedition flows from the pulpit," said the protesting Tories as they sat at worship and heard themselves and their king excoriated and then read the same sermons reprinted in the sympathetic Connecticut press.

George Washington's good friend and aide, "Brother Jonathan" Trumbull, Connecticut's long-term governor during the revolution, was strongly influenced by his intimate friend, Solomon Williams, for 53 years the pastor at Lebanon and an outspoken sympathizer of the rebels.

The Connecticut clergy had openly assailed the Stamp Act. They urged the Colonists to unity with the strongest overtones from the Bible. They kept their parishioners informed and aroused during the war itself and created

inspiring pictures of America's coming greatness.

In parallel vigor the state responded to Washington's military needs, contributing Gen. Israel Putnam and Nathan Hale among others. In the political arena there were Roger Sherman, who signed the Declaration of Independence and the Constitution, and Silas Deane, who helped get French aid for the Colonies.

In Revolutionary times Connecticut was largely engaged in agricultural pursuits and supplied much of the beef for the Army, but the state's role in industry and finance grew rapidly in the next century.

Eli Whitney, who is remembered for the cotton gin, had his first federal musket contract in 1799 and then developed a system of interchangeable parts that became useful to many industries. Connecticut's Charles Goodyear developed the vulcanizing process. The brass industry was begun at Waterbury, and insurance companies sprang up in several cities. Noah Webster published the nation's first dictionary of consequence, and a revolver was patented by Colt.

Yale, which had opened in New Haven a half-century before the Revolution, waited a century before it was joined by Wesleyan and other Connecticut universities. Dr. Horace Welles pioneered in the use of anesthesia in Hartford in 1844, and the Coast Guard Academy was set up in New London just after the Civil War.

The first telephone exchange in the world was opened in New Haven in 1877, and the Pope Manufacturing Co. of Hartford commenced making automobiles in 1897.

Connecticut's greatest industrial organization, in aircraft engine manufacture, sprang into being after World War I and grew to rival insurance as the state's biggest employer.

Because of its jet engines and the manufacture of firearms, machine tools and explosives, the state far outranked its size as a defense contractor in World War II. Its diversified industries have international markets.

Because of its heavy involvement in defense, the state is now feeling the employment pinch of the cutback and seeking new diversification in civilian lines. Aircraft jets, for example, are being harnessed to electric generators for production of power.

The state's unusual preservation of country atmosphere amid its industrial complexity is proving a magnet for companies seeking fresh air and cultural opportunities. Several New York City concerns have announced plans to move across state line into Connecticut's Fairfield and adjacent counties.

The state had the perspicacity to acquire a discarded federal airport after World War II and has developed it into one of the best international air stations in the East. The airport serves the thriving city of Hartford and neighboring Springfield, Mass.

FULTON BIDS FAREWELL TO A FRIEND—JOHN WATTS

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. FULTON of Tennessee. Mr. Speaker, it is always difficult to say farewell to a neighbor. A neighbor in State geography. A neighbor in service to our country. A neighbor in work, in this case, work of the Ways and Means Committee. A neighbor—and friend—with whom many experiences were shared and from whom much knowledge was gained.

It is most difficult to choose the words of farewell equal to the stature and nature of the man in whose memory they are directed, Kentucky's distinguished son and Representative, John Watts. In my 7 years as a member of the Ways and Means Committee, 9 years in the House, and indeed, 44 years of life, I have met few men whose dedication and ability so recommended him for his honored position in life and his Nation's tribute and thanks in death.

That each of us in this House can say we served with John Watts is something for which we can be most grateful. That his memory and service to America will be cherished and preserved is something of which his family, friends, colleagues, and fellow countrymen can be assured.

U.N. DESTROYS ITSELF

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. LANDGREBE. Mr. Speaker, Publisher Eugene Pulliam's Indianapolis Star, one of mid-America's great newspapers, really hits the nail on the head with the following editorial entitled "U.N. Destroys Itself."

I wish to submit this editorial for the thoughtful consideration of all Members of Congress and to people everywhere who cherish freedom, decency, and justice.

The article follows:

U.N. DESTROYS ITSELF

By voting to seat Red China and expel Nationalist China, the 76-member majority in the United Nations General Assembly destroyed the last vestiges of the U.N. as a moral force.

The death blow did not take much effort. The U.N. long since had proven incapable of keeping the peace or defending freedom and justice.

The costly, largely American-financed yet America-hating debating society in a New York skyscraper stood idly by when Soviet armed might crushed the fight for freedom of the Hungarian people, smashed the Polish uprisings and invaded Czechoslovakia to suppress a genuine popular freedom movement. It stood idly by when Red China invaded and conquered Tibet.

It can be expected to stand idly by, if it does not try to throw a few punches of its own from the sidelines, when Red China moves to invade and conquer Nationalist China.

The indictment drawn up by the political scientist, William Henry Chamberlin, seven years ago still stands: "The U.N. has become the home of a double standard of morals, of a crooked view of world relations. And, especially in recent years, this organization has been a distinctively bad influence on American foreign policy, inducing the American government again and again to let down allies and to quarrel unnecessarily with friendly countries."

Expediency no doubt distated the votes of the United Kingdom, France, Belgium, the Netherlands, Austria, Canada and Mexico for the resolution to admit Red China and cast out Nationalist China.

Nationalist China is, after all, far away—as the appeasers said of Czechoslovakia when they sacrificed the little nation to the Nazi dictator, Adolf Hitler, on the assumption this would buy peace—one of the worst gambles in history. Moreover, there is money to be made in trade, America's warm-weather friends are well aware, as many were in that other foolish era.

American blood and treasure rescued the nations whose leaders made the mistake of thinking they could do business with the Nazi dictatorship and American money—the money of the American people—got them back on their feet and nursed them back to health when the war ended.

Perhaps they think the United States will rescue them again if they prove to have made another calamitous blunder, if, soft and fat, they prove tempting prey for the Red legions whose prophet and guide, Mao Tse-tung, has told them:

"The seizure of power by armed force, the settlement of the issue by war, is the central task and the highest form of revolution. The Marxist-Leninist principle of revolution holds good universally, for China and all other countries."

Mao declared: "Political power grows out of the barrel of a gun." Events at the U.N. this week prove it also grows out of the mouths of wishful thinkers.

As now constituted, the United Nations is a dagger at America's back. The United States should quit underwriting its own downfall. The U.S. should cut off financial aid to the U.N. to a degree commensurate with our nation's puny influence as a member. If the freeloaders who are profiting from the U.N.'s mummeries refuse to pay their share, let the whole morally defunct organization ship out.

A CHANGING LATIN AMERICA IN A CHANGING WORLD

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. MORSE. Mr. Speaker, I would like to share with my colleagues an address delivered to the Inter-American Bar Association last week by His Excellency J. A. de Araujo Castro, the Brazilian Ambassador to the United States. This is one of Ambassador Castro's first major addresses since his arrival in Washington last May, and it represents what I feel is a most perceptive and forward-looking assessment of the role of Latin American nations in meeting the social, economic, and political challenges which must be squarely faced on the road to progress and development.

Ambassador Castro has long served his country as an exceptionally able and distinguished public servant, most recently representing Brazil in the United Nations, and I feel that my colleagues may benefit from an understanding of his views of Latin America in a changing society. I include Ambassador Castro's address in the RECORD:

A CHANGING LATIN AMERICA IN A CHANGING WORLD

(Remarks by Ambassador of Brazil, João Augusto de Araujo Castro, at an Inter-American Bar Association luncheon, on 12 October 1971, Washington, D.C.)

First of all, I wish to thank you, gentlemen, for your kind and generous invitation and for this opportunity to address the Inter-American Bar Association, an institution which has rendered such outstanding services to the cause of a better and closer co-

operation between the jurists and lawyers of the Americas. I take it as an auspicious coincidence that my appearance among you should coincide with the celebrations of Columbus Day, a date cherished by all of us and today as always a most fitting moment for reflection on the past and for projection into the future.

I beg your leave to address you briefly on the theme "Latin America in a Changing World", or rather, "A Changing Latin America in a Changing World". Both terms of the equation are dynamic and mutable and it would be pointless and futile to try to immobilize any of the two, for the sake of clarity or in an effort towards simplification. Political and social phenomena are never simple, no matter how strongly we may be persuaded that complexity is obnoxious to the human spirit. The world is far from simple in this age of ours and Latin America is, by any standards, the quintessence of complexity as it presents a case of complexity compounded with and aggravated by underdevelopment and social turmoil. Those who adhere to simplicity and over-generalization should forego the subject Latin America. No matter how hard you may try, you will not be able to make the Latin American case a simple and clear-cut one.

This Washington Summer we have lived through may yet be recorded in history as the Summer of Transition, as it was a Summer in which many dogmas have been broken or were altogether dispelled: political dogmas, diplomatic dogmas, financial dogmas, monetary dogmas—July and August may have been little more than adjustments to realities, but it is only proper that we should strive towards defining, identifying and characterizing the realities of our present situation, the realities we are called to live in. The reasonings and assumptions of only three or four months ago are no longer valid and have been superseded by the logic, the impact or the forcefulness of events. The new policies announced in July and August will determine not only political and economic consequences, of far-reaching portent. They will precipitate—and they are already precipitating—tremendous psychological changes, attitudes postures and patterns of international behaviour. Dogmas have been broken and until new dogmas are erected, there prevails the impression that anything goes, that all is permissible and admissible in this age of transition. The world and the dollar may never be quite the same again.

This may well be the end of a post-war period which had been protracted beyond measure, beyond expectation and even beyond reason, and the re-emergence of Japan and Germany as Major Nations, although not so in a strictly military sense, may well symbolize the end of this post-war period. We may well be going through the birth-pangs of a new world and we wish to make it a world of Hope. We may well be at a new pre-Dumbarton Oaks and at a new pre-Bretton Woods stage. Power is fluid and volatile by nature and Power is still the measuring-rod and the yardstick against which people are gauging the acts of men and the acts of nations. We may be entering a period that will bear a close resemblance to the period of 1945–1948, which laid the basis for the post-war period we are just quitting. The world is changing and will never be the same again. And my question today is: "How will Latin America react to such changes"? In other words, "is Latin America prepared to play a significant role in the shaping of the world of the future?" And, still more cogently, "will Latin America show the political will to play such a major role"? For the problem is not only a problem of power. It is likewise a problem of volition and a problem of determination.

Some recent events might convince us that such political will is emerging. The position taken by the Latin American nations in Buenos Aires and in Panama vis-a-vis the new economic policies of the United States might be quoted as an example. Experience has shown however that such political will even when it asserts itself, may not be enough when confronted with hard realities in the political and in the monetary field. All the action undertaken within the UNCTAD is a case in point.

I do not know how many among you are familiar with the initiatives undertaken by the Latin American nations, with the single exception of Cuba, within the framework of the item on the "Strengthening of International Security." The joint draft presented by the Latin American nations, on that occasion, is the political counterpart of the stand taken by those same nations on economic and financial matters in the "Consensus of Viña de Mar", and yet such common stand, of high significance in the diplomatic history of Latin America, was largely ignored by the American press, by continental public opinion in general and ultimately—which is still more astonishing—by the very Governments which had authorized the opposition of their signature to the document. In other words, the ideas—and very important ones—were there but the political will was missing. It might be said that the Latin American nations are reluctant to undertake the crucial step from the orchestra to the stage where the big drama is being unfolded by a dwindling circle of *dramatis personae*. A whole continent, in a world which, after all, has only five continents, cannot resign itself to being a passive witness of history in the making.

The Latin American draft resolution became the core and the essence of the Declaration on the Strengthening of International Security finally approved by the General Assembly of the Twenty-Fifth Anniversary and this Declaration, which is the most significant document issued by the Organization since the signature of the San Francisco Charter, enunciated some principles which have a particular bearing on the fluid situation of today. I wish to emphasize the principle of the close and intimate corelationship existing between the concepts of International Security, Disarmament and Economic Development to the extent that sensible progress in any of these fields will mean some progress made in each one of them and to the extent that a continued stalemate in any of these fields will prevent further significant progress in each one of them. The Latin American nations protested strongly against an undisguised process of the Freezing of World Power, which tends to transform the World Organization in a sort of International Institute of Technology or into an ineffective chapter of the International Red Cross. They protested against the downgrading of the great ideals and conceptions of the Charter. They saw Peace being downgraded to Détente and they saw General and Complete Disarmament being downgraded to Arms Control. They identified a trend to ignore the great issues of international Peace and Security and to concentrate United Nations efforts on the so-called "new tasks" of Science and Technology, Population, Preservation of the Environment, Narcotics et cetera. And they saw that more and more there seemed to recur an ominous and uncouth theory of limited sovereignty, which provided a convenient albeit outmoded justification for the establishment of "spheres of influence."

On that occasion the Latin American nations proclaimed their adherence to the Purposes and Principles of the Charter of San Francisco, with particular emphasis on the principle of the sovereign equality of States. Just as the defense of individual rights and freedoms is of more direct interest for individuals than for States, it can be well argued that the defense of the Purposes and Principles of the Charter is more vitally important for the Small and Medium rather than for the powerful States, which have other means at their disposal for the preservation of their national Security.

It is essential but not enough to reaffirm this principle of "sovereign equality of States". It is not enough to say that all States are equal even when the major States are willing to forego flagrant violations of such principle. Even if—and we may be still far from that goal—you put all States on an equal footing as far as legal and juridical status is concerned, it is obvious that such equal footing rests on imbalances and inequalities of fact which distort the whole legal equation. The enunciation of sovereignty is not enough, if not accompanied by the advent of conditions rendering the full exercise of that sovereignty possible and feasible. A politically independent but economically destitute nation is really entitled to little more than a sovereign right to poverty. Our purpose is to illustrate the fact that progress in the political and juridical fields may be meaningless and self-defeating if not paralleled and complemented by social and economic progress. The right to sovereignty presupposes the right to the full exercise of that sovereignty, in a real, not, not in a legal context. This was the position taken by the Latin American nations in regard to world problems less than a year ago.

Such a stand is valid and proper today. Peace is something more than "a tolerable state of warfare". Disarmament is something more than "a tolerable arms race" and Development should be more than "a tolerable state of poverty".

We have said that we may well be at a pre-Dumbarton Oaks and at a pre-Bretton Woods stage after the hectic days of the "Summer of transition". Dogmas are being dispelled and new conceptions are emerging, with vigour and impetus and not entirely immune from the concept of Power. It is imperative that the question of the planning of the future of Man be posed now with imagination and creativeness. Let us face with determination the necessity of revising the San Francisco Charter with a view to adapting it to the present needs of peoples and nations. The Charter of the Organization should be more than a Peace Treaty, which, to a certain extent, it is. It should be more than the end of a war, or even the end of a post-war period. It should be the beginning of a new Peace.

Now is the time to think and now is the time to build. It is imperative that a Revised Charter, embodying the new ideas and new concepts and benefiting from the experience and from the frustrations of those last twenty-six years, embody a principle of collective security in the economic field, which would complement the principle of equal sovereignty of States, just as within the domestic jurisdiction of each national State it is now felt that the principle of social security should complement the principle of individual freedom.

A new world is shaping up, day by day, before our very eyes and it is imperative that Latin America arise to this fact. As T. S. Eliot said,

> "In a world of fugitives
> Those taking the opposite direction
> Will appear to run away."

The only course open to Latin America is to take the opposite direction, namely the road to progress and development, to assert a political will to participate in world events, to assist in the creation of a new Charter for the United Nations and of a new international order, where men shall be entitled not only to live but also to survive. This is the challenge that has to be met in the years ahead, which will be years of change, disruptions and dislocations of Power. And there

is no reason why Latin America should run away from history.

The Latin American nations can renounce many things. They cannot, however, renounce their future.

Washington, D.C., October 12, 1971.

CALIFORNIA SCHOOL TAX COURT DECISION

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. McKINNEY. Mr. Speaker, the California court decision on the relationship of taxes and education could cause one of the most profound shocks ever suffered by our Nation's local communities.

At first glance, it is an enticing and most rational idea. It says that the citizens of one community should not be taxed at a higher rate, on real estate, and yet have less money to spend on education than citizens in another—and parenthetically, richer—town who spend more per pupil. It is, in other words, saying that education must be equal, therefore, the tax base must be equal. Since it would be close to impossible to increase taxes in most urban areas, it leaves to the "richer" towns the choice of either downgrading their educational systems or accepting a State tax assessment and allowing the difference to be distributed in urban areas. As equal as the idea appears, it would in fact create complete chaos across the Nation.

If one agrees that educational systems should be equal for all citizens; should this not also be true for fire, police, parks, recreation, and so forth? Such a system would effectively end all local government and cause all taxes to be collected and distributed by the State in an attempt to affect some one person's idea of equality. If this became fair for the towns and cities, would not the next step be to make it equal among the States, so that eventually the Federal Government would collect all taxes and control all aspects of human endeavor at what would obviously have to be the lowest common denominator?

If local property taxes were transferred out of local jurisdiction, it would be a clear case of taxation without representation and therefore, local elected government—without local control of the purse—would have to be declared invalid and, in fact, unconstitutional.

There is a much better solution to the educational problem than that of the California court. Every State contributes ADM funds—average daily maintenance per child—to local educational systems. These funds are usually administered under a formula so that those areas with poverty and population density problems receive more per child, leaving the richer communities to depend more on the real estate tax.

Unfortunately, under the present "crazy quilt" of differing State welfare laws, about 14 States, Connecticut included, carry the Nation's major welfare load to make up for the dereliction of others. This has left the treasuries of the responsible States in such poor condition that they have been unable to do their duty to urban education.

President Nixon has proposed national welfare reform and it has passed the House of Representatives, but it lies in limbo in the Senate. This proposal would eventually equalize welfare across the Nation, stop the flow of welfare cases to Connecticut and take the financial burden off the more responsible States. This would then enable these States, through State taxing power, to reestablish their role in bringing equal educational opportunity to the cities by using funds which now go to welfare. Passage and implementation of this program would lift a tremendous burden from all of Connecticut's towns and cities since the present State welfare load is in excess of $400 million.

Another alternative is for the Congress to enact the President's proposed revenue-sharing plan. Also based on a formula concept, this would distribute Federal funds according to need and with local jurisdiction. This, too, would go a long way toward solving many community problems.

In essence, with the President's plan for Government reorganization and with other bills under congressional consideration, I believe we have publicly recognized that the larger government gets, the larger the percentage of revenue is that does not get back to the people. We have also recognized that master Federal plans cannot possibly work in both Billings, Mont., and New York City; as they cannot work in Stamford and Darien.

It would be a terrible mistake to have this court judgment negate our new realization that government can work more effectively when it is closer to the people it serves.

What we must do instead is to enact the programs which will be necessary to insure that people in the cities and the suburbs have made available to them that which will supply both local determination and equal opportunity.

LET US DROP THE U.N.

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. PRICE of Texas. Mr. Speaker, this past Friday the U.S. Senate took an action of historical significance. In rejecting the foreign aid authorizations bill, the Members of that august body have finally acknowledged that the U.S. foreign aid program as it has dragged on for a quarter of a century has in fact proven to be a dead-end alley and bottomless pit for the siphoning off of American tax dollars.

While I am certain the reasons for voting against this bill were as numerous and as varied as the personalities of the Senators who made up the crucial majority, there can be no doubt that the widespread feeling of resentment resulting from the recent United Nations General Assembly debacle in voting to oust the Republic of China from membership certainly weighed as an important, if not deciding, factor in this action.

Mr. Speaker, that the majority of the world's nations, who have for so long stood eagerly with palms extended as "Uncle Sap" doled out countless billions in largesse, could participate in such a despicable and irresponsible sellout by voting to unseat a charter member of the U.N., and then for some to dance arrogantly in the aisles following the American defeat, ought to be clear indication to all that the United Nations as a responsible civilized world organization has ceased to exist and is therefore no longer worthy of our participation or support. It is as Vice President Agnew has recently stated:

> The U.N. has become a paper tiger and a propaganda sounding board for the left.

Knowing that our Nation is faced with the prospect of paying the cost of perpetuating this hypocritical debating society, and in view of the dramatic action taken by the Senate in rejecting the present foreign aid program as a failure, I am today introducing legislation to remove the United States from the United Nations organization and to remove the United Nations from its location in the United States. In the words of my distinguished colleague from Arizona, Senator GOLDWATER, who has succinctly expressed my own feelings in this matter:

> The time has come for us to stop acquiescing in our own trouble. The time has come to recognize the U.N. for the anti-American anti-freedom organization it has become. The time has come to cut off all financial help, withdraw as a member and ask the U.N. to find a headquarters location outside of the U.S. that is more in keeping with the philosophy of the majority of the members, someplace like Moscow or Peking.

Mr. Speaker, over the years we have heard much talk by U.N. supporters about its contributions to world peace—but I ask simply, where was the U.N. when the United States moved to stop Communist aggression in Vietnam? And while the world smolders and Communist aggressors stir up revolution and violence throughout southeast Asia, Latin America, and Africa, not to mention Soviet tanks rolling down the streets of Budapest and Prague, the United Nations is preoccupied with condemning the innocuous and perfectly peace-loving state of Rhodesia as a "threat to world peace." And while the United States continues to pour countless millions of dollars into U.N. coffers, meanwhile the U.N. do-gooders are rendering substantial financial assistance to the Castro regime in Cuba. Does this make sense?

Mr. Speaker, the United Nations is a failure—its goals, in spite of being couched in flowery language, are in fact contrary to the best interests and security of the people of the United States. I strongly urge the Congress to take quick positive action on my bill. Let us stand proudly for the American way of life—let us no longer continue to pay for its subversion.

ENVIRONMENTAL IMPACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. DINGELL. Mr. Speaker, so that the information therein contained may have the widest possible distribution, I request unanimous consent that the text of the October 1971 issue of the Council on Environmental Quality's "102 Monitor" appear at this point in the CONGRESSIONAL RECORD.

The text follows:

[Environmental impact statements, 102 monitor, Council on Environmental Quality]

FEDERAL HIGHWAY ADMINISTRATION ISSUES REVISED ENVIRONMENT STATEMENT PROCEDURES

Roughly half of the environmental impact statements received by the Council involve the national highway system. The Federal Highway Administration, with its 50 division offices (corresponding to the 50 individual states) and nine regional offices,[1] has filed over a thousand draft and final statements in the year and three-quarters since the enactment of the National Environmental Policy Act. This provides a good indication of the magnitude of the highway program and its potential impact on the environment.

Under the Federal-aid highway legislation which dates back to 1916, state highway departments are responsible for highway route selection, design, construction and maintenance, subject to the approval of the Federal government. The highway program consists of the National System of Interstate and Defense Highways, the 42,500-mile network authorized by Congress; the federal-aid primary and secondary and urban systems and other highways which include forest highways, public lands highways, park roads and trails, parkways, and Indian Reservation roads.

The revised guidelines of the Federal Highway Administration, dated August 24, 1971, (Policy & Procedure Memorandum 9–1) implement the requirements of Section 102(2)(C) of the National Environmental Policy Act of 1969, Section 4(f) of the Department of Transportation Act concerning the use of certain public lands, Section 470(f) of 16 U.S. Code requiring the consideration of projects on historic sites, and Section 309 of the Clean Air Act of 1970. PPM 90–1 consolidates in one document the criteria and procedures that are to be utilized for (1) evaluating projects to determine whether a full environmental review is required; (2) setting forth at which stage in the highway project development process the environmental evaluation will be performed; (3) soliciting the review comments from Federal, State, and local governmental agencies and making environmental statements available to the general public; and (4) formalizing the review process through the Federal Highway Administration. The new guidelines require a draft and final environmental statement for all highways—

Which are classed as major actions and are also likely to significantly affect the quality of the human environment, or

Where organized opposition has occurred or is anticipated to occur, or

That significantly affect historic or conservation lands.

In determining whether a proposal to construct or improve a highway section constitutes a major action, the guidelines provide the following criteria:

1. The highway section is entirely or generally on new location.

2. There will be major upgrading of an existing highway section resulting in a functional characteristic change (e.g., four-laning, adding medians, extensive right-of-way acquisition, etc.)

In determining whether a highway significantly affects the quality of the human environment, the guidelines state that such is the case if

a) it is likely to have a significant adverse impact on natural, ecological, cultural, or scenic resources of national, State or local significance.

b) it is likely to be highly controversial regarding relocation housing resources.

c) it will divide or disrupt an established community or disrupt orderly, planned development or is inconsistent with plans or goals that have been adopted by the community in which the project is located or causes increased congestion.

d) it involves inconsistency with any national standard relating to the environment; has a significantly detrimental impact on air or water quality or on ambient noise levels for adjoining areas; involves a possibility of contamination of a public water supply system; or affects ground water, flooding, erosion or sedimentation.

SUMMARY OF FHWA PROCEDURES FOR HANDLING 102 STATEMENTS

A proposal to develop or improve a highway section should be coordinated in the early stages with appropriate local, State and Federal agencies.

Draft environmental statements are prepared during the location study and are circulated for comment and made available to the public not later than the first required notice of location public hearing (30 to 40 days before date of hearing) or notice of opportunity for a public hearing.

Commenting agencies will have not less than 30 days for return of comments on the draft environmental statement.

Final statements will include a copy of all comments received and reflect consideration of the environmental comments at the public hearing and comments received on the draft statement.

Draft and final environmental statements will be available for review by the public at the state highway department headquarters; state, regional, and metropolitan clearinghouses; FHWA division, regional and headquarters offices and at appropriate public hearings.

The full text of PPM 90–1 follows:

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION,
Washington, D.C., August 24, 1971.

POLICY AND PROCEDURE MEMORANDUM

1. MATERIAL TRANSMITTED

PPM 90–1, Guidelines for Implementing Section 102(2)(C) of the National Environmental Policy Act of 1969, Section 1653(f) of 49 U.S.C., Section 470f of 16 U.S.C., and Section 309 of the Clean Air Act of 1970.

2. EXISTING ISSUANCES AFFECTED

Supersedes:

Circular memorandums

Date and subject

May 25, 1964. Consideration of the overall interests of the public in the Federal-aid highway programs for the protection or improvement of parks and other outdoor recreational and historical resources.

March 24, 1970. Preservation of Historic Sites.

FHWA notices

Date and subject

November 30, 1970. National Environmental Policy Act. Guidelines for implementation proposed by FHWA.

January 12, 1971. Preparation of Section 4(f) determinations by the State highway departments.

February 10, 1971. Preparation and processing of statements relating to Section 4(f) of the DOT Act and Section 102(2)(C) of the NEP Act.

March 10, 1971. Distribution of Draft Environmental Statements.

Instructional memorandums

Identification and subject

IM 21–5–63. Coordination of public interests of highway improvements with those of fish and wildlife resources.

Draft instructional memorandum

Date and subject

November 24, 1970. Interim guidelines for implementing section 102(2)(C) of the National Environmental Policy Act of 1969.

3. COMMENTS

The above issuances are deleted inasmuch as they either provided guidelines for implementing the acts which have now been incorporated within this memorandum or they required coordination with other agencies to assure careful consideration of the environment which is the prime substance of the National Environmental Policy Act of 1969.

F. C. TURNER,
Federal Highway Administrator.

TRANSMITTAL 202—90–1—AUGUST 24, 1971

(U.S. Department of Transportation, Federal Highway Administration, Policy and Procedure Memorandum. Guidelines for implementing section 102(2)(C) of the National Environmental Policy Act of 1969, section 1653(f) of 49 U.S.C., section 470f of U.S.C., and section 309 of the Clean Air Act of 1970)

Par.
1. Purpose
2. Authority
3. Definitions
4. Policy
5. Application
6. Procedures

Appendix A—Procedures on Historic Preservation.

Appendix B—Example of Design Concurrence Letter.

Appendix C—Location Stage Flow Chart.

Appendix D—Design Stage Flow Chart.

Appendix E—Environmental Statements-Contents and Format.

Appendix F—Evaluating Highway Section Environmental Effects.

Appendix G—Inter-Agency Review of Draft Environmental Statements.

Appendix H—Selections from PPM 20–8, dated January 14, 1969, for use with the National Environmental Policy Act Guidelines.

Appendix I—Purchasing Copies of Environmental Statements.

1. PURPOSE

To provide guidelines to highway departments and Federal Highway Administration (FHWA) field offices to assure that the human environment is carefully considered and national environmental goals are met when developing federally financed highway improvements.

2. AUTHORITY

a. Section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91–190) states that all agencies of the Federal Government shall:

"include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible officials on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-

[1] See page 31 of this issue of the 102 Monitor for listing of FHWA Regional Offices.

term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by Section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes."

b. *Section 1653(f) of 49 U.S.C.*[1], *Section 138 of 23 U.S.C., and Section 4(f) of the Department of Transportation Act* (all of which are hereafter referred to as "Section 4(f)") permits the Secretary of Transportation to approve a program or project which requires the use of publicly owned land from a park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or land from an historic site of national, State, or local significance as so determined by such officials (hereafter "Section 4(f) land") only if:

(1) there is no feasible and prudent alternative to the use of such land, and

(2) such program includes all possible planning to minimize harm to the Section 4(f) land resulting from such use.

c. *Section 470f of 16 U.S.C.*[2] provides that the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such undertaking.

d. *Section 309 of the Clean Air Act of 1970 (Public Law 91-604)*, as amended, provides:

"(a) The Administrator (Environmental Protection Agency) shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any . . . (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which Section 102 (2)(C) of Public Law 91-190 applies. . . . Such written comment shall be made public at the conclusion of any such review."

3. DEFINITIONS (AS USED IN THIS MEMORANDUM)

a. *Highway Section*—a substantial length of highway between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study. (See paragraph 6).

b. *Agency Decision*—FHWA approval of the location of a highway improvement. (Subsequent approval of the design; right-of-way acquisition; the plans, specifications, and estimates (PS&E) or authorization to construct a project within the highway section is not, for the purposes of this memorandum, an additional agency decision.)

(1) A determination to prepare and process a supplemental environmental statement would be the basis for a new agency decision for either a highway location or design. (See paragraph 6p).

(2) In accordance with the Secondary Road Plan as permitted by Section 117 of Title 23 U.S.C., the approvals of the location, design, right-of-way acquisition and construction (PS&E) have been delegated to the appropriate State highway department for highway improvements on the Federal-Aid Secondary System.

c. *Environmental Statement*—a written statement containing an assessment of the anticipated significant beneficial and detrimental effects which the agency decision may have upon the quality of the human environment for the purposes of:

(1) assuring that careful attention is given to environmental matters,

(2) providing a vehicle for implementing all applicable environmental requirements, and

(3) to insure that the environmental impact is taken into account in the agency decision.

d. *Negative Declaration*—a written document in support of a determination that, should the proposed highway section improvement be constructed, the anticipated effects upon the human environment will not be significant.

e. *Highway Agency (HA)*—the agency with the primary responsibility for initiating and carrying forward the planning, design, and construction of the highway. For highway sections financed with Federal-aid highway funds, the HA will normally be the appropriate State highway department. For highway sections financed with other funds, such as Forest highways, Park roads, etc., the HA will be the appropriate Federal or State Highway agency.

f. *Human Environment*—the aggregate of all external conditions and influences (aesthetic, ecological, biological, cultural, social, economic, historical etc.) that affect the life of a human.

4. POLICY

It is a national policy that all Federal agencies promote efforts for improving the relationship between man and his environment and to make special effort for preserving the natural beauty of the countryside and public park and recreational lands, wildlife and waterfowl refuges, and historic sites.

It is also national policy that Federal agencies consult with other appropriate Federal, State, and local agencies; assess in detail the potential environmental impact in order that adverse effects are avoided and environmental quality is restored or enhanced, to the fullest extent practicable, and utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment. The environmental assessments include the broad range of both beneficial and detrimental effects.

5. APPLICATION

a. An environmental statement or combined environmental/Section 4(f) statement or negative declaration, whichever is appropriate, shall be prepared and processed in accordance with this memorandum for each highway section proposed for construction with funds administered by the Federal Highway Administration, including in appropriate cases any section financed from funds transferred to the Federal Highway Administration from other agencies, which receives or received design approval (see paragraph 5e) on or after February 1, 1971.

b. An environmental statement or combined environmental/Section 4(f) statement, whichever is appropriate, shall be prepared and processed in accordance with this memorandum for each highway section which received design approval on or after January 1, 1970, and before February 1, 1971, and which constitutes a major action significantly affecting the environment (see Appendix F. paragraphs 2 and 3) if, in the judgment of the FHWA division engineer, implementation of the National Environmental Policy Act to the fullest extent possible requires preparation and processing of an environmental statement. In making his judgment the FHWA division engineer should consider, in addition to the written reassessment prepared by the HA (see paragraph 5c) for each such highway section, the status of the design; right-of-way acquisition including demolition of improvements within the right-of-way; number of families already rehoused and those yet to be rehoused; construction scheduling; benefits to accrue from the proposed highway improvement; significant impacts; and measures to minimize any adverse impacts of the highway.

c. Highway sections which received design approval on or after January 1, 1970, and before February 1, 1971, that are classed as a major action are to be reassessed by the HA in consultation with the FHWA division engineer or his representative. The written reassessment should consider if the highway plans were developed in such a manner as to minimize adverse environmental consequences.

d. A highway section involving an historic site included in the National Register of Historic Places shall be coordinated with the State Liaison Officer for Historic Preservation and representatives of the Office of Archeology and Preservation of the National Park Service, Department of the Interior, as set forth in Appendix A. The provisions of Section 470f, 16 U.S.C. should be satisfied before submitting the final environment/Section 4(f) statement to the FHWA (see paragraph 2c).

e. Design approval may be regarded as having been obtained prior to February 1, 1971, if any one of the following conditions is satisfied.

(1) Prior to the issuance of revised FPM 20-8 dated January 14, 1969, procedures of the FHWA (then the Bureau of Public Roads) did not require a HA to receive a formally documented FHWA design approval before undertaking right-of-way acquisition and/or preparation of the plans, specifications and estimate (PS&E). Therefore, design approval was that action or series of actions by which the FHWA indicated to the HA that the essential elements of the highway as set out in paragraph 10 of PPM 20-8 were satisfactory or acceptable for preparation of the PS&E. Such actions may have consisted of review and comments upon preliminary plans, schematic drawings, design studies, layouts or reports or unconditional approval to acquire all the right-of-way for a project. The HA shall identify those projects (both Federal-aid and non-Federal-aid) in the above category which it anticipates Federal-aid funds will be requested for a subsequent stage and furnish the FHWA division engineer for his concurrence a letter similar to Appendix B of this memorandum citing the document(s) or action(s) which it believes are equivalent to design approval. The FHWA division engineer's concurrence in HA's determination will serve as verifica-

[1] Section 1653(f) of 49 U.S.C. is identical to Sections 138 of 23 U.S.C. and 4(f) of the Department of Transportation Act as amended in Section 18 of the "Federal-Aid Highway Act of 1969."

[2] This requirement is also found in Section 106 of the National Historic Preservation Act of 1966.

tion that the previous actions or approvals were in effect design approval.

(2) Written approval by the FHWA of the design submitted in accordance with paragraph 10 of PPM 20–8 dated January 14, 1969.

(3) Similar type evidence that an official of the State highway department approved the design prior to February 1, 1971, for projects administered under an approved Secondary Road Plan. Such evidence need not be submitted to the FHWA division engineer for concurrence but shall be available in the State highway department's files.

f. A single environmental statement, or negative declaration, is applicable to jointly planned undertakings between the FHWA and other Federal agencies. The lead agency will be responsible for the appropriate document (i.e. the HA for a proposed highway section that also requires a U.S. Coast Guard action for bridge clearance over navigable water). Highway section proposals submitted for an FHWA approval shall include a copy of the statement prepared and processed by another Federal agency or reference to such a statement previously furnished to FHWA. A highway section in this category will generally be of the nature where there is no actual transfer of funds to the FHWA and the FHWA acts only in the capacity of a review agency or consultant advisor to the other Federal agency.

g. An environmental statement shall not be required in connection with any highway section that is urgently needed because of a national emergency, a disaster, a catastrophic failure, or similar great urgency. The HA may request and the FHWA may exempt such urgently needed highway sections from the environmental statement requirement after consultation with the Office of the Secretary of Transportation and the Council on Environmental Quality.

6. PROCEDURES (SEE APPENDIXES C AND D FOR A FLOW CHART)

The highway section included in an environmental statement should be as long as practicable to permit consideration of environmental matters on a broad scope. Piecemealing proposed highway improvements in separate environmental statements should be avoided. If possible, the highway section should be of substantial length that would normally be included in a multi-year highway improvement program.

a. A proposal to develop or improve a highway section should be coordinated in the early stages with appropriate local, State, and Federal agencies (paragraph 5a of PPM 20–8 and paragraph 4 of IM 50–1–70). Initiation of coordination at the beginning of the location study will assist in identifying natural and cultural areas of significance, agency and public concerns and help in determining the need for and preparation of an environmental statement. Existing coordination mechanisms, such as above cited, (public hearings, Office of Management and Budget Circular No. A–95 reviews) and other established procedures for coordination should be used to the greatest extent practicable. The information obtained through coordination and the highway studies (technical, engineering, social, economic, and environmental, as appropriate) should also be used in evaluating the potential environmental impact (both beneficial and detrimental) of the highway section proposal.

(1) The environmental statement and/or Section 4(f) statement may be a part of the study report for the highway location, if desired; however, if included in the study report, the statements are to be consolidated in one place in the report and in a form that can be reproduced separate from the report.

b. Draft environmental statements, when required (see paragraph 5), including Section 4(f) information, shall be prepared by the HA (see Appendix E for contents and format) and circulated for comment during the location study. The environmental statement should be prepared utilizing a systematic, interdisciplinary approach which will assure that environmental impacts are described in detail. A representative of the FHWA division office shall indicate that the draft statement has been cleared for circulation and comment by signing and dating the draft statement. An environmental statement is required only for those sections which the HA and division engineer determine that construction and operation of the highway section will have a significant impact upon the environment. Appendix F lists guidelines to assist in determining significant impacts associated with the construction and operation of a highway. In addition, the HA may wish to consult other local, State, and Federal agencies with specific impact expertise when determining the significance of an impact.

c. The draft environmental statement, including necessary Section 4(f) information when required, is to be circulated by the HA to the appropriate agencies (see Appendix G) for comment, and made available to the public not later than the first required notice of location public hearing (30 to 40 days before date of hearing) or notice of opportunity for a public hearing as set out in PPM 20–8 (see Appendix H). The comments as received from other agencies are to be made available at either the FHWA Division or HA office for public review and copying. If the highway section qualified for exemption from public hearings procedures (PPM 20–8) and a public hearing is not afforded a draft environmental statement if required (including necessary Section 4(f) information) is to be prepared and circulated for comment, and made available to the public as early as practicable. The HA shall request a determination of significance from the Section 4(f) lands agency and include the letter requesting such determination and the determination, if received, as exhibits to the draft statement. An additional location or design public hearing will not be required for the sole purpose of presenting and receiving comments on the draft environmental statement for those projects which were processed in accordance with procedures in effect at the time.

d. The HA shall furnish 17 copies of each draft environmental statement to the FHWA division engineer who shall distribute 16 copies to the following recipients:

FHWA Regional Office	1
FHWA (to the Office of Environmental Policy, EV–1)	2
DOT's Office of Environment and Urban Systems (TEU)	3
Council on Environmental Quality (CEQ) (722 Jackson Place NW., Washington, D.C. 20006)	10

NOTE: The HA is to make distribution to all other required local, State, and Federal agencies (see Appendix G).

e. The HA shall announce the availability of and briefly explain the draft environmental statement or negative declaration in its presentation at the location public hearing (or at the highway design hearing when a draft statement is prepared and circulated in conjunction with design studies).

f. The HA may establish a date not less than 30 days from the date of transmittal, plus a normal time for mail to reach and be returned from the recipient, for return of the comments, except 45 days plus mailing time shall be allowed for the Environmental Protection Agency (EPA) to comment. The FHWA should include a similar time period (30 days plus mailing) for return of comments from FHWA Office of Environmental Policy (EV–1), DOT's Office of Environment and Urban Systems (TEU), and the Council on Environmental Quality (CEQ). If an agency does not respond by the indicated date, the HA may assume the agency had no comments. The HA should endeavor to grant requests for a time extension of up to 15 days for return of comments unless a 45-day review period, plus mailing time, was originally established.

g. Draft environmental statements shall be available for review by the public at the HA headquarters; the State, regional, and metropolitan clearinghouses; the FHWA division, regional, and headquarters offices; and at the appropriate public hearings. The HA and FHWA may charge non-governmental individuals and organizations for copies of environmental statements in accordance with established fee schedules.

(1) The public and private organizations may also order copies of draft and final environmental statements from the National Technical Information Service, U.S. Department of Commerce (See Appendix I).

h. Similar procedures apply to highway sections which have received location approval but did not have design approval before February 1, 1971. In such instances the environmental statement, combination environmental/Section 4(f) statement or negative declaration shall be prepared and processed during the design studies. The final environmental statement or negative declaration for such highway sections shall be furnished to FHWA before or with the request for design approval. If the design public hearing was held prior to the issuance of this memorandum, an additional design public hearing will not be required for the sole purpose of presenting and receiving comments on the draft statement. All other requirements for circulation for comment and availability to the public will apply.

i. The HA shall prepare a final environmental statement or combined environmental/Section 4(f) statement for each project for which it prepared and circulated a draft environmental statement following the format in Appendix E. The final statement shall include a copy of all comments received and reflect the HA's consideration and disposition of the environmental comments at the public hearing and comments received on the draft statement.

j. FHWA review and acceptance of the final environmental statement shall be the responsibility of the Regional Federal Highway Administrator. The Regional Federal Highway Administrator shall indicate his acceptance by signature thereon, and forward 15 signed copies of the final statement as follows:

FHWA (to the Office of Environmental Policy, EV–1)	15

A copy of a signed statement may also be returned to the originating office. The HA and FHWA may, upon request of an individual or organization, make a copy of the statement as signed by the Regional Federal Highway Administrator available, but such document should be marked "NOT Official—Subject to Approval by U.S. Department of Transportation."

k. FHWA's Office of Environmental Policy shall be responsible for:

(1) submitting the necessary copies of the final statement to TEU for concurrence,

(2) informing the Regional Federal Highway Administrator of such concurrence (at which time the final statement may be considered to be an officially approved U.S. DOT statement), and

(3) informing the Regional Federal Highway Administrator when CEQ is furnished copies of the final statement.

l. The Regional Federal Highway Administrator shall be responsible for:

(1) assuring that a copy of the final statement as sent to CEQ is furnished (by the HA when appropriate) for public inspection at the HA headquarters; the appropriate State, regional, and metropolitan clearinghouses; and the FHWA division and regional offices following TEU's approval or assumed concurrence, and

(2) assuring that the following time limitations have expired prior to FHWA's ap-

proval of the location (or design if the location was previously approved).

(a) Ninety (90) days have expired since the draft environmental statement was circulated for comment, sent to CEQ (postmarked), and made available to the public as described in 6g.

(b) Thirty (30) days have expired since the final environmental statement was made available to both CEQ and the public. This time period may run concurrently with the ninety (90) day period.

m. Negative declarations shall be prepared by the HA when the anticipated impact of construction and operation of a highway section is determined to be not significant (not of major importance). Appendix F outlines several types of highway section improvements which may warrant a negative declaration; however, each highway section should be evaluated to determine whether its impact is significant. The time of preparation outlined previously for environmental statements also apply to negative declarations. Their purpose is to include in the written record evidence that the highway section was evaluated and a determination made that it would have no significant effect upon the quality of human environment. They should be based on the information developed during the highway study and coordination with local, State, and Federal agencies.

n. A negative declaration need not be circulated for comment, but its availability should be included in the notice of the public hearing or opportunity for public hearing. The FHWA division engineer shall concur in the negative declaration before he approves the location or design, whichever is appropriate.

o. The HA or FHWA may, based upon comments at the public hearing, rescind a negative declaration and prepare and process an environmental statement if in their judgment significant impacts have been identified which were not previously considered. It would not be necessary in such instances to hold additional public hearings for the purpose of presenting the draft environmental statement.

p. The HA shall include reference to the previous environmental statement, negative declaration, or design approval exemption, if applicable, when requesting design approval, authorization for right-of-way acquisition, approval of PS&E, and construction authorization.

(1) A new environmental statement, or a supplemental statement will be necessary for a highway section when the proposal being processed introduces a new or changed environmental effect of significance to the quality of environment. The FHWA may also request an environmental statement for a highway section which received design approval before February 1, 1971, when in its judgment changes in the highway subsequent to the reassessment (see paragraph 5c) introduce significantly different impacts on the environment.

(2) A supplemental statement is to be processed in the same manner as a new environmental statement. Where the need for a supplemental statement results from the use of Section 4(f) land only, a Section 4(f) statement may be prepared in lieu of a supplemental environmental statement and coordinated with the Departments of the Interior and Housing and Urban Development by the HA. The coordinated Section 4(f) statement, with comments and suggestions and the HA disposition of same, shall be furnished to the FHWA for appropriate processing.

q. In accordance with the Secondary Road Plan, as permitted by Section 117 of Title 23, U.S.C., State highway departments operating under an approved Secondary Road Plan have the responsibility for reviewing and approving the location and design of Federal-aid secondary improvements. However, the FHWA division engineer is to concur in negative declarations, where applicable. Environmental statements are to be prepared and processed in accordance with the provisions of this memorandum.

F. C. TURNER,
Federal Highway Administrator.

PROCEDURES FOR HISTORIC PRESERVATION

1. The provisions of 16 U.S.C. 470(f) require that all proposed highway sections that are federally assisted be developed with consideration to effected districts, sites, buildings, structures, or objects that are included in the National Register for Historic Preservation. This authority derives from Section 106 of the National Historic Preservation Act. Procedures for compliance have been implemented by the Advisory Council on Historic Preservation, and the National Park Service, Department of the Interior, as follows:

a. At the earliest stage of planning or consideration of any undertakings carried out, licensed, or financially assisted by the Federal Government, an agency should follow these steps:

(1) Consult the National Register of Historic Places to determine if a National Register property is involved in the undertaking. The National Register is maintained by the Office of Archeology and Historic Preservation, National Park Service, and monthly addenda are published in the Federal Register.

(2) Apply the "Criteria for Effect." If there is no effect, the undertaking may proceed.

(a) *Criteria for Effect.*

1 A federally financed or licensed undertaking shall be considered to have an effect on a National Register listing (districts, sites, buildings, structures, and objects, including their settings) when any condition of the undertaking creates a change in the quality of the historical, architectural, archeological, or cultural character that qualified the property under the National Register criteria for listing in the National Register.

2 Generally, adverse effect occurs under conditions which include but are not limited to:

a Destruction or alteration of all or part of a property;

b Isolation from or alteration of its surrounding environment;

c Introduction of visual, audible, or atmospheric elements that are out of character with the property and its setting (i.e. introduction of a new highway or a higher type functional highway, such as a freeway for an arterial, into the environment of a historic site).

(3) If there is an effect, regional, or State officials of the agency[1] in consultation with the State Liaison Officer and a representative of the Office of Archeology and Historic Preservation shall:

(a) Determine if the effect is adverse—if not, the undertaking may proceed;

(b) Upon finding an adverse effect, select and agree upon a prudent and feasible alternative to remove the adverse effect, in which case the undertaking may proceed;

(c) Failing to find and agree upon an alternative, recommend all possible planning to minimize the adverse effect and delay further processing of the undertaking pending the receipt of comments from the Advisory Council.

(4) Provide written notice affording the Advisory Council an opportunity to comment upon doubtful or unresolved situations of adverse effect and upon request submit a report of the undertaking.

2. The procedures call for applying the "Criteria for Effect" to determine whether a proposed highway section will have an effect on an historic place. This determination of effect should be made by the HA in consultation with the division engineer and the State Liaison Office.[2] The State Lianson Officer should act as liaison between the HA and the Office of Archeology and Preservation of the National Park Service when this is necessary. If there is documented agreement that a project will not have an effect on the National Register Historic Site, no further review is required under the National Historic Preservation Act. However, if the highway section uses land from a historic site, a Section 4(f) review will be required.

3. If there is a finding of adverse effect, the proposed highway section is to be processed in accordance with these procedures and the Office of Environmental Policy should be notified and kept informed of further developments. If it becomes necessary to provide a written notice affording the Advisory Council on Historic Preservation an opportunity to comment in doubtful or unresolved situations of adverse effect, the Office of Environmental Policy will act as the coordinating element for the Federal Highway Administration.

EXAMPLE OF DESIGN CONCURRENCE LETTER

Mr. JOHN DOE,
Division Engineer,
Federal Highway Administration.

DEAR MR. DOE: The initial phases (PE–ROW) for the proposed improvement of State Route 35 between State Route 64 and Springfield were accomplished without Federal-aid highway funds. Preliminary drawings, which include the elements outlined in paragraph 10b(1)(b) of PPM 20–8, were commented upon in your letters of August 18, 1966, and September 12, 1967. We have, therefore, determined that your review and comments were equivalent to design approval of this project.

For your convenience we have included below a space for your concurrence in our determination.

Sincerely,

Endorsement to (SHD)

Concur_____Date_____

ENVIRONMENTAL STATEMENTS—CONTENTS AND FORMAT

1. Environmental statements and combination environmental/Section 4(f) statements (draft and final) shall have a title page similar to the examples attached to this Appendix.

2. The following sections, as a minimum, are to be covered in environmental statements:

a. *A description of the proposed highway improvement and its surroundings.* The description should include the following type information: type of facility; length; termini; basic traffic data, including trips for the design year and anticipated new trips generated two years after completion of the highway section; right-of-way width (including existing ROW); lengths on existing and new location; major design features such as number of lanes, access control, location of bridges and interchanges, etc.; a general description of the surrounding terrain, existing land use and proposed land use (a map preferable), and other existing environmental features; existing highway facilities including their deficiencies; the need for the proposal; the benefits to the State, region, and community; an estimate of when the proposal will be constructed; and the current status of the proposal with a brief historical resume. Inventory of economic factors such as employment, taxes, property values, etc.,

[1] When the agency has no regional or State officials, the Office of Archeology and Historic Preservation will perform this service.

[2] State Liaison Officers are appointed by the Governors to be responsible for State activities under the National Historic Preservation Act.

should be included as appropriate. The description should also include any involvement with Section 4(f) land (Paragraph 3 of this Appendix). A vicinity map(s) shall be furnished which will show the proposed highway section and its relationship to surrounding natural and cultural features such as towns, lakes, streams, mountains, historic sites, landmarks, institutions, developed areas, principal roads and highways and similar features that are pertinent to a highway study. Detailed maps, sketches, pictures, and other visual exhibits should be used to show specific environmental involvements as necessary. Maps and layouts of the proposed highway/Section 4(f) land involvement should be sufficiently detailed to give a layman reviewer a reasonable understanding of the highway impact and proposed measures to minimize harm.

b. *The probable impact of the proposed development or improvement.* The evaluation and discussion should specifically emphasize significant beneficial and detrimental environmental consequences upon the State or region or community, as appropriate, of building a new highway into or through an area, or modernizing the existing highway by upgrading and/or relocation.

(1) This section, for instance, would discuss and evaluate the broad impacts on the area or region such as the problems relating to anticipated increase in urbanization or the probable impact of displacing people (if these are significant elements of the highway proposal). Efforts to minimize impact should also be discussed in broad items. For example, measures necessary to insure proper rehousing should be discussed rather than evaluating specific number of people displaced by different alternatives and other differences of the alternatives. The significant environmental impacts of alternative locations and, as appropriate, designs, including a "do nothing" alternative is a proper subject for discussion under "Alternatives" paragraph 2d of this Appendix.

(2) Impacts upon the narrow band (i.e., about 1000 feet) adjacent to the highway may be included when significant to the whole of the region or community. However, the discussions under this section should address the probable significant impacts of the highway proposal (as opposed to individual alternative locations or designs) which might include the probable impact upon such elements, factors, and features listed in paragraph 3 of Appendix F.

c. *Any probable adverse environmental effects which cannot be avoided should the proposal be implemented* such as water or air pollution, effect upon Section 4(f) land, damage to life systems, urban congestion, threats to health or other consequences adverse to the environment identified under paragraph 2b of this Appendix. Adverse effects should include those which cannot be reduced in severity and those which can be reduced (but not eliminated) to an acceptable level unless the reduction is a result of a different location in which case it should be included in the discussion of alternatives (paragraph 2d of this Appendix).

d. *Alternatives:* The locations and/or designs studied in detail by the HA are to be described (narratively and with maps and other visual aids, as necessary) and the probable beneficial and/or adverse effects of each alternate (including a do-nothing alternative) identified to the extent practicable consistent with the scale of the proposed highway improvement and significance of the impact. The exploration of alternatives should include an objective evaluation and analysis of estimated costs (social and transportation), engineering factors, transportation requirements, and environmental consequences. The description of alternatives will include information, as appropriate, similar to that suggested in Section A of this Appendix.

The discussion of environmental impacts will include more detailed impacts for each alternative than the broad environmental consequences for the corridor identified in paragraphs 2b and 2c of this Appendix. The draft environmental statement should indicate that all alternatives are under consideration and that a specific alternative will be selected by the HA following the public hearing. The final environmental statement will be prepared for the selected alternative. Unless the final statement is included in the location study report (design report when prepared and circulated during design study), the final statement should include a brief discussion of the data supporting the selected alternative. This section should also include a discussion of alternatives to the use of Section 4(f) lands.

e. *The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* The short-term uses should be evaluated (construction, changes in traffic patterns, the taking of natural features such as trees, etc., and man-made features such as homes, churches, etc.) as compared to the long-term effects (foreseen changes in land use resulting from the highway improvement or other similarly related items that may either limit or expand land use, affect water, air, wildlife, etc., and other environmental factors).

f. *Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* Highways require use of natural resources such as forest or agricultural land, however, these are generally not in sufficient quantity to be significant. The improved access and transportation afforded by a highway may generate other related actions that could reach major proportion and which would be difficult to rescind. An example would be a highway improvement which provides access to a nonaccessible area, acting as a catalyst for industrial, commercial, or residential development of the area.

g. Where unavoidable adverse environmental effects are encountered, planning and measures taken and proposed to minimize harm should be identified. These include procedural and standards measures which are required by standard specifications or standard operating procedures such as erosion control, stream pollution prevention, borrow pit screening or rehabilitation, fencing, relocation of people and businesses, land acquisition procedures, joint development, etc. Measures unique to a specific project should be discussed in detail. Examples of such would be depressing an urban highway to minimize audio and visual effects, providing buffer zones for esthetic purposes, replacement of parklands, etc.

h. *Final statements shall incorporate all comments received on the draft (including environmental comments contained in the public hearing transcript) along with a discussion of the comments and suggestions.* The HA shall describe its disposition of the comments and suggestions (e.g., revisions to the proposed development or improvement to overcome anticipated problems or objections; reasons why specific comments and suggestions could not be accepted; factors of overriding importance prohibiting the incorporation of suggestions, etc.). This section may be added at the end of the review process in the final text of the environmental statement.

i. *Measures to minimize harm to Section 4(f) lands* should be included under a separate paragraph even though discussed elsewhere in the final statement.

j. Each copy of draft and final environmental statements should be accompanied by a summary sheet prescribed as attached to this Appendix.

3. The following information, when pertinent and available, should be included in the combination environmental/Section 4 (f) statements. (See paragraphs 2a, 2c, 2d, and 2i of this Appendix.) To the extent practicable, this information should be included in the draft to initiate the necessary interagency review.

a. The description of the project (see paragraph 2a of this Appendix) shall include information about the Section 4(f) land in sufficient detail to permit those not acquainted with the project to have an understanding of the relationship the highway and park and the extent of the impact, such as:

(1) Size (acres or square feet) and location (maps or other exhibits such as photographs, slides, sketches, etc., as appropriate).

(2) Type (recreation, historic, etc.).

(3) Available activities (fishing, swimming, golf, etc.).

(4) Facilities existing and planned (description and location of ball diamonds, tennis courts, etc.).

(5) Usage (approximate number of users for each activity if such figures are available).

(6) Patronage (local, regional, and national).

(7) Relationship to other similarly used lands in the vicinity.

(8) Access (both pedestrian and vehicular).

(9) Ownership (city, county, State, etc.)

(10) If applicable, deed restrictions or reversionary clauses.

(11) The determination of significance by the Federal, State, or local officials having jurisdiction of the Section 4(f) land.

(12) Unusual characteristics of the Section 4(f) land (flooding problems, terrain conditions, or other features that either reduce or enhance the value of portions of the area).

(13) Consistency of location, type of activity, and use of the Section 4(f) land with community goals, objectives, and land use planning.

(14) If applicable, prior use of State or Federal funds for acquisition or development of the Section 4(f) land.

b. A description of the manner in which the highway will affect the Section 4(f) land (include within paragraph 2c of this Appendix) such as:

(1) The location and amount of land (acres or square feet) to be used by the highway.

(2) A detailed map or drawing of sufficient scale to discern the essential elements of the highway/Section 4(f) land involvement.

(3) The facilities affected.

(4) The probable increase or decrease in physical effects on the Section 4(f) land users (noise, fumes, etc.).

(5) The effect upon pedestrian and vehicular access to the Section 4(f) land.

c. A specific statement (with supporting reasons) that there is no feasible and prudent alternative. (Include in discussion of alternatives, paragraph 2d of this Appendix.)

d. Information to demonstrate that all possible planning to minimize harm is or will be included in the highway proposal. (See paragraph 2i of this Appendix.) Such information should include:

(1) The agency responsible for furnishing the highway right-of-way.

(2) Provisions for compensating or replacing the Section 4(f) land and improvements thereon, including the status of any agreements. (Include agreed upon compensation, replacement acreages, and type land, etc., when known.)

(3) Highway design features developed to enhance the Section 4(f) land or to lessen or eliminate adverse effects (improving or restoring existing pedestrian or vehicular access, landscaping, esthetic treatment, etc.).

(4) Coordination of highway construction to permit orderly transition and continual usage of Section 4(f) land facilities (new facilities constructed and available for use prior to demolishing existing facilities, moving of facilities during off-season, etc.).

e. Evidence that the provisions of Section 470(f) of 16 U.S.C. (Section 106 of the Historic Preservation Act of 1966) have been satisfied when National Register Properties are involved.

SUGGESTED FORMAT—DRAFT STATEMENT

DEPARTMENT OF TRANSPORTATION,
FEDERAL HIGHWAY ADMINISTRATION.

Prepared by_____
(Appropriate Highway Agency.)

DRAFT

(Environmental Statement or Environmental/Section 4(f) Statement.)

ADMINISTRATIVE ACTION
For

(Brief Description of Highway Improvement: Route, Termini, County, City, etc.)

This highway improvement is proposed for funding under title 23, U.S.C. this statement for the improvement was developed in consultation with the Federal Highway Administration and is submitted pursuant to:

Section 102(2)(C), Public Law 91–190 and (when applicable) section 4(f), Public Law 89–670.

Date _____

Signature of Appropriate Highway Agency Official.

Cleared by FHWA for circulation and comments.

Date _____

Signature of FHWA Reviewing Official.

SUGGESTED FORMAT—FINAL STATEMENT

DEPARTMENT OF TRANSPORTATION,
FEDERAL HIGHWAY ADMINISTRATION.

Prepared by

Appropriate Highway Agency

FINAL

Environmental Statement or Environmental/Section 4(f) Statement).

ADMINISTRATIVE ACTION
For

(Brief Description of Highway Improvement: Route, Termini, County, City, etc.)

This highway improvement is proposed for funding under title 23, U.S.C. This statement for the improvement was developed in consultation with the Federal Highway Administration and is submitted pursuant to:

Section 102(2)(C), Public Law 91–190, and (when applicable) section 4(f), Public Law 89–670.

Date _____

Signature of Appropriate Highway Agency Official.

Reviewed for content and accepted by the FHWA.

Date _____

Signature of FHWA Reviewing Official.

(Reserve 3'' x 3'' space for DOT approval.)

SUMMARY SHEET

(1) Check Appropriate Box(es)
Administrative Action
( ) Draft ( ) Final
( ) Environmental Statement
( ) Combination Environmetal/Section 4(f) Statement

(2) Brief description of highway improvement indicating route, termini, length, county, city, State, etc., as appropriate.

(3) Summary of environmental impacts (identified in paragraphs 2b and 2c, of this Appendix).

(4) Summarize alternatives considered (as described under paragraph 2d of this Appendix).

(5) (a) (for draft statements) List Federal, State, and local agencies and other organizations from which comments are being requested.

(b) (for final statements) List Federal, State, and local agencies and other organizations from which comments were requested and identify those that returned written comments.

(6) Date draft statement was made available to CEQ (date mailed) which will also be considered the date the draft statement was made available to the public.

EVALUATING HIGHWAY SECTION ENVIRONMENTAL EFFECTS

1. Draft and final environmental statements should be prepared and processed in accordance with the procedures required by this memorandum for all highway sections falling under one or more of the following three categories:

a. Highway sections where organized opposition has occurred or is anticipated to occur.

b. Highway sections significantly affecting historic or conservation lands (public or private) independent or whether they are Section 4(f) cases.

c. Highway sections which are classed as major actions and are also likely to significantly affect the quality of the human environment. This category requires a two-step analysis. First, it must be determined if the proposed highway section is a major action (paragraph 2 of this Appendix); secondly, the significance of the effects upon the human environment must be determined (paragraph 3 of this Appendix).

2. The following should be used to determine whether a proposal to construct or improve a highway section is a major action.

a. Highway sections entirely or generally on new location.

b. Major up-grading of an existing highway section resulting in a functional characteristic change (e.g., a local road becoming an arterial highway). Such changes usually result by adding lanes, interchanges, access control, medians, etc., and require extensive right-of-way acquisition and construction (grading, base, paving, bridges, etc.) which have the potential of significantly affecting the human environment.

3. Any of the following highway sections should ordinarily be considered as significantly affecting the quality of the human environment.

a. A highway section that is likely to have a significantly adverse impact on natural, ecological, cultural, or scenic resources of national, State or local significance.

b. A highway section that is likely to be highly controversial regarding relocation housing resources.

c. A highway section that divides or disrupts an established community or disrupts orderly, planned development or is inconsistent with plans or goals that have been adopted by the community in which the project is located or causes increased congestion.

d. A highway section which involves inconsistency with any national standard relating to the environment; has a significantly detrimental impact on air or water quality or on ambient noise levels for adjoining areas; involves a possibility of contamination of a public water supply system; or affects ground water, flooding, erosion or sedimentation.

The comments, suggestions and information obtained during the highway studies, including the coordination and evaluation required by paragraphs 5a and 4c of PPM 20–8 will in most instances supply the information necessary to make the determination required above.

4. Negative declarations shall be prepared for all highway sections which are *not major actions* and for highway sections, even though classed as major actions, where it is determined there *is no significant effect upon the quality of human environment* as a result of the study and early coordination. Highway improvements of the following types are *not* likely to have significant impacts upon the environment:

a. Signing, marking, signalization and railroad protective devices.

b. Acquisition of scenic easements,

c. Modernization of an existing highway by resurfacing; less than lane width widening; adding shoulders; auxiliary lanes for localized purposes (weaving, climbing, speed-changing, etc.)

d. Correcting substandard curves,

e. Reconstruction of existing stream crossings where stream channels are not affected,

f. Reconstruction of existing highway/highway or highway/railroad separations,

g. Reconstruction of existing intersections including channelization,

h. Reconstruction of existing roadbed (existing curb to curb for urban cross sections), including minor widening, shoulders and additional right-of-way.

i. Rural two-lane highways on new or existing location which are found to be generally environmentally acceptable to the public and local, State, and Federal officials.

INTER-AGENCY REVIEW OF DRAFT ENVIRONMENTAL STATEMENTS

1. Draft environmental statements are to be circulated to appropriate Federal, State, and local agencies. State and local agency review comments will be solicited from State, regional, and metropolitan clearinghouses. Federal agencies are those having jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal agencies include components of:

Advisory Council on Historic Preservation;
Department of Agriculture;
Department of Commerce;
Department of Defense;
Department of Health, Education, and Welfare;
Department of Housing and Urban Development;
Department of the Interior;
Department of State;
Department of Transportation;
Atomic Energy Commission;
Federal Power Commission;
Environmental Protection Agency; and
Office of Economic Opportunity.

2. Also to be consulted, when a highway section affects its jurisdiction, are:

Tennessee Valley Authority;
Appalachian Regional Commission;
National Capital Planning Commission;
Delaware River Basin Commission; and
Susquehanna River Basin Commission.

3. The HA should determine which of the Federal agencies are appropriate to consult. Careful attention should be given to the selection of agencies having jurisdiction by law or special expertise in an anticipated impact to avoid the unnecessary solicitation of agencies. Appendix II to CEQ's guidelines published in the April 23, 1971, Federal Register (copy attached) lists agencies with their respective areas of jurisdiction by law or special expertise. A majority of the areas are the concern of the Departments of Housing and Urban Development, the Interior, Agriculture, and the Environmental Protection Agency.

4. The Department of Housing and Urban Development (HUD) generally deals with urban aspects of historic and archeological sites, flood plains and watersheds, parks, forests, outdoor recreation, noise, congestion, low-income neighborhoods, and urban planning. Draft environmental statements in urban areas and all draft combination environmental/Section 4(f) statements should be furnished to HUD for comment.

a. It is desirable to develop a written understanding with the regional office of HUD about rural statements it wishes to review.

HUD has delegated review of environmental statements to its regional offices.

5. The Department of the Interior has an interest in several environmental impact areas, including energy transmission, land use, historic and archeological sites, flood plains and watersheds, parks, forests, outdoor recreation, erosion, urban congestion, low-income neighborhoods, urban planning, rivers, canals, stream control, and wildlife. It may be advantageous to include the Department of the Interior in the mailing list for all draft environmental statements. The designated point of contact within the Department of the Interior for coordination is the Deputy Assistant Secretary for Programs, Washington, D.C. 20240.

6. The Department of Agriculture is oriented towards rural matters. It has an interest in rural electrical energy transmission, toxins, pesticides, herbicides, land use, flood plains, watersheds, parks, forests, outdoor recreation, erosion, rivers, canals, stream control, and wildlife. Accordingly, it should be furnished draft statements on rural highway sections. Statements should be sent to the U.S. Department of Agriculture, Office of the Secretary, Washington, D.C. 20250.

7. The Environmental Protection Agency (EPA) has jurisdiction by law or expertise in all major Federal actions significantly affecting the environment. The EPA should be furnished a copy of all draft statements. Draft statements should be sent to the regional EPA office. Comments should be solicited under both Section 102(2)(C) of the National Environmental Policy Act and Section 309 of the Clean Air Act of 1970.

8. The Department of Health, Education and Welfare (HEW) is urban area oriented and has an interest in health and educational effects resulting from displacement of people. HEW has expressed an interest in draft statements for urban highway sections, especially those that displace people, affect schools, etc. Normally HEW will not be interested in draft statements for rural highway sections. Draft statements sent to HEW for comment should be sent to its Washington office (Assistant Secretary for Health and Science Affairs, HEW North Building, Washington, D.C. 20202).

9. The Department of the Army, Office of the Chief of Engineers (Corps of Engineers), is interested in land use and management (coastal areas and navigable waters), flood plains and watersheds, soil and plant life, transportation (harbors, channels, inlets, inland waterways, locks and dams, dredged spoil disposal), and water quality and pollution control. Early coordination is the best guide in determining if the Corps of Engineers has an interest in commenting on the highway section. Comments should normally be solicited from the appropriate Corps' Division or District Engineer.

10. Other agencies, that should be consulted and furnished a copy of the draft environmental statements for comment, will usually be identified during early coordination.

11. Other administrations within the Department of Transportation will need to be solicited for comment in some cases such as a proposed highway section with a bridge over navigable water that requires a permit from the Coast Guard. The administration from which comments are sought (preferably local offices) may be contacted directly by the HA.

12. In its letter asking an agency for comment on any anticipated environmental impacts for which the agency has jurisdiction by law or special expertise, it is suggested that the HA identify which impacts described in the statement the HA would specifically wish discussed. The Federal agency should be asked to comment on each alternative and if it desires, state a preference and reasons therefor. When the HA places a time limit on the commenting period, the Federal agencies are to be advised at the time comments are solicited and should be informed that if no comments are received within that time period, the HA will assume that Federal agency has no comments to offer. The HA should clearly indicate where responding agencies are to return their comments.

[From Federal Register, Apr. 23, 1971]

COUNCIL ON ENVIRONMENTAL QUALITY

STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT—GUIDELINES

Appendix II—Federal agencies with jurisdiction by law or special expertise to comment on various types of environmental impacts

Air

Air quality and air pollution control

Department of Agriculture—
Forest Service (effects on vegetation).
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Air Pollution Control Office.
Department of the Interior—
Bureau of Mines (fossil and gaseous fuel combustion).
Bureau of Sport Fisheries and Wildlife (wildlife).
Department of Transportation—
Assistant Secretary for Systems Development and Technology (auto emissions).
Coast Guard (vessel emissions).
Federal Aviation Administration (aircraft emissions).

Weather modifications

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Defense—
Department of the Air Force.
Department of the Interior—
Bureau of Reclamation.

Energy

Environmental aspects of electric energy generation and transmission

Atomic Energy Commission (nuclear power).
Environmental Protection Agency—
Water Quality Office.
Air Pollution Control Office.
Department of Agriculture—
Rural Electrification Administration (rural areas).
Department of Defense—
Army Corps of Engineers (hydro-facilities).
Federal Power Commission (hydro-facilities and transmission lines).
Department of Housing and Urban Development (urban area).
Department of the Interior—(facilities on Government lands).

Natural gas energy development, transmission and generation

Federal Power Commission (natural gas production, transmission and supply).
Department of the Interior—
Geological Survey.
Bureau of Mines.

Hazardous Substances

Toxic materials

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency.
Department of Agriculture—
Agricultural Research Service.
Consumer and Marketing Service.
Department of Defense.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.

Pesticides

Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production).
Consumer and Marketing Service.
Forest Service.
Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Environmental Protection Agency—
Office of Pesticides.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).
Bureau of Land Management.
Department of Health, Education, and Welfare (health aspects).

Herbicides

Department of Agriculture—
Agricultural Research Service.
Forest Service.
Environmental Protection Agency—
Office of Pesticides.
Department of Health, Education, and Welfare (health aspects).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Reclamation.

Transportation and handling of hazardous materials

Department of Commerce—
Maritime Administration.
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Defense—
Armed Services Explosive Safety Board.
Army Corps of Engineers (navigable waterways).
Department of Health, Education, and Welfare—
Office of the Surgeon General (health aspects).
Department of Transportation—
Federal Highway Administration Bureau of Motor Carrier Safety.
Coast Guard.
Federal Railroad Administration.
Federal Aviation Administration.
Assistant Secretary for Systems Development and Technology.
Office of Hazardous Materials.
Office of Pipeline Safety.
Environmental Protection Agency (hazardous substances).
Atomic Energy Commission (radioactive substances).

Land Use and Management

Coastal areas: Wetlands, estuaries, waterfowl refuges and beaches

Department of Agriculture—
Forest Service.
Department of Commerce—
National Marine Fisheries Service (impact on marine life).
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Transportation—
Coast Guard (bridges, navigation).
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits. Refuse Act permits).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
National Park Service.
U.S. Geological Survey (coastal geology).
Bureau of Outdoor Recreation (beaches).
Department of Agriculture—
Soil Conservation Service (soil stability, hydrology).
Environmental Protection Agency—
Water Quality Office.

Historic and archeological sites

Department of the Interior—
National Park Service.
Advisory Council on Historic Preservation.

Department of Housing and Urban Development (urban areas).

Flood plains and watersheds

Department of Agriculture—
Agricultural Stabilization and Research Service.
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Reclamation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.
Department of Housing and Urban Development (urban areas).
Department of Defense—
Army Corps of Engineers.

Mineral land reclamation

Appalachian Regional Commission.
Department of Agriculture—
Forest Service.
Department of the Interior—
Bureau of Mines.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.
Tennessee Valley Authority.

Parks, forests, and outdoor recreation

Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Defense—
Army Corps of Engineers.
Department of Housing and Urban Development (urban areas).

Soil and plant life, sedimentation, erosion and hydrologic conditions

Department of Agriculture—
Soil Conservation Service.
Agricultural Research Service.
Forest Service.
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants).
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of the Interior—
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Geological Survey.
Bureau of Reclamation.

Noise

Noise control and abatement

Department of Health, Education, and Welfare (health aspects).
Department of Commerce—
National Bureau of Standards.
Department of Transportation—
Assistant Secretary for Systems Development and Technology.
Federal Aviation Administration (Office of Noise Abatement).
Environmental Protection Agency (Office of Noise).
Department of Housing and Urban Development (urban land use aspects, building materials standards).

Physiological Health and Human Well Being

Chemical contamination of food products

Department of Agriculture—
Consumer and Marketing Service.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons).

Food additives and food sanitation

Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons, e.g., pesticide residues).
Department of Agriculture—
Consumer Marketing Service (meat and poultry products).

Microbiological contamination

Department of Health, Education, and Welfare (Health aspects).

Radiation and radiological health

Department of Commerce—
National Bureau of Standards.
Atomic Energy Commission.
Environmental Protection Agency—
Office of Radiation.
Department of Interior—
Bureau of Mines (uranium mines).

Sanitation and waste systems

Department of Health, Education, and Welfare—(Health aspects).
Department of Defense—
Army Corps of Engineers.
Environmental Protection Agency—
Solid Waste Office.
Water Quality Office.
Department of Transportation—
U.S. Coast Guard (ship sanitation).
Department of the Interior—
Bureau of Mines (mineral waste and recycling, mine acid wastes, urban solid wastes).
Bureau of Land Management (solid wastes on public lands).
Office of Saline Water (demineralization of liquid wastes).

Shellfish sanitation

Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Water Quality.

Transportation

Air quality

Environmental Protection Agency—
Air Pollution Control Office.
Department of Transportation—
Federal Aviation Administration.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (metrological conditions).

Water quality

Environmental Protection Agency—
Office of Water Quality.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and ocean monitoring).
Department of Defense—
Army Corps of Engineers.
Department of Transportation—
Coast Guard.

URBAN

Congestion in urban areas, housing and building displacement

Department of Transportation—
Federal Highway Administration.
Office of Economic Opportunity.
Department of Housing and Urban Development.
Department of the Interior—
Bureau of Outdoor Recreation.

Environmental effect with special impact in low-income neighborhoods

Department of the Interior—
National Park Service.
Office of Economic Opportunity.
Department of Housing and Urban Development (urban areas).
Department of Commerce (economic development areas).
Economic Development Administration.
Department of Transportation—
Urban Mass Transportation Administration.

Rodent control

Department of Health, Education, and Welfare (Health aspects).
Department of Housing and Urban Development (urban areas).

Urban planning

Department of Transportation—
Federal Highway Administration.
Department of Housing and Urban Development.
Environmental Protection Agency.
Department of the Interior—
Geological Survey.
Bureau of Outdoor Recreation.
Department of Commerce—
Economic Development Administration.

Water

Water quality and water pollution control

Department of Agriculture—
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Reclamation.
Bureau of Land Management.
Bureau of Sports Fisheries and Wildlife.
Bureau of Outdoor Recreation.
Geological Survey.
Office of Saline Water.
Environmental Protection Agency—
Water Quality Office.
Department of Health, Education, and Welfare (Health aspects).
Department of Defense—
Army Corps of Engineers.
Department of the Navy (ship pollution control).
Department of Transportation—
Coast Guard (oil spills, ship sanitation).
Department of Commerce—
National Oceanic and Atmospheric Administration.

Marine pollution

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Transportation—
Coast Guard.
Department of Defense—
Army Corps of Engineers.
Office of Oceanographer of the Navy.

River and canal regulation and stream channelization

Department of Agriculture—
Soil Conservation Service.
Department of Defense—
Army Corps of Engineers.
Department of the Interior—
Bureau of Reclamation.
Geological Survey.
Bureau of Sport Fisheries and Wildlife.
Department of Transportation—
Coast Guard.

Wildlife

Environmental Protection Agency.
Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Outdoor Recreation.

Federal agency offices for receiving and coordinating comments upon environmental impact statements

Advisory Council on Historic Preservation

Robert Garvey, Executive Director, Suite 618, 801 19th Street NW., Washington, DC 20006, 343-8607.

Department of Agriculture

Dr. T. C. Byerly, Office of the Secretary, Washington, D.C., 20350, 388-7803.

Appalachian Regional Commission

Orville H. Lerch, Alternate Federal Co-Chairman, 1666 Connecticut Avenue NW., Washington, DC 20235, 967–4103.

Department of the Army
(Corps of Engineers)

Col. J. B. Newman, Executive Director of Civil Works, Office of the Chief of Engineers, Washington, D.C., 20314, 693–7168.

Atomic Energy Commission

For nonregulatory matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 973–5391.

For regulatory matters: Christopher L. Henderson, Assistant Director for Regulation, Washington, D.C. 20545, 973–7531.

Department of Commerce

Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C., 20230, 967–4335.

Department of Defense

Dr. Louis M. Rousselot, Assistant Secretary for Defense (Health and Environment), Room 3E172, The Pentagon, Washington, DC 20301, 697–2111.

Delaware River Basin Commission

W. Brinton Whitall, Secretary, Post Office Box 360, Trenton, NJ 08603, 609–883–9500.

Environmental Protection Agency

Charles Fabrikant, Director of Impact Statements Office, 1626 K Street NW., Washington, DC 20460, 632–7719.

Federal Power Commission

Frederick H. Warren, Commission's Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 386–6084.

General Services Administration

Rod Kreger, Deputy Administrator, General Services Administration-AD, Washington, D.C. 20405, 343–6077.

Alternate contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration-ADF, 343–4161.

Department of Health, Education and Welfare

Roger O. Egeberg, Assistant Secretary for Health and Science Affairs, HEW North Building, Washington, D.C. 20202, 963–4254.

Department of Housing and Urban Development [1]

Charles Orlebeke, Deputy Under Secretary, 451 Seventh Street SW., Washington, DC 20410, 755–6960.

Alternate contact: George Wright, Office of the Deputy Under Secretary, 755–8192.

Department of the Interior

Jack O. Horton, Deputy Assistant Secretary for Programs, Washington, D.C. 20240, 343–6181.

National Capital Planning Commission

Charles H. Conrad, Executive Director, Washington, D.C. 20576, 382–1163.

Office of Economic Opportunity

Frank Carlucci, Director, 1200 19th Street, NW., Washington, DC 20506, 254–6000.

Susquehana River Basin Commission

Alan J. Summerville, Water Resources Coordinator, Department of Environmental Resources, 105 South Office Building, Harrisburg, Pa. 17120, 717–787–2315.

Tennessee Valley Authority

Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, TN 37401, 615–755–2002.

Department of Transportation

Herbert F. DeSimone, Assistant Secretary for Environment and Urban Systems, Washington, D.C. 20590, 426–4563.

Department of Treasury

Richard E. Siltor, Assistant Director, Office of Tax Analysis, Washington, D.C. 20220, 964–2797.

Department of State

Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, Washington, D.C. 20520, 632–7964.

[FR Doc. 71–5705 Filed 4–22–71;8:50 am]

SELECTIONS FROM PPM 20–8, DATED JANUARY 14, 1969, FOR USE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT GUIDELINES

5. COORDINATION

a. When a State highway department begins considering the development or improvement of a traffic corridor in a particular area, it shall solicit the views of that State's resources, recreation, and planning agencies, and of those Federal agencies and local public officials and agencies, and public advisory groups which the State highway department knows or believes might be interested in or affected by the development or improvement.

6. HEARING REQUIREMENTS

a. Both a corridor public hearing and a design public hearing must be held, or an opportunity afforded for those hearings, with respect to each Federal-aid highway project that:

(1) Is on a new location; or

(2) Would have a substantially different social, economic or environmental effect; or

(3) Would essentially change the layout or function of connecting roads or streets.

However, with respect to secondary road programs, two hearings are not required on a project covered by paragraph 6(a)(1) or (2) unless it will carry an average of 750 vehicles a day in the year following its completion.

b. A single combined corridor and highway design public hearing must be held, or the opportunity for such a hearing afforded, on all other projects before route location approval, except as provided in paragraph 6.c. below.

c. Hearings are not required for those projects that are solely for such improvements as resurfacing, widening existing lanes, adding auxiliary lanes, replacing existing grade separation structures, installing traffic control devices or similar improvements, unless the project:

(1) Requires the acquisition of additional right-of-way; or

(2) Would have an adverse effect upon abutting real property; or

(3) Would change the layout or function of connecting roads or streets or of the facility being improved.

7. OPPORTUNITY FOR PUBLIC HEARINGS

a. A State may satisfy the requirements for a public hearing by (1) holding a public hearing, or (2) publishing two notices of opportunity for public hearing and holding a public hearing if any written requests for such a hearing are received. The procedure for requesting a public hearing shall be explained in the notice. The deadline for submission of such a request may not be less than 21 days after the date of publication of the first notice of opportunity for public hearing, and no less than 14 days after the date of publication of the second notice of opportunity for public hearing.

8. PUBLIC HEARING PROCEDURES

a. Notice of public hearing:

(1) When a public hearing is to be held, a notice of public hearing shall be published at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking. The notice should also be published in any newspaper having a substantial circulation in the area concerned; such as foreign language newspapers and local community newspapers. The first of the required publications shall be from 30 to 40 days before the date of the hearing, and the second shall be from 5 to 12 days before the date of the hearing. The timing of additional publications is optional.

(2) In addition to publishing a formal notice of public hearing, the State highway department shall mail copies of the notice to appropriate news media, the State's resource, recreation, and planning agencies, and appropriate representatives of the Departments of Interior and Housing and Urban Development. The State highway department shall also mail copies to other federal agencies, and local public officials, public advisory groups and agencies who have requested notice of hearing and other groups or agencies who, by nature of their function, interest, or responsibility the highway department knows or believes might be interested in or affected by the proposal.

(3) Each notice of public hearing shall specify the date, time, and place of the hearing and shall contain a description of the proposal. To promote public understanding, the inclusion of a map or other drawing as part of the notice is encouraged. The notice of public hearing shall specify that maps, drawings, and other pertinent information developed by the State highway department and written views received as a result of the coordination outlined in Paragraph 5, a will be available for public inspection and copying and shall specify where this information is available.

PURCHASING COPIES OF ENVIRONMENTAL STATEMENTS

1. A copy of any draft or final environmental statement prepared by a Federal agency can be obtained by sending order number, payment, and return address to the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

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[1] Contact the Deputy Under Secretary with regard to environmental impacts of legislation, policy statements, program regulations and procedures, and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

James J. Barry, Regional Administrator I, Attention: Environmental Clearance officer, Room 405, John F. Kennedy Federal Building, Boston, MA 02203, 617–223–4066.

S. William Green, Regional Administrator II, Attention: Environmental Clearance Officer, 26 Federal Plaza, New York, N.Y. 10007, 212–264–8068.

Warren P. Phelan, Regional Administrator III, Attention: Environmental Clearance Officer, Curtis Building, Sixth and Walnut Street, Philadelphia, Pa. 19106, 215–597–2560.

Edward H. Baxter, Regional Administrator IV, Attention: Environmental Clearance Officer, Peachtree-Seventh Building, Atlanta, GA 30323, 404–526–5585.

George Vavoulis, Regional Administrator V, Attention: Environmental Clearance Officer, 360 North Michigan Avenue, Chicago, IL 60601, 312–353–5680.

Richard L. Morgan, Regional Administrator VI, Attention: Environmental Clearance Officer, Federal Office Building, 819 Taylor Street, Fort Worth, TX 76102, 817–334–2867.

Harry T. Morley, Jr., Regional Administrator VII, Attention: Environmental Clearance Officer, 911 Walnut Street, Kansas City, MO 64106, 816–374–2661.

Robert C. Rosenheim, Regional Administrator VIII, Attention: Environmental Clearance Officer, Samsonite Building, 1051 South Broadway, Denver, CO 80209, 303–837–4061.

Robert H. Balda, Regional Administrator IX, Attention: Environmental Clearance Officer, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, CA 94102, 415–556–4752.

Oscar P. Pederson, Regional Administrator X, Attention: Einvironmental Clearance Officer, Room 226, Arcade Plaza Building, Seattle, WA 98101, 206–583–5415.

2. Order numbers are found at the end of the summary of each statement in the *102 Monitor* which is published by the Council on Environmental Quality (722 Jackson Place, NW., Washington, D.C. 20006) and sent to State clearinghouses and other interested agencies.

3. Payment is normally $3.00. Copies over 300 pages require $6.00 and will be noted in the *102 Monitor*.

REGIONAL FEDERAL HIGHWAY ADMINISTRATORS

REGION 1

(Conn., N.H., R.I., Mass., Puerto Rico, Me., N.J., Vt., N.Y.)

Administrator: Gerald D. Love, 4 Normanskill Blvd., Delmar, N.Y. 12054. Tel: (518) 472–6476.

REGION 2

(Del., Ohio, Md., W.V., D.C., Penn., Va.)

Administrator: August Schofer, Rm. 1633, George H. Fallon, Federal Office Bldg., 31 Hopkins Plaza, Baltimore, Md. 21201 Tel: (301) 962–2361.

REGION 3

(Alabama, S.C., Georgia, N.C., Fla., Tenn., Miss.)

Administrator: Harry E. Stark, Suite 200, 1720 Peachtree Rd., N.W., Atlanta, Georgia 30309 Tel: (404) 526–5078.

REGION 4

(Ill., Ky., Wisc., Indiana, Mich.)

Administrator: Fred B. Farrell, 18209 Dixie Hwy., Homewood, Ill. 60430. Tel: (312) 799–6300.

REGION 5

(Iowa, Neb., Minn., Mo., Ka., N.D., S.D.)

Administrator: John B. Kemp, P.O. Box 7186, Country Club Station, Kansas City, Missouri 64113 Tel: (816) 361–7563.

REGION 6

(Ark., Oklahoma, La., Texas.)

Administrator: James W. White, 819 Taylor St., Ft. Worth, Texas 76102 Tel: (817) 334–3232.

REGION 7

(Arizona, Hawaii, Calif., Nevada.)

Administrator: Sheridan E. Farin, 450 Golden Gate Ave., Box 36096, San Francisco, Calif. 94102 Tel: (415) 556–3951.

REGION 8

(Alaska, Montana, Wash., Idaho, Oregon.)

Administrator: Ralph M. Phillips, Rm. 412, Mohawk Bldg., 222 Southwest Morrison St., Portland, Ore. 97204 Tel: (503) 226–3454.

REGION 9

(Col., Utah, N.M., Wyoming.)

Administrator: William H. Baugh, Bldg. 40, Denver Federal Center, Denver, Colorado 80225 Tel: (303) 233–6721.

SOURCES FOR ENVIRONMENTAL IMPACT STATEMENTS

In order to receive more efficient and prompt service, requestors are urged to order draft and final impact statements from the Department of Commerce's National Technical Information Service (NTIS) rather than the preparing agency. Each statement will be assigned an order number that will appear in the *102 Monitor* (at the end of the summary of each statement) and also in the NTIS semi-monthly Announcement Series No. 68, "Environmental Pollution and Control." (An annual subscription costs $5.00 and can be ordered from the NTIS, U.S. Department of Commerce, Springfield, Virginia 22151.)

Final statements will be available in microfiche as well as paper copy. A paper copy of any statement can be obtained by writing NTIS at the above address and enclosing $3.00 and the order number. A microfiche costs $0.95. (Paper copies of documents that are over 300 pages are $6.00.)

NTIS is also offering a special "package" in which the subscriber receives all statements in microfiche for $0.35 per statement.

Statements will still be available for public scrutiny in the document rooms of the various agencies. However, only limited copies will be available for distribution.

Yet another possible source of statements is from the Environmental Law Institute, 1346 Connecticut Avenue, N.W., Washington, D.C. 20036. To order a document, please indicate the Department, date, and ELR Order Number (given at the end of each summary). The Institute charges $0.10 per page, and as you will note the number of pages is also given at the end of the summaries. Please enclose the correct amount of money with your order and mark the envelope to the attention to the "Document Service."

SOURCE FOR BACK ISSUES OF THE 102 MONITOR

Because the supply of past issues of the 102 Monitor is not sufficient to meet all requests, a list is provided below indicating where the various issues of the 102 Monitor appeared in the *Congressional Record*. You may wish to order these *Congressional Records* from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($.25 per copy).

Vol. 1, Nos. 1, 2 & 3.
Congressional Record—April 28 (Extension of Remarks), page E 3607.
Vol. 1, No. 4.
Congressional Record—May 27 (Extension of Remarks), page E 5151.
Vol. 1, No. 5.
Congressional Record—June 16 (Extension of Remarks), page E 6023.
Vol. 1, No. 6.
Congressional Record—July 28 (Extension of Remarks), page E 8458.
Vol. 1, No. 7.
Congressional Record—Sept. 13 (Extension of Remarks), page E 9483.
Vol. 1, No. 8.
Congressional Record—Sept. 24 (Extension of Remarks), page E 10002.

On the following pages are environmental impact statements received by the Council from September 1 through September 30, 1971.

Note: at the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388–7803.

Agricultural Research Service

Draft

Title, Description, and Date

A cooperative Federal–State Control and Regulatory Program for *witchweed*. This program to retard or eradicate witchweed was initiated in 1957 in cooperation with North Carolina and South Carolina. It involves use of the herbicides 2,4–D and paraquat on a proportion of the infested area. Applications are made with ground driven equipment. (ELR Order #820, 17 pages) (NTIS Order #PB–202 650–D) September 15.

Agricultural Stabilization and Conservation Service (ASCS)

Draft

Title and Description

Rural Environmental Assistance Program. Program calls for the Federal Government sharing the cost with farmers and ranchers for carrying out approved soil, water, woodland and wildlife conservation and pollution abatement practices. Generally, cost-sharing would be limited to an amount not in excess of 50%. Purpose: speed up or make possible the use of these measures to protect the environment and conserve the land, etc. (ELR Order #792, 6 pages) (NTIS Order #PB–202 651–D) September 16.

Consumer and Marketing Service

Final

Title and description

Proposed revisions of regulations governing the inspection of poultry and poultry products. (Some 1,200 poultry processing establishments must meet the standards of Section 21(b) of the Federal Water Pollution Control Act.) Authorities can refuse or withdraw inspection when environmental requirements are not met. Comments received stated no comment. (ELR Order #666, 10 pages) (NTIS Order #PB–202 333–F) 9/1.

Forest Service

Draft

Title and description

Waterville Valley Management Plan of the White Mountain National Forest, Grafton County, *New Hampshire*. Plan calls for continued multiple use management of timber, water wildlife and recreation on national forest lands in the Waterville Valley area. Involves some expansion of recreation facilities. The Forest Service will consider plans for enlarging the Snows Mountain ski area if certain conditions are met. Purpose: increase use of the Valley. (ELR Order #829, 49 pages) (NTIS Order #PB–202 715–D) 9/17.

Farmers Home Administration

Draft

Title and description

Insured loan of $1.9 million to Rural Water System No. 1, Hospers, *Iowa*. Loan to be used to develop a rural water system in 170-square mile area in O'Brien and Sioux Counties. (ELR Order #855, 5 pages) (NTIS Order #PB–202 790–D) 9/23.

Office of the Secretary

Final

Title and Description

Legislative proposal to establish the Oregon Dunes National Recreation Area, *Oregon* (H.R. 8763 and S. 1977). Area consists of 32,237 acres of land located along the Pacific Shoreline between Florence and Coos Bay. It would extend the boundaries of the Siuslaw National Forest to include all of the area within the National Recreation Boundaries. Would provide for increasing protection to dune area by withdrawing lands within this recreation area from mineral location, entry, patent and disposal by leasing, etc. Purpose: assure conservation of scenic, scientific, historic and other values of area. (ELR Order #772, 25 pages) (NTIS Order #PB–202 604–F) 9/13.

Soil Conservation Service

Draft

Title and Description

Eden Watershed project, Delta and Bluff Hills, *Mississippi*. Involves conservation land treatment supplemented by floodwater-retarding structure, 3 grade stabilization and sediment control structures and about 29 miles of stream channel improvement in the "Delta." Purpose: flood control. About 16 acres of woods and 50 acres of cropland will be lost for agricultural and wildlife use. (ELR Order #703, 10 pages) (NTIS Order #PB–202 301–D) 8/23.

Cameron-Creole Watershed project, *Louisiana*. Construction of 19 miles of flood prevention levee, 35 miles of multiple purpose flood prevention and agricultural water management channels and 6 multiple purpose water control structures. Purpose: to prevent excessive amounts of salt water from getting to 100,800 acres of marshland and to systematically maintain water levels. Some 600 acres of wildlife marsh will be used for this project. (ELR Order #742, 18 pages) (NTIS Order #PB–202 446–d) 9/7.

Cow Creek Watershed, project, Stephens and Jefferson Counties, *Oklahoma*. Consists of conservation land treatment supplemented

by 46 floodwater retarding structures, 1 multi-purpose structure, and clearing and snagging of 2.5 miles of channel. Purpose: reduce floodwater and erosion damages. About 20 miles of stream will be inundated. (ERL Order #888, 9 pages) (NTIS ORDER #PB-202 906-D) 9/23.

Final

Title and description

Blue Eye Creek Watershed Project, *Alabama*. Involves conservation land treatment of about 4,000 acres, supplemental construction of 2 dams, channel work on 9.2 miles of stream, etc. Purpose: to reduce flooding water damage, sediment damage, etc. About 9.2 miles of low-value stream fishery will be destroyed and approximately 94 acres of bottomland woodland will be required for completion of channel work. Comments made by, Environmental Defense Fund, DOI, various State of Alabama agencies, Army COE, EPA, USDA. (ERL Order # 773, 46 pages) (NTIS Order #PB-199 875-F) 9/8.

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 29545 (202) 973-5391.

For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. (202) 973-7531

Final

Title and description

Underground test programs for FY 1972, *Nevada* Test Site, covering tests of one megaton or less in the weapons and peaceful nuclear explosions programs. Statement covers need for testing, environmental setting, impact on environment (ground motion, radioactivity, hydrology) etc. Possibility exists that released radioactivity will be detectable offsite. Comments made by: USDA; HEW; Commerce; DOI, DOT, Western International Nuclear Board, Resources Agency of California. (ERL Order #774, 83 pages) (NTIS Order #PB-202 605-F) 9/15.

DEPARTMENT OF DEFENSE: DEPARTMENT OF ARMY

Contact: Colonel Wm. T. Gardiner, Chief of Construction Division, Office, Deputy Chief of Staff for Logistics, Washington, D.C., (202) 694-4380.

Draft

Title and description

Transportable Disposal System (TDS), Tooele Army Depot, Tooele County, *Utah*. Development of this on site disposal system of obsolete and unserviceable chemical warfare agents and munitions is now being carried out. TDS consists of 12 modules or subsystems. Examples of these subsystems are: the Explosive Containment Cubicle designed to remove explosives from all explosive-loaded munitions by containing the blast pressure; the Deactivation Furnace intended to burn propellant explosives and empty rocket and mine bodies, the Projectile Demilitarization Facility to be used to remove the agent from projectiles and 4.2 inch mortar ammunition and to chemically decontaminate the empty hardware, etc. The System may be used at other military installations where chemical agents are stored. (ELR Order #683, over 300 pages) (NTIS Order #PB-202 308-D) 8/31.

Minimum facilities for Air Cavalry Combat Brigade Test, Fort Hood, *Texas*. Consists of constructing helipads, maintenance aprons, storm sewers, water, sewer and gas connections, etc. at Hood Army Airfield. Also involves alteration/rehabilitation of 5 permanent buildings at West Fort Hood. Purpose: provide adequate heliport and testing facilities for 410 organic helicopters and also administrative space. Expect some increase in noise level. (ELR Order #867, 46 pages) (NTIS Order #PB-202 796-D) 9/22.

Final

Title and description

New Walter Reed General Hospital: *Washington, D.C.* Involves replacement of Several pre-WWI buildings with a single large structure and the addition of new hospital parking facilities. Discusses heating plant and 13 releases to the atmosphere; disposal of solid waste; radiological waste, water waste, impact on traffic, architectural design, etc. Comments made by: AEC; Metropolitan Council of Government. (ELR Order #751, 76 pages) (NTIS Order #PB-199 314-F) 9/9/71.

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office Chief of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314 (202) 693-6329.

For the readers convenience we have listed the numerous statements from COE by State in alphabetical order.

Draft

Title and description

Graham Burke Pumping Plant, Phillips County, *Arkansas*. The pumping plant, already in operation, evacuates impounded runoff and seepage during times when the White River will not permit gravity drainage from the area through the Little Island Bayou Outlet Structure. Purpose: flood control. (ELR Order #698, 10 pages) (NTIS Order #PB-202 305-D) 8/30.

Long Lake area, Helena, *Arkansas* (flood control project). Involves construction of a gated culvert through the main line Mississippi River levee, outlet channel, enlargement and cleanout of 5.6 miles of Long Lake Bayou, etc. Purpose: benefit farmers by reducing flood damages. (ELR Order #858, 6 pages) (NTIS Order #PB-202 803-D) 9/17.

Price Branch of Little La Grue Bayou, DeWitt, *Arkansas*. Consists of cleaning out 17,500 ft. of channel, straightening, spreading and seeding of soil along reaches within DeWitt, etc. Purpose: flood protection by providing continuous drainage. (ELR Order #895, 14 pages) (NTIS Order #PB-202 898-D) 9/22.

Bear Creek Dam and Lake, *Colorado*. Construction of a rolled earthfill dam and multipurpose reservoir with a 2,400 acre-feet capacity on Bear Creek, a left bank tributary of the South Platte River. Purpose: flood control, recreation, etc. Requires relocation of private residences, farmsteads and mobile home court and also cessation of mining operations in area. (ELR Order #661, 17 pages) (NTIS Order #PB-202 293-D) 8/27.

Inland Waterway navigation project, Delaware River to Chesapeake Bay, *Delaware* and *Maryland*. Involves enlarging the existing 27 ft. deep by 250 ft. wide canal to 35 ft. deep by 450 ft. wide, reconstructing highway and railroad bridges over the waterway, etc. Project is about 85 percent completed. Purpose: provide safer passage for marine traffic. Would increase net flow; a 3-year study has been started to determine the environmental impact. (ELR Order #762, 27 pages) (NTIS Order #PB-202 586-D) 9/9.

Longboat Pass, Manatee County, *Florida*. Involves enlarging natural Channel to 12 ft. deep by 150 ft. wide from the Gulf of Mexico to Longboat Pass bridge and to 10 ft. deep by 100 ft. wide across Sarasota Bay to the Cortez Bridge via the Intracoastal Waterway. Will use hydraulic dredge method; material will be deposited on beaches. Purpose: improve passage for commercial fishing boats and recreation craft. (ELR Order #780, 24 pages (NTIS Order #PB-202 643-D) 9/10.

Little Cedar Creek, Cave Spring, *Georgia*. Involves snagging, clearing and enlarging 3.2 miles of channel. Purpose: flood protection by improving discharge capacity of stream. Water temperature may be increased, and more sediment may be deposited in downstream reaches. (ELR Order #807, 24 pages) (NTIS Order #PB-202 739-D) 9/10.

Kawaihae Harbor Hawaii, *Hawaii*. Construction of a harbor for light draft vessels includes an access channel anchorage basin and a protective breakwater. Will accommodate 300 small craft. Involves deepening 19.8 acres of submerged reef and converting 12.2 acres of shallow reef to protective structures. (ELR Order # 710, 18 pages) (NTIS Order #PB-202 288-D) 9/2.

Vandalia Drainage and Levee District (District 21), *Illinois* (flood control project). Consists of approximately 110,000 linear ft. of earth levee, limited channel improvement along the Kaskaskia River, 2 diversion ditches totalling 11,700 linear ft., and a 200 c.f.c. capacity pumping station. Purpose: improve flood protection and interior drainage. About 3,000 ft. of natural channel will be removed by channel straightening. (ELR Order # 842, 32 pages) (NTIS Order # PB-202 910-D) 9/15.

Niblack Levee (Pumping Plants), Wabash River, *Indiana*. Involves constructing pumping facilities, power lines, etc. Purpose: flood protection by removing interior ponding from the area protected by the Niblack Levee. (ELR Order # 819, 3 pages) (NTIS Order #PB-202 655-D) 9/9.

Davids Creek Lake, Exira, *Iowa* (flood control project). Consists of constructing an earthfill dam, providing recreational areas and facilities, developing a wildlife management area, etc. Will result in loss of 3,000 acres in agricultural production. (ELR Order #841, 16 pages) (NTIS Order #PB-202 909) 9/17.

Hillsdale Lake, Big Bull Creek, *Kansas*. Involves construction of a dam with outlet works, etc. The reservoir created by the dam will have a surface area of 4,580 acres with 51 miles of shoreline. Purpose: flood control, water supply, recreation, etc. 12 miles of Big Bull and Little Bull Creeks will be inundated. (ELR Order #873, 25 pages) (NTIS Order #PB-202 917-D) 9/17.

Mill Creek (Ohio River Basin), *Kentucky*. This channel improvement project involves work on about 3½ miles of Mill Creek (Located between Cane Run Road and U.S. Highway 3100, in Southwestern Jefferson County.) Purpose: flood relief, drainage control, etc. (ELR Order #806, 19 pages) (NTIS Order #PB-202 653-D) 9/8.

Kehoe Lake, Tygarts Creek, *Kentucky*. Involves construction of a dam and other facilities, 48.5 miles upstream from the Ohio River at the Carter-Greenup County line. Purpose: flood control, recreation, etc. (ELR Order #845, 14 pages) (NTIS Order #PB-202 915) 9/16.

Taylorsville Lake flood control project, *Kentucky*. Construction of a dam and lake about 25 miles southeast of Louisville. Will inundate 7,850 acres of land. (ELR Order #856, 4 pages) (NTIS Order #PB-202 789-D) 9/22.

Point Lookout State Park, St. Mary's County, *Maryland*. Consists of making a channel 100 ft. wide by 6 ft. deep from Potomac River to park marina in Lake Conoy, constructing bulkheads along sides of inlet and a jetty. Also involves beach erosion control measures (timber bulkheads) along the Chesapeake Bay Shoreline. Purpose: improve recreation potential of the park, provide a harbor of refuge, etc. (ELR Order #866, 7 pages) (NTIS Order #PB-202 793-D) 9/17.

Goose Creek navigation project, Somerset County, *Maryland*. Involves dredging channel to a depth of 6 ft. with an additional 2 foot overdepth by hydraulic dredge methods. Begins at Manokin River and extends for 4,400 ft. to a point about 500 ft. upstream of the county wharf at Rumbley. Purpose: improve navigation for commercial fisherman. (ELR Order No. 781, 6 pages) (NTIS Order No. PB-202 642-D) 9/14.

Scituate Harbor navigation project, Scituate, *Massachusetts*. Consists of dredging 32

acres in 3 locations of the Harbor. Dredged material will be deposited in Massachusetts Bay. Purpose: provide additional moving space for commercial and recreational boats. (ELR Order No. 857, 4 pages) (NTIS Order No. PB–202 804–D) 9/17.

Andrews River navigation project, Harwich, *Massachusetts*. Consists of constructing a jetty and retaining wall at entrance, dredging and maintenance. Purpose: provide erosion control, reduce shoaling, widen beach, etc. (ELR Order No. 896, 37 pages) (NTIS Order No. PB–202 919–D) 9/21.

Alternate disposal area for Grand Haven Harbor, *Michigan*. Proposes to remove polluted dredging material by disposing of this material in a contained area rather than disposing of it in the open waters of Lake Michigan (a past procedure). Would utilize a 72-acre tract (mostly marshland) for dredged material. Purpose: reduce undesirable environmental impact while maintaining movement of waterborne commerce. (ELR Order No. 648, 15 pages) (NTIS Order No. PB–202 183–D) 8/27.

Smithville Lake, Little Platte River, *Missouri*. Involves initiating construction on recept of funds of a rolled earthfill dam and lake on Little Platte River in Clay and Clinton Counties. Purpose: flood protection, water supply, water quality control, recreational opportunities, etc. Will inundate 8,040 acres of agricultural land, streams, fish and wildlife habitat and create 175 miles of shoreline. (ELR Order No. 682, 3 pages) (NTIS Order No. PB–202 291–D) 8/30.

Blue Springs Lake, Little Blue River Lakes, *Missouri*. Involves construction of a dam and lake in Jackson County. Reservoir will be 560 acres. Purpose: provide downstream flood protection, provide open space, etc. (ELR Order #821, 7 pages) (NTIS Order #PB–202 652–D) 9/13.

Little Blue River Channel, Little Blue River, *Missouri*. Consists of channelization work on 16 miles of stream and construction of a system of levees near Kansas City, etc. Purpose: provide flood protection which will encourage more rapid industrial, commercial and residential development in the adjacent flood plain areas. (ELR Order #846, 11 pages) (NTIS Order #PB–202 916–D) 9/17.

Papillion Creek and Tributaries flood protection project, *Nebraska*. Construction of 21 dams and lakes and implementation of a flood plain management program. Purpose: provide a storage capacity of 251,600 acre-feet for controlling floods in metropolitan Omaha area. Approximately 44 miles of riparian wildlife habitat will be eliminated. (ELR Order #660, 10 pages) (NTIS Order #PB–202 292–D) 8/26.

Los Esterios Lake, Santa Rose, *New Mexico*. Involves construction of an access road, an earth and rolled rock-fill dam, a tunnel type conduit, and an uncontrolled spillway channel in Guadalupe County. Purpose: flood control, irrigation, etc. 7,360 acres of wildlife habitat will be lost, and about 14 miles of free-flowing stream will become a slack water area. (ELR Order #720, 11 pages) (NTIS Order #PB–202 431–D) 9/9.

Contentnea Creek flood control project, Lenoir and Pitt Counties, *North Carolina*. Consists of snagging and clearing such things as trees and logs along a 5 mile reach of the Creek. Purpose: reduce flooding. (ELR Order #844, 11 pages) (NTIS Order #PB–202 914–D) 9/16.

Nahunta Swamp Basin flood control project, Wayne and Greene Counties, *North Carolina*. Involves widening and deepening 19.4 miles of stream-channel and constructing a flood-storage reservoir near the upper end of the Basin. Purpose: provide flood control and drainage benefits to farmers. (ELR Order #763, 13 pages) (NTIS Order #PB–202 587–D) 9/8.

Willow Island Locks and Dam, Ohio River, *Ohio* and *West Virginia*. Involves constructing and operating a high-lift, non-navigable gated dam and 2 parallel navigation locks; removal of 3 existing locks and dams, establishment of public access areas. Purpose: make reach of river compatible with other parts of Ohio River navigation system. Will provide a connection via the Mississippi River to the Great Lakes System and the Gulf Intracoastal Waterway. Will inundate 790 acres of land. (ELR Order #696, 33 pages) (NTIS Order #PB–202 310–D) 8/30.

Salt Creek Reservoir, Salt Creek, Scioto River Basin, *Ohio*. Involves construction of a dam and reservoir in Appalachia Region. Purpose: regulate runoff from a 285 square mile watershed. (ELR Order #811, 11 pages) (NTIS Order #PB–202 654–D) 9/9.

Muddy Creek Reservoir, French Creek Basin, *Pennsylvania*. Construction of a detention type dam on Creek. This will complete the coordinated French Basin reservoir system. Project is authorized as a dry-bed reservoir. Purpose: permit realization of designed flood protection of 3 reservoir system. Part of stream will be lost and 1,210 acres of land will be subject to periodic inundation (ELR Order #900, 16 pages) (NTIS Order #PB–202 903–D) 9/17.

Laneport, North Fork and South Fork Lakes, San Gabriel, *Texas*. Construction of three dams and lakes along the San Gabriel River Watershed. Laneport Dam will inundate 6,230 acres, North Fork Dam will inundate 1,310 acres and South Fork Dam will inundate 1,160 acres. Purpose: flood control, increasing water supply to lower Brazos Valley, etc. (ELR Order #685, 9 pages) (NTIS Order #PB–202 321–D) 9/3.

Neabsco Creek navigation project, Prince William County, *Virginia*. Dredging 6,500 ft. of channel in this small tidal estuary that enters the Potomic River from the West at a point 27 river miles from Washington, D.C. Dredged material may be deposited on wetlands. Purpose: increase recreational boating, etc. (ELR Order #843, 10 pages) (NTIS Order #PB–202 913–D) 9/17.

Willapa River and Harbor navigation project, Pacific County, *Washington*. Involves annual operation and maintenance dredging of the navigation channels to maintain them at the authorized depths. Hopper dredging methods used for bar entrance. Channel and exposed area of inner channel. (ELR Order #653, 13 pages) (NTIS Order #PB–202 174–D) 8/22.

Final

Title, description and date

Park River Conduit, Hartford, *Connecticut*. Expansion of present conduit system to enclose 3,716 feet of the river and a pumping station. Also planned is a junction structure, and a headwall on the North Branch. An auxiliary conduit 9,100 feet long is proposed to extend from the junction structure to the Connecticut River. Purpose: flood control, water quality, etc. Comments made by DOI, EPA, Various State of Connecticut Agencies. (ELR Order #823, 17 pages) (NTIS Order #PB–202 722–F) 9/16.

Kaunakakai Harbor maintenance dredging project, Molokai, *Hawaii*. Involves restoring navigation depth to 23 feet within project limits. Dredged material will either be deposited at Molokai Ranchland or at sea. Purpose: to insure continued barge transportation through harbor. Comments made by DOI; U.S. Coast Guard, EPA; University of Hawaii, several local and State of Hawaii agencies. (ELR Order #790, 26 pages) (NTIS Order #PB–199 613–F) 9/17.

Clifty Creek Lake, Clifty Creek, Wabash River Basin, *Indiana*. A multipurpose project consisting of a dam located on Clifty Creek. Impoundment will inundate about 816 acres of Bartholomew and Decatur Counties, Indiana. Purpose: flood control, water quality control, recreation, etc. 4½ miles of free flowing stream will be converted to a lake. Comments made by USDA; DOI; EPA; Various State of Indiana agencies. No draft statement received. (ELR Order #803, 19 pages) (NTIS Order #PB–202 658–F) 9/17.

Saxonville, *Massachusetts*, local flood control protection project, on the Sudbury River. Project involves construction of 2,900 feet of earth dike, 750 feet of concrete floodwalls, straigthening of 1200 feet of the river channel, etc. Comments made by: EPA; DOI; Various Commonwealth of Massachusetts agencies. (ELR Order # 801, 22 pages) (NTIS Order # PB–198 702–F) 9/17.

Charles River Locks and Dams, Boston, *Massachusetts*. Earth and concrete dam downstream of existing dam with river pumping facilities, 3 navigation locks, fish ladder, etc. Purpose: to eliminate danger of flood damage to properties, particularly in Boston and Cambridge. Comments made by DOI; EPA; Several Commonwealth of Massachusetts agencies. (ELR Order # 822, 34 pages) (NTIS Order # PB–202 722–F) 9/17.

Las Cruces local flood protection project Las Cruces, *New Mexico*. Consists of a dry flood control dam with spillway structures, a diversion ditch and an open channel. The dry bed reservoir will encompass 550 surface acres. Project will require 83,000 cubic yds. of stone. Comments made by DOI, International Boundary and Water Comm., EPA, City of Las Cruces and various State of New Mexico agencies. (ELR Order # 887, 43 pages) (NTIS Order # PB–202 923–F) 9/27.

Rockfish Creek Flood Control Project, Duplin, Pender, Sampson Counties, *North Carolina*. Project includes 5.7 miles of clearing and snagging and 20.7 miles of deepening and widening (some of this on Doctors Creek). Soil will be placed on one or both banks. It will be shaped and seeded. Construction will result in loss of about 80% of the standing crop of fishes in the reaches to be excavated. Comments made by USDA, DOI, County of Duplin, North Carolina; North Carolina Dept. of Water and Air Resources. (ELR Order # 798, 12 pages) (NTIS order # PB–198 706–F) 9/17.

Shobe Canyon Channel Clearing Project, Heppner, *Oregon*. Involves clearing, snagging and channel reshaping at various intermittent locations through-out a 1-mile reach of Shobe Creek. Purpose: provide temporary solution to flooding caused by thunder storm runoff. Comments made by HEW, EPA, USDA, Commerce, HUD, DOI, City of Hippner, Morrow County Court various State of Oregon agencies. (ELR Order #748, 41 pages) (NTIS Order #PB–201 388–F) 9/9.

Elk Creek Lake, Rogue River Basin, *Oregon*. Construction of embankment dam creating a 6.2 long lake, a gate controlled spillway, an outlet conduit, etc. Purpose: flood control, water supply, recreation, etc. Will result in loss of natural streams with anadromous fish spawning and rearing areas. Comments made by EPA, Interior, USDA, DOI, and various State of Oregon agencies. (ELR Order #804, 38 pages) (NTIS Order #PB–202 670–F) 9/17.

DEPARTMENT OF DEFENSE: DEPARTMENT OF THE NAVY

Contact: Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of Navy, Washington, D.C. 20350 (202) 697–0892.

Final

Title, description, and date

Land acquisition for the Naval Security Group, Homestead, *Florida*. Purchase of 568 acres of swampland to be used as a buffer zone. Purpose: to prevent site degradation by industrial and commercial encroachment (facility is an electronics operation). No change in land use is expected. Comments made by EPA, DOI and city of Dade, Florida. (ELR Order #675, 13 pages) (NTIS Order #PB–202 334–F) 8/30.

Use of target-ship hulls in exercises at sea. Sinking of approximately 15 obsolete, deactivated naval ship hulls per year in ocean

waters in excess of 6,000 feet deep, more than 50 miles from the nearest land and clear of shipping lanes. Possible damage to marine life from petroleum residue products in some hulls. Purpose: to evaluate weapon systems effectiveness. Comments made by DOI, Commerce. (ELR Order #676, 14 pages) (NTIS Order #PB-202 335-F) 8/30.

Proposed Navy F-14 Fighter Aircraft. Operational capability planned for mid-1970's. Discusses aircraft's turbofan engine and its effect on the atmosphere, sound level, etc. Plans for production in figures and geographical distribution still being formulated. Comments made by DOI, DOT. (ELR Order #749, 42 pages) (NTIS Order #PB-199 851-F) 9/10.

Land acquisition at the Naval Submarine Base, New London, *Connecticut*. Acquisition of 36 acres for safety zone around expanded ammunition storage site. Present land use (swamp, woods) will remain unchanged. Comments made by DOI, EPA, Several States of Connecticut agencies. (ELR Order #796, 9 pages) (NTIS Order #PB-198 690-F) 9/14.

DELAWARE RIVER BASIN COMMISSION

Contact: W. Brinton Whitall, Secretary, Post Office Box 360, Trenton, New Jersey 08603 (609) 883-9500.

On July 12, an applicant's draft environmental statement prepared by the Philadelphia Electric Company on the Eddystone generating station in Delaware County, Pennsylvania was submitted. On September 17, a supplement, prepared by the Company, was sent. This supplement deals with the thermal effects of the proposed project. (This supplement along with the applicant's statement can be ordered as one document from NTIS—Order #PB-200 787-D).

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. George Marienthal, Acting Director of Environmental Impact Statements Office, 1750 K Street, N.W., Room 440, Washington, D.C. 20460 (202) 254-7420.

Draft

Title, description, and date

Ocean Outfall Extension Project, Carmel Sanitary District, Carmel, *California*. Construction of a 895 ft. outfall sewer extension in Carmel Bay off the central coast of California. Purpose: provide an interim measure to relieve pollution problems stemming from the present sewer system. The waste water discharge will be in an area that is included in a proposed enlargement of the Pt. Lobos Underwater Reserve. (ELR Order #761, 21 pages) (NTIS Order #PB-202 585-D) 9/13.

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street N.W., Washington, D.C. 20426 (202) 386-6084.

Draft

Title, description, and date

Application for major license filed by Appalachian Power Company for constructed Byllesby and Buck Hydroelectric Project No. 2514, *Virginia*. Both developments—each consisting of a dam, side-channel spillway, reservoir and powerhouse—have been in operation since 1912. Energy output of the project is about 100,000,000 kwh. Applicant proposes to alter flows to help regulate discharges from the proposed Blue Ridge Development Project No. 2317. (ELR Order No. 833, 20 pages) (NTIS Order No. PB-202 716-D) 9/21.

GENERAL SERVICES ADMINISTRATION

Contast: Rod Kreger, Deputy Administrator, General Services Administration-AD, Washington, D.C. 20405 (202) 343-6077.

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration-AD (202) 343-4161.

Draft

Title, description, and date

Disposal of the Bakalar Air Force Base and Radio Annex, Columbus, *Indiana*. Proposes to convey land consisting of 1,991 acres and buildings to the city of Columbus for public airport purposes. Will sell electrical distribution system to the Bartholomew County Rural Electric Membership Corp. (ELR Order #865; 8 pages) (NTIS Order #PB-202 792-D) 9/23.

Disposal of 7.9 acres of land comprising portion of former Tennssee Central Railway Company, *Tennessee*. Propose to sell parcel of land which is in downtown Nashville, to metropolitan government of Nashville and Davidson County, acting through the Nashville Thermal Transfer. It will be used for constructing a central heating and chilling plant. This plant will burn solid waste primarily to produce heat. (EDR Order #869; 14 pages) (NTIS Order #PB-202 797-D) 9/23.

Final

Title, description, and date

Sewart Air Force Base, Smyrna, *Tennessee*. Plans for disposal of 2,332 acres for an airport, (3) 12 acres for education, (4) 147 acres for housing, (5) 459 acres for industrial development, and (6) all utilities to Rutherford County. Comments made by DOI, HUD, Army COE, EPA, State of Tennessee off of Urban and Federal Affairs, Mid-Cumberland, Council of Government and Development District. (EDR Order #771; 23 pages) (NTIS Order #PB-202 602-F).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. George Wright, Environmental Clearance Office, Washington, D.C. 20410, (202) 382-2914.

Draft

Title, description, and date

Proposed HUD regulation on project selection criteria for priority processing under four subsidized housing programs. The four subsidized housing programs involved are: (1) Section 235(i) Interests Supplements on Home Mortgages; (2) Section 236 Interest Supplements on Rental and Cooperative Housing Mortgage; (3) Low-Rent Public Housing (including Leased Public Housing; and (4) Rent Supplement. Will provide criteria for ranking applications according to national needs, orderly urban development, equal opportunity and environmental quality. (ELR Order #753, 18 pages) (NTIS Order #PB-202 596-D) 9/13.

San Antonio Ranch New Town (new community), San Antonio, *Texas*. Proposed offer of commitment to guarantee up to $18 million for development of a new community. Over a 30-year period. To be located on 9300 acres about 20 miles from downtown San Antonio. Plan calls for an ultimate population of 87,972 residents is 28,676 housing units. (ELR Order #764, 70 pages) (NTIS Order #PB-202 588-D) 9/13.

Title, description, and date

Cedar-Riverside, proposed new community, Minneapolis, *Minnesota*. Proposed action is an offer of commitment to guarantee up to $24 million of obligations to finance the cost of land acquisition and development. The proposed will set a precedent with respect to its intention to tie new community assistance to an urban renewal plan and to provide new approaches to environmental quality. No comments received. (ELR Order #645, 57 pages) (NTIS Order #PB-200 378-F 8/30.

New Community of Flower Mound, Denton County, *Texas*. Proposed offer of commitment to guarantee up to $18 million in debt obligations for land acquisition and development over a 17 year period. The 6,156 acre site is located 4 miles north of the Dallas-Fort Worth Regional Airport. Is being planned for an ultimate population of 64,141 housed in 18,326 units. Comments made by OEO, USDA, DOT, HEW, Commerce, EPA, Army, DOI. (ELR Order #664, 119 pages) (NTIS Order #PB-202 338-F) 8/30.

DEPARTMENT OF THE INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240 (202) 343-6416.

Bonneville Power Administration

Draft

Title, description, and date

BPA FY 73 Program, Portland, Oregon, involving *Washington, Oregon, Idaho, Utah, Nevada, Wyoming* and *Montana*. Includes constructing additional transmission lines, substations, and related structures; repairing equipment, structures, aerial conductors, and access roads; and tree and brush control on transmission line right-of-way. Will divert 470 acres of timberland to other uses, introduce combustion by-products from open burning of clearing slash, and cause erosion during construction. Purposes: continued availability of reliable electric service. (ELR Order #571, 478 pages) (NTIS Order #PB-202 413-D) 8/20.

Bureau of Land Management

Final

Title, description, and date

1971 Outer Continental Shelf Oil and Gas Drainage Lease Sale. Involves offering oil and gas leases for 19 tracts of submerged lands offshore *Louisiana* in the Gulf of Mexico. It would add 59,425.45 acres to the total of 3,850,000 presently under Federal lease, offshore Louisiana. Comments made by Department of State, Council of Economic Advisors, DOT, Commerce, DOD, Army COE, AEC, HEW, Treasury, OEP, USDA, DOI, Southern Miss. Eco. Development Dist., State Clearinghouse, various agencies in Louisiana, and Texas Offshore Operators Comm., National Public Lands Task Force, Friends of the Earth. (ELR Order #677, 84 pages) (NTIS Order #PB-200 359-F) 9/2.

Bureau of Reclamation

Draft

Title, description, and date

Santa Margarita Project, Santa Margarita River, San Diego County, *California*. Involves construction of 2 earthfill dams, Fallbrook Dam and Reservoir and De Luz Dam and Reservoir. Would inundate 16 miles of the San Margarita River and De Luz Creek. Purpose: provide irrigation, water supply and flood control. About 2,400 acres (including some riparian vegetation) would be needed for the 2 reservoirs. (ELR Order #701, 14 pages) (NTIS Order #PB-202 302-D) 9/7.

Kortes Unit, Pick-Sloan Missouri Basin program, *Wyoming*. Proposes a change in operation of the Kortes Dam and Powerplant which would involve the stabilization of the water flow at not less than 500 c.f.s. Would result in loss of some power production. To be offset by utilizing other power installations. Purpose: improve a 10-mile section of the North Platte River from Kortes Dam downstream to Pathfinder Reservoir as a trout fishery. Also would contribute to the restoration of the river environment and the Black Canyon. (ELR Order #686, 16 pages) (NTIS Order #PB-202 303-D) 9/7.

Central Arizona Project, *Arizona*. General environmental statement on project to divert Colorado River water—through series of dams, pumping plants, aqueducts and reservoirs—from Lake Havasu for storage and use in central Arizona and western New Mexico. Aqueduct system, 327 miles long, will serve primarily Phoenix, Tucson, and central Arizona agricultural areas. Initially, 1.1 million acre-feet to be pumped from Lake Mead to Lake Mohave to Lake Havasu to the CAP Aqueduct. Ultimately, the CAP will divert much of Arizona's 2.8 million acre-foot entitlement under the Colorado River Compact. To meet operational power demands (561 megawatts), CAP entitled to 24.3% of ca-

pacity of Navajo Generating Station and related capacity in associated Navajo Project Transmission Systems. Separate impact statements will be filed on individual construction projects. (ELR Order #890, 83 pages) (NTIS Order #PB–202 905–D) 9/27.

Final

Title, description, and date

Monmouth-Dallas Division, Willamette River project, *Oregon*. Consists of Johnson Hill Pumping Plant, 3 relift pumping plants, 34 miles of main channel, 60 miles of unlined canal and low-lead pipe laterals, 76 miles of open ditch drains, etc. Purpose: to change present land use from production of dry land crops to higher value irrigated crops. 87,000 acre feet of the Willamette River will ultimately be diverted. Comments made by EPA, FPC, DOI, Army, COE, HEW, Coast Guard, USDA, HUD, Commerce, various State of Oregon agencies. (ELR Order #889, 50 pages) (NTIS Order #202 922–F) 9/22.

Office of Coal Research

Final

Title, description, and date

Solvent-Refined Coal (SRC) Pilot Plant, Fort Lewis; *Washington*. Testing process involving solvation of coals to produce ash free, low sulfur fuel. Product is either liquid or solid. Plant would operate for 2 or 3 years, then, if successful, scaleup to commercial plant size. Comments made by DOD, DOI and various State of Washington agencies. (ELR Order #872, 35 pages) (NTIS Order #PB–198 861–F) 9/27.

Office of Saline Water

Final

Title, description, and date

Sea Water distillation module project: Orange County, *California*. Involves construction and operation of a sea water distillation module of VTE/MSF design and approximately 3 mgd capacity. Part of development program to convert Saline Water at lower cost and produce larger quantities of it. Discusses emissions from burning natural gas in the boilers, noise produced by operating plant, presence of copper and nickel in the waste streams, etc. Comments made by: DOI; HEW; EPA; Commerce; HUD; DOT; Army; COE; USDA; State of California Agencies. (ELR Order #797, 142 pages) (NTIS Order #PB–199 850–F) 9/15.

Draft

Title, description, and date

Legislative proposal: "To authorize the construction, operation and maintenance of the closed basin division, San Luis Valley project, *Colorado* . . ." (This is a revised draft—earlier draft sent 7–15–70. *Note*: on p. 37 of Vol. 1 No. 1 it was listed as a final.) Provides for a multi-purpose water resource development. Will consist of 136 wells and pumping plants, electric transmission facilities including 110 miles of transmission lines, 55 miles of conveyance channels to collect and deliver the salvaged flows into the Rio Grande, etc. Purpose: lower water table reduce salt accumulation. Would result in loss or reduction of over 100,000 acres of waterfowl habitat. To offset loss, propose establishment of the Mishak National Wildlife Refuge. (ELR Order #880, 8 pages) (NTIS Order #PB–202 805–D) 9/21

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartell, Director of Environmental Research and Development (615) 755–2002.

Final

Title, description, and date

Shelby 500 kv substation and transmission line connection. Construction of 500 kv substation with interconnecting lines in eastern and northeastern portions of Shelby County and the central portion of Tipton County, *Tennessee*. Involves some 45 miles of transmission lines. Purpose: to provide adequate transmission facilities to supply summer 1972 electric requirements for consumers in Covington, Tennessee area. Comments made by USDA, FPC, HEW, DOI, State of Tennessee, Mississippi, Arkansas, Tennessee Council of Governments. (EDR Order #859; 24 pages) (NTIS Order #PB–201 385–D). 9/22.

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser, Director, Office of Program Co-ordination, 400 7th Street S.W., Washington, D.C. 20590, (202) 462–4357.

For the readers convenience we have listed the numerous statements from DOT by State in alphabetical order.

Federal Aviation Administration

Draft

Title, description, and date

Muscle Shoals Airport, Colbert County, Muscle Shoals, *Alabama*. Land acquisition for clear zones and approach, lighting system, constructing taxiway, etc. Purpose: to upgrade runway to DC–9 aircraft standards. (ELR Order #835, 21 pages) (NTIS Order #PB–202 720–D). 9/20.

Scammon Bay Airport, Scammon Bay, *Alaska*. Construction of new landing strip, new parking apron, connecting taxiway access road, etc. Purpose: to improve the transportation of the community. (ELR Order #697, 8 pages) (NTIS Order #PB–202 306–D). 9/2.

Avalon STOLport, Avalon (Catalina Is.), *California*. Construction of a new STOLport, requiring offshore fill and removal of a hill. Purpose: accommodate large-scale commuter or tourist needs. (ELR Order #838, 10 pages) (NTIS Order #PB–202 799–D). 9/20.

Jacksonville International Airport project, *Florida*. Involves acquisition of 340 acres of land, construction of 2 runways and the extension of another. Purpose: accommodate trans-oceanic aircraft flights and expanding air cargo industry. (ELR Order #770, 26 pages) (NTIS Order #PB–202 594–D). 9/13.

Logan International Airport project, Boston, *Massachusetts*. Involves construction work on the outer taxiway (Birds Island Flats). Purpose: expedite flow of taxing aircraft traffic, increase margin of operational safety, etc. (ELR Order No. 706, 34 pages) (NTIS Order PB–202 320–D). 8/31.

University Park Airport, State College, *Pennsylvania*. Construction of new 5,000 ft., runway and extension of existing runway as parallel taxiway, etc. (ELR Order No. 839, 26 pages). NTIS Order No. PB–202, 789D). 9/20.

Atlanta Municipal Airport project, *Texas*. Expansion of airport involves acquisition of land, construction of a new runway, taxiway, etc. (ELR Order No. 769, 14 pages) (NTIS Order PB–202, 593–D). 9/13.

Final

Title, description, and date

Wheaton Municipal Airport project, Wheaton, *Minnesota*. Involves surfacing runway, connecting taxiway and installing lights along runway and VASI, etc. Comments made by EPA, Army COE, USDA, various state of Minnesota agencies. (ELR No. 824, 24 pages). (NTIS Order No. PB–200 364–F). 9/16.

Grant County Airport project, Petersburg, *West Virginia*. Involves land acquisition, grading, draining and lighting installation to build a 120 ft. by 3,560 ft. landing strip, etc. Comments made by Army COE, TVA, DOT, TPC, state clearinghouse, city of Petersburg, various businesses, individuals, organizations and agencies of the state of West Virginia. (ELR Order No. 665, 30 pages). (NTIS Order PB–199 878–F). 9/1.

Federal Highway Administration

Draft

Title, description, and date

FAS Route 51–27: Montgomery County, *Alabama*. Paving and widening dirt road and replacing timber bridge beginning in Grady and ending in Dublic (4.5 miles). Highway project S–5127 (101). (ELR Order #689, 11 pages). (NTIS Order #PB–202 322–D). 9/1.

Ester Siding and Airport Spur: Fairbanks, *Alaska*. Relocation of the Nenana Highway from University Ave. College Rd. intersection west for 3 miles. Construction of a new roadway connecting Airport Rd. west with the proposed Fairbanks-Anchorage Hwy. (Ester Siding) and construction of another new roadway connecting Ester Siding South with Fairbanks International Airport Complex (Airport Spur). Highway project F–037–1 (15). (ELR Order #757, 80 pages) (NTIS Order #PB–202 597–D). 9/7.

Federal-Aid Highway project S–0525 (5): Wasilla to Fishhook Junction, *Alaska*. Reconstruction of 10.2 miles providing a 28 ft. gravel surfaced roadway. (ELR Order #863, 13 pages) (NTIS Order #PB–202 795–D). 9/23.

Naco-Don Luis Highway (Naco-North Section): Cochise County *Arizona*. Upgrading and widening road to 64 ft. One section 40 ft. includes improvement of alignment. Will be adjacent to the International Boundary between the U.S. and Mexico in Naco. Highway project S–SG–204 (4). (ELR Order #691, 16 Pages) (NTIS Order #PB–202 325–D). 9/2.

Lowell-Double Adobe-McNeal Highway: Cochise County, *Arizona*. Construction consists of widening within the existing right-of-way, surfacing, etc. between Douglas and Bisbee. Will be a total distance of 13 miles. Highway projects S–208 (2)–Prince Rd. section: S–208 (4)–Prince Rd. Double Adobe: S–490 (2)–Cochise Jr. College-Double Adobe. (ELR Order #744 15 pages) (NTIS Order #PB–202 44–D). 9/10.

FAS–274 (Willcox-Fort Grant Highway). Cochise County, *Arizona*. Construction of 2-line highway beginning in Willcox just north of I–10 and following existing Fort Grant Rd. for a distance of 9 miles. Highway project S–274 (2) (5)-Interstate 10-North. (ELR Order #782, 15 pages). (NTIS Order #PB–202 641–D) 9/14.

Topock-Kinsman Highway, McConnico Section: Mohave County, *Arizona*. Construction of two 38-ft. roadways for 6.29 miles. Highway project I–16–40–1 (27). (ELR Order #870, 11 pages). (NTIS Order #PB–202 912–D) 9/22.

Highway 9: (Morrilton) Conway County, *Arkansas*. Project consists of relocating portion of Highway 9, located between the Arkansas River and Interstate 40 (3.6. miles). Highway project U–048–1 (5). (ELR Order #724, 8 pages). (NTIS Order #PB–202 424–D) 9/19.

State Highway Route 380: San Mateo County *California*. Construction of 4.5 miles of freeway on new alignment between SR–1 in Pacifica and I–280 in San Bruno. Will pass through Crestmoor Canyon area, and the San Francisco Watershed. Highway project 04–S7–380 0.3/4.9. (ELR Order #715, 35 pages). (NTIS Order #PB–202 311–D) 8/27.

Route 101: Santa Barbara, *California*. Construction of a 6-lane freeway between Salinas St. and Carrillo St. Six alternate plans are under consideration which are the same length, 2.7 miles. Each plan involves considerable relocation of businesses and residences. Also Vera Cruz Plaza City Park and Moreta Bay Fig Tree Park may be affected. Highway project FAP–7, 05–SB–101, 730–04.8. (ELR Order #754, 72 pages). (NTIS Order #PB–202 601–D) 9/8.

I–5: San Joaquin County, *California*. Involves development of 6-lane freeway between Hammer Lane and Rt. 12 near Stockton and a 4-lane freeway between Rt. 12 and the Sacramento-San Joaquin County line (total length 17 miles). Embankment material will be obtained from the excavation within the alignment of the proposed Peripheral Canal. (ELR Order #765, 16 pages). (NTIS Order #PB–202 589–D) 9/13.

I–86: Manchester, South Windsor and Vernon, *Connecticut*. Widening segment of high-

way by providing 4 to 5 directional lanes and climbing lanes where required between Manchester and Vernon (2.8 miles). Will displace 77 families and 15 businesses. Highway project I-86-1(31)8; State project 76-89. (ELR Order #638, 62 pages). (NTIS Order #PB-202 182-D) 8/26.

Route 78: Stonington, *Connecticut*. Development and construction of a new 4-lane expressway. Route will implement the existing street and highway network. Connecticut highway project 137-86, 92; Federal Aid projects F-162(1), F-162(#). ELR Order # 756, 56 pages). (NTIS Order #PB-202 600-D) 9/7.

I-86 & 291: Manchester, *Connecticut*. Widening and realigning a 1.9 mile section of I-86. Work on I-291 includes a full interchange with I-86. Requires acquisition of the Antique Auto Museum and displacement of 6 businesses and 19 residences. Highway project I-IG-84-4(25)65. (ELR Order #731, 29 pages). (NTIS Order #PB-202 436-D) 9/9.

I-84: Watérbury, *Connecticut*. Relocation of I-84 extending from a point just east of South Main St. to a point approximately 300 ft. east of the intersection of Hamilton Ave. and I-84 (about 1.2 miles). Highway project I-IG-84-2(67)33; State project 151-112. (ELR Order #755, 48 pages). (NTIS Order #PB-202 599-D) 9/10.

Seminole Bridge (State Road 595): Pinellas County, *Florida*. Widening SR-595 (Alt. US-19) from the Seminole Bridge to SR-699 and constructing an interchange with SR-699 near the Bay Pines Veterans Hospital. Highway project US-219(11). (ELR Order #641, 17 pages). (NTIS Order #PB-202 170-D) 8/27.

SR-728: Alachua County, *Florida*. Widening and upgrading road to a 4-lane facility in Gainesville, between SR-24 and SR-331 (2.3 miles). Highway project US-717(1). (ELR Order #657, 14 pages). (NTIS Order #PB-202 171-D) 8/31.

State Road 5 (US-1): Duval County, *Florida*. Involves making .5 mile segment 4-lanes between Bay St. and State St. in Jacksonville. Highway project U-013-1(9). (ELR Order #655, 9 pages) (NTIS Order #PB-202 173-D) 8/31.

State Road 700 (US-98): Polk County, *Florida*. Widening and upgrading road beginning at I-4 and extending northerly to the intersection with SR-35A (5.6 miles). Will pass near Lake Gibson. Federal Aid project no. F-031-1 ( ). (ELR Order #658, 20 pages) (NTIS Order #PB-202 304-D) 9/1.

State Road 80: Palm Beach County, *Florida*. Construction of a 2-lane highway as part of a future 4-lane divided rural type highway. The purpose of the recommended corridor is to provide a location for the improvement of a segment of the principal route between the Belle Glade area and the East coast of Florida. Highway project F-024-2. (ELR Order #814, 11 pages) (NTIS Order #PB-202 644-D) 9/16.

State Road 7 (US-441): Palm Beach County, *Florida*. Construction of a 2-lane roadway adjacent to the existing 2-lane highway and resurfacing the existing pavement to provide a 4-lane rural highway (about 8.6 miles). Highway project S-12(12). (ELR Order #815, 8 pages) (NTIS Order #PB-202 648-D) 9/16.

Highway project F-114-1(5): Fulton County, *Georgia*. Construction of a multi-lane free access facility between US-19 and the North Fulton Expressway in Roswell. Involves eliminating the Holcomb Bridge Road "T" intersection. (ELR Order #681, 16 pages) (NTIS Order #PB-202 295-D) 8/30.

Georgia State Route 5: Cherokee County, *Georgia*. Relocation of route to provide portions of the bypass of Canton (4 miles). (This represents phases 2 and 3 of the "Canton By-Pass" project.) All of phase 2 is within the Etowah River Watershed. Highway project F-057-1(3). (ELR Order #897, 10 pages) (NTIS Order #PB-202 918-D) 9/28.

Farrington Highway, Makaha Section: Oahu, *Hawaii*. Realignment and initial construction of a 2-lane (ultimate 4-lane) section beginning at the base of Puu Keaau Ridge near Makaha Beach Park ending near the base of Puu Kamaileunu Ridge (2.4 miles). Highway project 93B-01-70. (ELR Order #791, 20 pages) (NTIS Order #PB-202 635-D) 9/13.

Illinois Route 127: Montgomery County, *Illinois*. Upgrading and widening highway from north of Butler to south of Taylor Springs (7.5 miles). Highway project F-237 ( ). (ELR Order No. 680, 27 pages) (NTIS Order No. PB-202 297-D) 8-23.

FAS Route 1600, Section 800: Adams County, *Illinois*. Upgrading and relocating route from 2.5 miles west of Ursa to a connection with existing FAS Route 600 (about 2.75 miles). Includes a 4-span bridge over Rock Creek. (ELR Order No. 663, 17 pages) (NTIS Order PB-202 296-D) 8-30.

Wacker Drive Extension: Chicago, *Illinois*. Construction of a three level street which will connect both upper and lower Michigan Ave. to North Lake Shore Dr. (ELR Order No. 721, 83 pages). (NTIS Order No. PB-202 432-D) 8-30.

FA Route 413: Rock Island-Mercer County Line to South of Macomb. Construction of a Supplemental Freeway approximately 75 miles in length. This project would be a segment of an ultimate Rock Island to St. Louis Supplemental Freeway. Mercer, Warren and McDonough County, *Illinois*. Highway project F-413. (ERL Order No. 723, 15 pages) (NTIS Order No. PB-202 429-D) 8-30.

FA Route 172: McCluggage Bridge over Illinois River at Peoria. Peoria County, *Illinois*. Some minor realignment of the roadway will be necessary. Highway project F-609. ELR Order No. 722, 15 pages) (NTIS Order No. PB-202 428-D) 8-30.

Illinois Route 26 (SBI Route 74-FA Route 27): Stephenson County, *Illinois*. Reconstruction and upgrading highways from just south of Cedar Creek in Cedarville north to the Wisconsin State line (9.5 miles). Will cross 3 streams and numerous small tributaries. (ELR Order No. 699, 10 pages) (NTIS Order No. PB-202 307-D) 9-1.

Supplemental Freeway 411: Williamson and Saline County, *Illinois*. Construction of a 4-lane controlled access highway on new alignment beginning at the Pittsburg Rd. in Williamson County and ending near the west corporate limits of Harrisburg in Saline County (16 miles). Will require 942 acres of right-of-way. (ERL Order No. 700, 34 pages) (NTIS Order No. PB-202 312-D) 9-2.

Illinois-43 (Harlem Avenue): Cook County, *Illinois*. Widening Harlem Ave. to a 4-lane divided facility from 119 St. to 143 St. Highway project F-4, Section 3127-5. (ELR Order #830, 49 pages (NTIS Order #PB-202 714-D) 9/13.

FA Route 142 (Illinois Route 97): Menard and Sangamon Counties, *Illinois*. Improvement of route for a distance of 9.7 miles. 5.5 miles will be widened and resurfaced on existing alignment and 4.2 miles will be relocated. Highway project F-339. (ELR Order #827, 22 pages) (NTIS Order #PB-202 712-D) 9/13.

SR-9: Shelby County, *Indiana*. Extending Harrison Ave. north from Shelbyville to an interchange with I-74 (1 mile). Involves construction 4-lane divided facility. Highway project S-296(5) P.E. (ELR Order #647, 11 pages (NTIS Order #PB-202 176-D) 8/25.

SR-450: Lawrence County, *Indiana*. Construction of 1.3 miles of 2-lane highway on new alignment near Bedford. Highway project S 798(8). (ELR Order #659, 11 pages) (NTIS Order #PB-202 289-D) 8/31.

SR-56 & SR-3 (FAS Route S-558): Scott County, *Indiana*. Replacement of bridge over the B&O Railroad .2 mile south of the junction of SR-56 and SR-3 and relocation of approaches through Morgan Trail Park. (Morgan Trail Park is owned asd maintained by the Indiana State Highway Commission) (ELR Order #688, 7 pages). (NTIS Order #PB-202 323-D) 9/1.

Freeway 549: Iowa County, *Iowa*. Construction of a 4-lane highway to serve as a connecting link between I-80 and the Amana Colonies (10.1 miles). Involves ramps, crossings, etc. 4(f) determination attached as project requires use of land owned by the historic Amana Society. Highway project F-549-1. (ELR Order #695, 15 pages) (NTIS Order #PB-202 313-D) 9/3.

Kansas Route 25: Rawlins County, *Kansas*. Improving 3 spot locations on existing K-25 north of Atwood, including replacement of 3 timber structures and improvement of grade lines at these locations. Highway project 25-77 S 253(6). (ELR Order #851, 8 pages) (NTIS Order #PB-202 788-D) 9/22.

KY 100: Franklin, *Kentucky*. Upgrading road on new align-between Main St. in Franklin and I-65 to the East (3 miles). Highway project S 253. (ELR Order #644, 11 pages) (NTIS Order #PB-202 180-D) 8/26.

US-231: Daviess County, *Kentucky*. Widening and upgrading road from the Old Hartford Rd. (KY 298) to KY 212 (Beltline) in Owensboro (1.6 miles). Highway project F-125. (ELR Order #651, 7 pages) (NTIS Order #PB-202 178-D) 8/30.

US-60: McCracken County, *Kentucky*. Widening segment of road to 4-lanes beginning just east of I-24—US 60 interchange and continuing to Thompson Ave. in Paducah (2.3 miles). A 4(f) determination is attached as project requires land from the Bob Noble Park. (ELR Order #656, 25 pages) (NTIS Order #PB-202 169-D) 8/27.

Bon-Williamsburg Road: Whitely County, *Kentucky*. Begins at the intersection of Cumberland Ave. and 2nd St. in Williamsburg and extends eastward to the junction with US-25W. Consists of replacing a bridge and upgrading approaches. Length is .16 mile. Highway project S-346(1). (ELR Order #726, 16 pages) (NTIS Order #PB-202 430-D) 9/8.

KY 70 (Arch and Center Streets): Hopkins County, *Kentucky*. Implement a plan to make one-way street pair of Arch and Center Sts. between Park Ave. and Main St. in Madisonville. Involves reconstruction, realignment and widening of Arch St. Highway project S 49. (ELR Order #760, 10 pages) (NTIS Order #PB-202 595-D) 9/13.

Bush-Sun Highway (Route La. 21): St. Tammany Parish, *Louisiana*. Adding 2-lanes to make 4-lane divided highway from 1 mile south of the Bogue Chitto River Bridge north to the village of Sun (2 miles). Involves replacement of the bridge with twin structures (40 ft. wide). Federal Aid project nos. BR-F-F-244(10) & F-244(11). (ELR Order #687, 10 pages) (NTIS Order #PB-202 324-D) 9/2.

Sunshine Bridge-Gramercy Highway (East Section), State Route La. 3125: St. James Parish, *Louisiana*. Construction of a 4-lane highway on entirely new location (14 miles). Will require 482.09 acres of land. Highway project S-6222(2). (ELR Order #779, 11 pages) (NTIS Order #PB-202 637-D) 9/13.

City Boulevard: Baltimore, *Maryland*. Design and construction of a 6-lane street from Russell St. to the I-170 spur at Franklin St. Involves displacement of 250 residential units and 50 businesses and also disruption of 10,000 square feet of cemetery. Highway project U-142-1 (25). (ELR Order #740, 17 pages) (NTIS Order #PB-202 442-D) 9/9.

I-95 (including I-70N & I-395): Baltimore, *Maryland*. Design and construction of an 8-lane expressway from Caton Ave. to Hanover St. Also includes connections to I-70N and I-395. 2000 feet of Gwyns Falls Stream will be relocated and land will be taken from Carroll Park for project (A 4(f) determina-

tion is included.) Highway projects I–95—4 (20); 170N–5(18); I–395–8(1). (ELR Order #871, 69 pages) (NTIS Order #PB–202 907–D) 9/23.

I–75: Monroe County, *Michigan*. Construction of a new interchange facility, eliminating the Elm St. interchange by the construction of a new bridge over the Raisin River. Height of new bridge will be 10 ft. less than existing bridge; may affect size and height of watercraft using river. (ELR Order #736, 9 pages) (NTIS Order #PB–202 439–D) 9/7.

M–60: Cass County, *Michigan*. Upgrading route from west of Leet Rd. near Niles to east of Cassopolis. Will require removal of 33 residential dwellings, 10 commercial developments, etc. (ELR Order #730, 13 pages) (NTIS Order # PB–202 435–D) 9/8.

M–106 Trunkline: Jackson and Ingham Counties, *Michigan*. Upgrading highway—improvements in horizontal alignment, crossroad intersections, bridge structures, etc.—between Portage River to the junction of M–52 in Stockbridge (17 miles). Highway project S 591( ). (ELR Order #767, 11 pages) (NTIS Order #PB–202 591–D) 9/9.

Michigan Route 59: Oakland County, *Michigan*. Reconstructing route to 5 lanes from proposed M–275 freeway easterly 4.4 miles to Williams Lake Rd. Will affect water table levels in swamp and low-lying areas and will affect Huron River by erosion and sedimentation. Highway project F 38–1( ). (ELR Order #847, 13 pages) (NTIS Order #PB–202 800–D) 9/15.

Route 160: Greene County, *Missouri*. Construction of 2-lane (ultimate 4-lane) facility between Willard and Springfield, partially on new location. (ELR Order #654, 7 pages) (NTIS Order #PB–202 172–D) 8/27.

Route 66; Jasper County, *Missouri*. Initial construction of a 4-lane limited access facility between the cities of Webb and Carthage. 5.9 miles will be constructed contiguous with existing road and 3.4 miles will be on new location. Involves relocation of 18 residences, 2 businesses and 1 farm unit. Highway Job nos. 7–P–66–2&3 and 7–U–66–5&6. (ELR Order #812, 8 pages) (NTIS Order #PR–202 633–D) 9/16.

Route 725: St. Louis County, *Missouri*. Construction of 8-lane freeway north to I–70 and 4-lane facility from I–70 to I–270 (4.2 miles). Project begins at the Natural Bridge Rd. Highway project U–UG–725 1(1). (ELR Order #837, 9 pages) (NTIS Order #PB–202 717–D) 9/20.

I–229: Buchanan and Andrew Counties, *Missouri*. Construction of a 11.9 mile continuation of interstate from Rte. 371 north to Rte. 29 as part of the St. Joseph West Belt Highway. Involves 11.6 acres of park lands. A 4(f) determination is attached. Highway Job Nos. 1–I–229–18, –25, –11, –19, –12, –26, and –27. (ELR Order #848, 21 pages) (NTIS Order #PB 202 787–D) 9/21.

I–90: Lodge Grass, *Montana*. Statement relates to 3 highway projects. Projects I 90–9 (13) 528—Lodge Grass South—and I–90–9 (14) 542—Wyoming Line North—involve 23 miles of highway construction, and will follow the alignment of US–87 and Little Big Horn River about 1 to 2 miles to the east. Project F–212(13) provides for a 2-lane connecting road to Wyola area and US–87. (ELR Order #679, 26 pages) (NTIS Order #PB–202 290–D) 8/31.

Highway project I–90–9(12)516: Lodge Grass North, *Montana*. Construction of 4-lane facility from 7.5 miles southeast of Crow Agency and extending southerly for 15 miles, ending 1.6 miles southeast of Lodge Grass. Highway project F 212(14)—Lodge Grass Connector—connects US–87 to I–90. (ELR Order #678, 10 pages) (NTIS Order #PB–202 294–D) 8/31.

Hardin Custer Road (Highway project F 46[7]) and Crow Agency-Hardin Road (Highway project F 188[7]): Big Horn County, *Montana*. Construction and realignment of the Hardin-Custer Rd. begins at the intersection of Center Ave. and 3rd St. in Hardin and ends at Crawford St. (1.1 mile). Work on the Crow Agency-Hardin Rd. starts at the intersection of Center Ave. and 3rd St. proceeding along 3rd St. and connecting with the interstate interchange (.9 mile). (ELR Order #786, 18 pages) (NTIS Order #PUB–202 636–D) 9/13.

A 4(f) determination to be added to draft statement sent on 5/17 on FA Route 22: Roosevelt and Sheridan Counties, *Montana*. A 4(f) determination is required since project requires use of public land from Medicine Lake National Refuge. Highway project F–193(18). (ELR Order by date of draft, 4(f)—5 pages) (NTIS Order #PB–199 250–D) 9/15.

US–6, US–34 & US–136 (Proposed Cambridge-Holdredge Expressway): Furnas, Harland and Phelps Counties, *Nebraska*. Relocation study for segments of US–6 and US–34 in order to establish an expressway between Cambridge and Holdredge. Involves an area of about 60 miles. Proposed alignments pass in proximity to a waterfowl refuge northwest of Atlanta. A (f) determination is attached since project may require land from the Oxford Golf Club, Inc. Highway project F–145(25). (ELR Order #714, 28 pages) (NTIS Order #PB–202 318) 9/7.

US–395: Douglas County, *Nevada*. Construction of an ultimate 4-lane facility from a point just north of Topaz Junction to a point about 5 miles south of Gardnerville (12.6 miles). (ELR Order #901, 26 pages) (NTIS Order #PB–202 902–d). 9/28.

US–3: Northumberland, *New Hampshire*. Rerouting of traffic from a section on Main and State Sts. in Groveton Village to Church St. Involves 0.2 mile of reconstruction on Church and State Sts. to accommodate thru traffic. Highway project F–035–2(6). (ELR Order #650, 11 pages) (NTIS Order #PB–202 179–D). 8/31.

Route 322 Freeway: Gloucester County, *New Jersey*. Construction of a limited access highway beginning at I–295 in Logan and terminating at Rte. 42 (Black Horse Pike) in Monroe. Includes a traffic collection and distribution system for a new bridge across the Delaware River, etc. A 4(f) determination is attached since project requires use of 6.5 acres from the Glassboro Wildlife Management Area. (ELR Order #705, 38 pages) (NTIS Order #PB–202 314–D). 9/7.

US–285: San Juan Pueblo Grant, the Bartolome Sanchez Grant and Black Mesa Grant, *New Mexico*. Rebuilding highway beginning at intersection with SR–74 and extending northerly 7.2 miles. Alignment corridor lies along the foothills of Black Mesa. Highway project S–1518 (10). (ELR Order #785, 5 pages) (NTIS Order #PB–202 638–D). 9/14.

Oxford-Guilford-E. Guilford, Part II: Chenango County, *New York*. Reconstruction of 4.9 miles of County Rd. No. 35. Project PIN 9026.00. (ELR Order #743, 35 pages) (NTIS Order #PB–202 445–D). 9/9.

SR–25 (Riverhead-Mattituck, Parts 1 & 3): Suffolk County, *New York*. Realignment of about 1,500 ft. of route near Aldrich Lane in Southold. Highway project PIN 0528.00. (ELR Order #768, 7 pages) (NTIS Order #PB–202, 592–D). 9/10.

Arterial Feeder Highway (Hamilton Avenue to Mamaroneck Avenue): City of White Plains, *New York*. Construction of feeder route through existing central business district of White Plains. A proposed viaduct over the Bronx River will prevent pollution to this body of water. Highway project PIN 8412.00. (ELR Order #816, 14 pages) (NTIS Order #PB–202 647–D).

A 4(f) review was sent to supplement the draft statement sent 7/6 on I–88 (Susquehanna Expressway): Oswego and Schoharie Counties, *New York*. Project requires use of land from the Richmondville Recreational area and public access easement to Schenevus Creek. Highway project PIN 9357.08–9357.17. (ELR Order #778, 17 pages) (NTIS Order # PB–200 781–F) 9/15.

New York Route 27: Southampton and East Hampton, *New York*. Extending Sunrise Highway as an expressway about 23 miles from Shinnecock Hills to link with Montauk Highway east of Amagansett. Highway projects PIN 0375.00; 0362.01; 0362.02; and 0362.03. (ELR Order # 854, 28 pages) (NTIS Order # PB–202 791–D) 9/22.

US–70: Jones-Craven Counties, *North Carolina*. Relocation of highway from the existing 4-lane facility west of Dover easterly for 19 miles through the proposed interchange with Secondary Rd. 1225. Will provide bypass of Dover and Cove City. Highway project 6.801734. (ELR Order # 707, 24 pages) (NTIS Order # PB–202 319–D) 9/7.

US–70–74 (Proposed freeway connector); Buncombe County, *North Carolina*. Construction of a 4-lane freeway from I–40 to US–70 and a 6-lane divided freeway from US–70 to the East-West Expressway in Asheville (2.9 miles). Will cut through Beaucatcher Mountain and displace 110 families and 17 businesses. Highway project 8.19014, F–34–1(6). (ELR Order # 733, 34 pages) (NTIS Order # PB–202 433–D) 9/8.

US–421: Lee-Harnett Counties, *North Carolina*. Improvement of highway involves widening to 5 lanes a 1 mile portion beginning in Sanford along alignment of NC–87 designated as Section A. From Section A, construction of Section B begins on new location and continues east for 5.9 miles to Seminole. Will be an initial 2-lane facility. Highway project 6.801741. (ELR Order # 732, 17 pages) (NTIS Order #PB–202 434–D) 9/8.

NC–62: Alamance-Caswell Counties, *North Carolina*. Construction of a 2-lane facility for NC–62 between intersection with SR–1111 in Caswell County and intersection with SR–1111 in Alamance County (10.2 miles). Purpose: replace a portion of SR–1001. Highway project 6.801769. (ELR Order #818, 15 pages) (NTIS Order #PB–202 634–D) 9/16.

County Road 18: Logan County, *Ohio*. Upgrading road with new pavement on adjusted alignment between intersection with County Rd. 11 southwest of Bellefontaine and intersection with County Road 43 (appears to be about 3 miles). Highway project S–1405(2). (ELR Order #642, 7 pages) (NTIS Order #PB–202 181–D) 8/26.

County Road 60: Washington County, *Ohio*. Replacement of the bridge across the Muskingum River and bridges across the canal. Highway project S–1577). (ELR Order #662, 9 pages) (NTIS Order #PB–202 309–D) 8/30.

SR–235: Champaign County, *Ohio*. Upgrading 16.3 miles of road from point just south of intersection with SR–41 northerly to a point north of intersection with SR–29. A 4(f) determination is attached as project requires 4.4 acres of Kiser Lake State Park. Highway project S–283(6). (ELR Order #735 16 pages) (NTIS Order #PB–202 438–D) 9/3.

SR–60. Muskingum County, *Ohio*. Widening route on new location within the City of Zanesville to a 4-lane divided highway and construction of new structure over the Muskingum River. Highway project MUS–60–16.88. (ELR Order #729, 9 pages) (NTIS Order #PB–202 425–D) 9/8.

US–50. Ross County, *Ohio*. Relocation of a portion of highway in towns of Twin and Union (2.9 miles). Consists of two 12 ft. lanes of pavement with sufficient right-of-way for future road expansion. A 4(f) determination is attached as project requires about 1.8 acres of land from the Pleasant Valley Wild Life Area. Highway project ROS–50–18.10. (ELR Order #737, 8 pages) (NTIS Order #PB–202 440–D) 9/9.

SR–122: Butler County, *Ohio*. Relocation and widening road (ultimate 4-lane) from Elk Creek Rd. to West Middletown (3.3 miles). Involves construction of a bridge over the B&O Railroad. A 4(f) determination is attached as project requires .9 acre of Weber

W. Sebald Park. Highway project S–SU–144 (10). (ELR Order #738, 16 pages) (NTIS Order #202 441–D) 9/9.

US–30: East Liverpool, *Ohio*. Extension of 4-lane expressway from Monroe St. to a connection with new bridge over Ohio River. Also includes relocation of SR–39 as a freeway from connection to new bridge to Park Way. Will displace about 400, 40 businesses, 2 churches, etc. Highway project U–457(14), U–431(21) (ELR Order #734, 9 pages) (NTIS Order # PB–202 437–D) 9/10.

Pine and Cincinnati Streets: Tulsa, *Oklahoma*. Improvement of the existing intersection of Pine and Cincinnati Sts. by widening and channelizing the approaches and by installing an upgraded system of traffic signals. Highway project T 8390(202). (ELR Order #808, 13 pages) (NTIS Order # PB–202 656–D) 9/15.

Okmulgee Urban Area Transportation Study: *Oklahoma*. The recommended plans contain 5 proposals. These proposals include the following: Refinery Access Rd., upgrading Fourth St. to a primary arterial, Thirteenth St., west extension of the Northeast Loop, and the west extension of the Southeast Loop. Discusses other alternatives. Will involve removal of some homes and businesses. (ELR Order #891, 16 pages) (NTIS Order #PB–202 897–D) 9/28.

US–101 (Oregon Coast Highway-Greentimber Road-Neskowin Section): Tillamook County, *Oregon*. Two alternative corridors considered. This statement discusses the coastal corridor which would begin about 1 mile north of Neskowin, proceed northerly passing east of Tierra Del Mar and San Lake and finally intersect with US–101 near Greentimber. (All on new location.) The other alternative is inland. (ELR Order #649, 14 pages) (NTIS Order #PB–202 175–D) 8/30.

Crile Access Road: Washington County, *Pennsylvania*. Construction of an access road to serve 5 sites at the Washington County Industrial Park. (ELR Order #694, 8 pages) (NTIS Order #PB–202 298–D) 9/3.

Legislative Route 650–Spur S, Section A 10: Jefferson County, *Pennsylvania*. Relocation of .6 mile of road to accommodate expansion plans of Falls Creek Refractories Plant. (ELR Order #693, 6 pages) (NTIS Order #PB–202 299–D) 9/3.

L.R. 10001, Section 6 (Butler County) and L.R. 04020–Spur E (Beaver County): *Pennsylvania*. Construction project to connect residential area & proposed industrial park with Traffic Rte. 19 and I–79. 2.6 miles in New Sewickley, Butler County and .3 mile in Cranberry, Beaver County. (ELR Order #898, 11 pages) (NTIS Order #PB–202 901–D) 9/29.

L.R. 1023, Section 14: Lawrence County, *Pennsylvania*. Construction of 4.9 miles of 4-lane limited access highway to provide improved access through Shenango and Beaver valleys. Will connect the area between Greater Pittsburgh Airport and I–80 at West Middlesex. Project encroaches on .16 acres of the Western Pennsylvania Conservancy, a privately owned, non-profit organization. Section 4(f) does not apply. (ELR Order #898, 10 pages) (NTIS Order #PB–202 904–D) 9/29.

Memorial Boulevard Extension: Newport, *Rhode Island*. Construction of a new secondary road from Memorial Blvd. at Long Wharf to the Newport Bridge approaches and a future L38 connection to Fall River, Massachusetts (about .6 mile). Highway project SU–0266(7). (ELR Order #783, 19 pages) (NTIS Order #PB–202 639–D) 9/10.

US–21: Richland County, *South Carolina*. Widening of 2.3 mile segment to a multi-lane facility from Fairchild Rd. to I–20 in Columbia. Highway project F–049–3. (ELR Order #692, 7 pages) (NTIS Order #PB–202 300–D) 9/2.

SR–36: Unicoi County, *Tennessee*. Construction begins on eastern side of Erwin and continues 3.8 miles ending at SR–36 on the northeast side of Erwin. Planned facility is a 4-lane divided roadway. Project requires rechanneling parts of the North Indian Creek and Nolichucky River. Highway project APD 036–1. (ELR Order #784, 8 pages) (NTIS Order #PB–202 640–D) 9/10.

SR–69: Decatur County, *Tennessee*. Replacement of 8.6 mile section between SR–20 in Parsons and SR–69 at Little Lick Creek with a 2-lane highway on new location. Highway project F–046–6. (ELR Order #817, 15 pages) (NTIS Order #PB–202 646–D) 9/16.

Tennessee Route 63: Campbell and Claiborne Counties, *Tennessee*. Statement describes 3 projects, 4 lanes from east of Lafollette to near Fincastle Rd.; 2 lanes from Fincastle to Claiborne County line; and 2 lanes from Campbell County line to Fall Branch; totaling 14.8 miles. Involves conversion of agricultural and some residential lands and will cross fish reservoir. Federal-Aid project APD–085–1(5). (ELR Order #864, 22 pages) (NTIS Order #PB–202 899–D) 9/21.

US–259: Morris County, *Texas*. Construction of a 4-lane urban type highway from south of Barnes Creek Bridge to business district of Lone Star (2.2 miles). (ELR Order #690, 10 pages) (NTIS Order #PB–202 315–D) 9/3.

Beltway 8: from SH–225, north to I–10. Harris County, *Texas*. Construction of a 4 mile portion of Beltway 8 as a controlled access freeway (8 lanes). Project includes a high level crossing of the Houston Ship Channel. Highway project F–1126. (ELR Order #739, 15 pages) (NTIS Order #PB–202 447–D) 9/9.

SH–154: Harrison County, *Texas*. Reconstruction of grading, structures and surfacing of highway from FM Rd. 2208 to Loop 390 (11.7 miles). Involves relocation of about 5.6 miles. Highway project S 646. (ELR Order #759, 21 pages) (NTIS Order #PB–202 598–D) 9/13.

US–175: Kaufman County, *Texas*. Construction of 20.7 miles of 4–lane divided expressway between Kaufman and the Henderson County line. Will be constructed along existing alignment except for relocation around Kemp and Mabank. Highway project F–136. (ELR Order # 789, 71 pages) (NTIS Order # PB–202 632–D) 9/13.

SH–53: City of Rosebud, Falls and Bell Counties, *Texas*. The facility will be a 2-lane section beginning at SH–320, extending about 10.4 miles in length following the present location except for 2.5 miles which will be on new location. Highway project S–2815. (ELR Order #836, 11 pages) (NTIS Order # PB–202 719–4) 9/20.

Salina Connection to I–70: Sevier County, *Utah*. Constructing 2 miles of 2-lane roadway. Highway project F–022–1(6). (ELR Order #853, 20 pages) (NTIS Order #PB–202 801–4) 9/13.

Vermont Route 109: Lamoille County, *Vermont*. Upgrading and paving route from point just west of intersection with Town Highway #8 in Belvidere Center to intersection with Vt. Rte. 118 and Town Hwy. # 8 (3.7 miles). Highway project S 0282(2). (ELR Order #766, 14 pages) (NTIS Order #202 590–4) 9/10.

Route 622: Amherst County, *Virginia*. Reconstruction and relocation of route beginning just east of Rte. 29 in Madison Heights and continuing northeasterly to just east of the intersection with Rte. 677 (2.1 miles). Highway project S–43 ( ); State project 0622–005–130, C–501. (ELR Order #790, 8 pages) (NTIS Order #PB–202, 316–D) 9/8.

Route 20: Albemarle County, *Virginia*. Realignment and upgrading of highway between Glendower and Keene (3 miles). Highway project S–330 [ ]. State Highway project 0020–002106, PE–101. (ELR Order #708, 5 pages) (NTIS Order #PB–202 311–D) 9/8.

SR–24: Adams County, *Washington*. Upgrading easterly segment between Sagehill Rd. to Jct. SR 26 (5.6 miles). Highway project S–1017. (ELR Order #725, 9 pages) (NTIS Order #PB–202 427–4) 9/8.

I–90: from West Shore Mercer Island to East Channel Bridge, Seattle Metropolitan region, *Washington*. Construction of a 10-lane highway, 4 lanes in each direction with a third roadway to accommodate mass transit (3 miles). In addition, a new 6-lane floating bridge will be constructed between Seattle and Mercer Island, and in the East Channel, between Mercer Island and Bellevue, a new 10-lane bridge. A 4(f) determination is attached as project requires about 2.25 acres from the Luther Burbank Park site. (ELR Order No. 860, 43 pages) (NTIS Order No. PB–202 908–D) 9/23.

SR–2: Sultan Vicinity, *Washington*. Constructing passing lanes in 2 areas, between Sultan and Startup and between Gold Bar and Index Junction. Involves cutting away portions of the hill and resulting loss of trees. (ELR Order No. 869, 18 pages) (NTIS Order No. PB–202 911–D) 9/23.

I–94–Franksville Road, C.T.H. "K": Racine County, *Wisconsin*. Construction of a rural 2-lane facility, joining northwest section of the City of Racine and surrounding urban area to I–94. Approximately 2.4 miles long and will be on new alignment except for short stretches at both the west and east ends. Highway I.D. 2804–2–00. (ELR Order No. 727, 8 pages) (NTIS Order No. PB–202 426–D) 9/2.

County Trunk Highway "D": Dane County, *Wisconsin*. Upgrading highway from its intersection with C.T.H. "M" northerly 6.1 miles to north part of Fitchburg. Involves widening and regrading along the existing route except for a short relocation south of the intersection with C.T.H. "PD". Highway project 5948–1–00, S–260(1) (ELR Order No. 810, 7 pages) (NTIS Order No. PB–202 657–D) 9/15.

Rhinelander Beltline, US–8: Oneida County, *Wisconsin*. Relocation and construction of highway in townships of Crescent, Pelican and Pine Lake. Approximately 300 acres of woodlands and urban fringe will be converted to highway purposes. Highway project F 021–1–I.D. 1593–0–00. (ELR Order No. 758, 24 pages) (NTIS Order No. PB–202 584–D) 9/9.

Pennsylvania Ave. Bridge and Approaches: Sheboygan County, *Wisconsin*. Construction of a new 4-lane bridge in City of Sheboygan crossing the Sheboygan River. Highway project T 4300(3). (ELR Order No. 834, 11 pages) (NTIS Order No. PB–202 718–D) 9/20.

Lake Freeway: Racine, Kenosha and Milwaukee Counties, *Wisconsin*. Involves 32 miles of freeway (I–794) from Layton Ave. in Milwaukee County to Ill. line to connect with proposed Ill. freeway. Will contribute to conversion from rural to urban community and will encroach on undeveloped parklands. 4(f) determination included. Highway projects ID 301–1–00, ID 1301–3–00. (ELR Order No. 886, 86 pages) (NTIS Order No. PB–202 900–D) 9/27.

Final

Title, description, and date

Slaughter Road (FAS Route 45–07): construction of a composite steel and reinforced concrete grade separation structure over Southern Railroad, approaches, etc. Madison County, *Alabama*, FAS propect SG 4507 (101). Comments made by Commerce, DOI, Army COE, USDA, HUD, FAA, various State of Alabama agencies. (ELR Order # 719, 50 pages) (NTIS Order # PB–199 257–F) 9/8.

S.R. 59: project to make most of this route (from just south of Foley to S.R. 182) a 4-lane facility (9.4 miles). New intracoastal bridge will be built. Baldwin County, *Alabama*. Project S–0222. Comments made by HUD, EPA, DOI, Commerce, Army COE, FAA, State of Alabama, Gulf Shore Tourist Assoc., and concerned citizen. (ELR Order # 717, 34 pages) (NTIS Order # PB–202 452–F) 9/8.

FAS 3704: Jefferson County, *Alabama*. Construction of a 490 foot bridge across Locust Fork of the Warrior River. Purpose: replacement of dilapidated bridge. Highway project

S–3704 (101). Comments made by EPA, DOT, DOI, Army COE, FAA, USDA, AEC, various State of Alabama agencies. (ELR Order # 711, 38 pages) (NTIS Order # PB–202 449–F) 9/8.

S.R. 20: Lawrence County, *Alabama*. Reconstruction of 6.7 miles of highway, from east of Town Creek to east of Courtland. Will be made into 4-lane facility. 36 residences will be taken for right-of-way. Project F–FG–237 (5). Comments made by HUD, DOI, TVA, EPA, FAA, various State of Alabama agencies, NAACP, concerned citizens. (ELR Order # 713, 53 pages) (NTIS Order # PB–202 451–F) 9/8.

Alabama 69: Tuscaloosa County *Alabama*. Replacement of 4.3 miles on a new alignment south of the city of Tuscaloosa. Highway project S–140–E (F–190( )). Comments made by DOI, DOT, USDA, Army COE, Commerce, Army Civil Defense, EPA, State of Alabama. (ELR Order # 880, 27 pages) (NTIS Order # PB–198 859–F) 9/24.

County FAS Route: replacement of wooden bridge over Copperas Creek in Talladega National Forest, *Alabama* with a paved facility. Purpose: to accommodate wood and timber haulers. Highway project S–0416 (102). Comments made by DOI, DOT, Army COE, USDA, various State of Alabama agencies. (ELR Order #877, 14 pages) (NTIS Order #PB–199 581–F) 9/24.

Alaska Project S–0653(1): Fairbanks, *Alaska*. Construction of a new roadway connecting Badger Rd. with Chena Hot Springs Rd., a distance of approximately 6 miles. Comments made by DOI, DOT, State of Alaska, Glacier State Telephone Company. (ELR Order #832, 87 pages) (NTIS Order #PB–199 595–F) 9/21.

Alaska Project S–0389(4): improvement from intersection of Benson Ave. and Rezanoff Dr. in northeast direction through Kodiak, *Alaska* to Mill Bay area. Project corridor utilizes Rezanoff Dr. and other roadways. Comments made by DOI, HUD, EPA, various State of Alaska agencies, city of Kodiak. (ELR Order #831, 38 pages) (NTIS Order #PB–200 031–F) 9/21.

Washintgon Avenue Extension: Craighead County, *Arkansas*. Construction of a route from Jonesboro to US–63 By-pass (1.1 miles). Highway project S–126(1), Job C–16–11. Comments made by Arkansas State Forestry Commission, Commerce, DOI, DOT, several State of Arkansas agencies. (ELR Order #788, 19 pages) (NTIS Order #PB–202 660–F) 9/14.

S.H. 7: Union County, *Arkansas*. Reconstruction of 7.6 miles of highway from Highway 335 to a point about 2.5 miles northwest of Smackover. Purpose: improve transportation between El Dorado and Camden and to bypass Smackover. Comments made by DOI and various State of Arkansas agencies. (ELR Order #799, 18 pages) (NTIS Order #PB–202 662–F) 9/17.

Route 1: San Luis Obispo County, between Baywood Park under crossing and Route 101, *California*. Construction of 7.9 miles of freeway on new alignment (most of project will consist of conversion of existing expressway to freeway). Construction planned for 1976. Project SLO–1–101–P.M. 16.4/27.9. Comments made by, State of California agencies, DOI, DOT, Audubon Society. (ELR Order #747, 29 pages) (NTIS Order #PB–202 450–F). 9/8.

Route 113: Yolo County, *California*. Construction of a freeway on same alignment between the Solano-Yolo County line and a point .7 miles south of Mullen Crossing near County Rd. 27. Will pass through the Davis Campus of the Univ. of Calif. Highway project 03–YOL–113. No draft statement received. Comments made on the project for the record at the Public Hearing or after the Public Hearing were made by concerned citizens, University of Calif., city of Davis, Chamber of Commerce, Sacramento Regional Area Planning Commission. (ELR Order No. 850, 105 pages) (NTIS Order No. PB–202 806–F) 9/21.

State Highway Rte. 4: San Joaquin County, *California*. Upgrading .6 mile to an elevated freeway between Stanislaus St. and Wilson Ave. in Stockton. Highway project FAP–39, 10–SJ–4. Comments made by HEW, DOT, AEC, FPC, DOI, Army COE, various State of California agencies, Stockton Unified School District, Pacific Gas and Electric Co., Southern Pacific Transportation Co., University of Calif. (ELR Order No. 862, 43 pages) (NTIS Order No. PB–199 008–F) 9/22.

Freeway Route 101: Humboldt County, *California*. Construction of a 4 lane facility with provision for 2 more lanes between Elk River and 1.3 miles northeasterly of Eureka Slough. Conversion of city streets in Eureka to freeway. There are 427 living units, housing about 1,000 people, within the right of way for the recommended route. Highway project FAP–001:01 HUM–101. Comments made by DOI, USDA, DOT, HUD, EPA, various State of California agencies, County of Humboldt, Univ. of Calif., City of Eureka, concerned citizens. (ELR Order No. 881 62 pages) (NTIS Order No. PB–198 687–F). 9/24.

Delaware Route 2 (Kirkwood Highway): New Castle County, *Delaware*. Improvement of intersection with Cleveland Ave. and replacement of bridge over the Baltimore and Ohio Railroad. Comments made by HUD, USDA, Delaware River Comm., State of Delaware. (ELR Order No. 876, 20 pages) (NTIS Order No. PB–199 580–F) 9/24.

US–441: Broward County, *Florida*. Extension of 4-lane road from north of Margate to the Broward-Palm Beach County line (about 5 miles). State Job No. 86100–1507, FAP S–12 (11). No draft statement received. Comments made by USDA, DOI, HUD and various State of Florida agencies. (ELR Order No. 716, 24 pages) (NTIS Order PB–202 453–F) 9/8.

SR–30 (US–98): Franklin County, *Florida*. Replacement of existing bridges over the Carrabelle River with a single concrete steel structure. Some dredging and spoiling of the Crooked and Carrabelle Rivers and marshlands. Highway project F–017–2(27). Comments made by DOI, HUD, Army COE. (ELR Order #849, 42 pages) (NTIS Order #PB–198 717–F) 9/21.

SR–76: Brooks County, *Georgia*. Relocation from SR–33 to FAS 1213 (Quitman-Morven Rd). Highway project S–055 9(3). Comments made by State Clearinghouse, HUD, USDA, EPA. (ELR Order #668, 12 pages) (NTIS Order #PB–202 337–F) 8/31.

Georgia project S–0956 (3): Chatham County line on SR–30, east and northeast to SR–21. Partly a new location. Comments made by USDA, DOI, Army COE, HUD, EPA, various State and County agencies in Georgia. (ELR Order #861, 21 pages) (NTIS Order #PB–198 832–F) 9/22.

FAS Rte. 971: Sac County, *Iowa*. Construction of a new secondary road from Lake View north for 4.5 miles. Will eventually provide direct connection between Lake View, Black Hawk State Park and US–20. Section 4(f) approval given by DOT for 1.03 acres of Tomahawk marsh required for project. Highway project S–1706. Comments made by USDA, DOI, and State of Iowa. (ELR Order #884, 18 pages) (NTIS Order #PB–) 9/24.

US–83 Bypass: Finney County, *Kansas*. Construction begins 9/24. 1.5 miles south of Garden City at US 83 and extends northeasterly and north for 3.8 miles on new location to a junction with US–156. (First stage of bypass of Garden City). Highway project 83–28 F 017–1 (23). Comments made by USDA, HEW, DOI, Commerce, Army COE, EPA, HUD, State Clearinghouse. (ELR Order #878, 24 pages) (NTIS Order #PB–199 319–F) 9/24.

I–24: Paducah, *Kentucky*. From 1000 ft. east of Kentucky Highway 994, southeasterly to 2600 ft. east of Kentucky Highway 450. Project is 4.4 miles long and will be a 4-lane road. Highway project I–24–1(3) 8. Comments made by DOT, DOI, HUD, USDA, Army COE and Kentucky, Dept. of Natural Resources. (ELR Order #670, 22 pages) (NTIS Order #PB–202 328–F) 9/1.

KY 80 (Somerset-London Rd.): Pulaski County, *Kentucky*. Construction of a 2-line (ultimate 4-lane) segment of Appalachia Development Hwy. Corridor "J" beginning at Buck Creek at Stab and extending easterly to the Pulaski-Laurel County line at the Rockcastle River. Comments made by DOI, Army COE, DOT, HUD, USDA and various State of Kentucky agencies. (ELR Order No. 704, 47 pages) (NTIS Order No. PB–202 332–F) 9/7.

Inner Loop Freeway: Shreveport, *Louisiana*. Construction of a 4-lane highway from junction of I–20 and Buncombe Rd. to proposed Industrial Loop (9.4 miles). Highway project 700–06–92. Comments made by USDA, Commerce, DOI, HEW, Army Corps of Engineers, FPC, AEC, HEW and various State of Louisiana agencies. (ELR Order No. 67, 37 pages) (NTIS Order No. PB–202 326–F) 9/1.

M–62 and M–140: Berrien and Cass Counties, *Michigan*. Reconstruction of 7.4 miles between M–140 and Dowagiac, Michigan. Widened to 24 ft. with 10 ft. shoulders on improved horizontal and vertical route. Comments made by EPA, DOI, HUD and DOT. (ELR Order No. 672, 13 pages) (NTIS Order No. PB–202 329–F) 8/31.

FAS–534: replacement of country road generally on same alignment (but would flatten curves) from a point 11.5 miles east of Dupuyer to a mile west of Conrad in Pondera County, *Montana*. One alternative route would go through bird sanctuary. Highway project S–434(1). Comments made by FPC, DOT, DOI, Post Office, Army COE, HUD, USDA, EPA, various State of Montana agencies. (ELR Order No. 746, 22 pages) (NTIS Order No. PB–202 456–F) 9/8.

New Hampshire Route 26: Colebrook, New Hampshire. Reconstruction on new location of highway from intersection with US–3 for a distance of 1.7 miles. Project S–201(1) P, 7860. Comments made by DOI, Army COE, HUD, USDA, various State of New Hampshire agencies. (ELR Order No. 787, 28 pages) (NTIS Order No. PB–199 861–F) 9/10.

US–11: Antwerp County Line-Jefferson County, *New York*. Reconstruction of a 3.9 mile segment from Antwerp Village line to the Jefferson-St. Lawrence County Line generally on existing alignment (2 lanes). Highway project PIN 7057.00. Comments made by USDA and FPC. (ELR Order No. 674, 15 pages) (NTIS Order No. PB–202 327–F) 8/31.

I–88 (The Susquehanna Expressway): construction of segment of expressway between Binghamton, *New York* and the eastern boundary of Oneonta, New York. (Some parts of this segment are not covered in statement.) Highway project PIN 9357.00, .07 and .18. Comments made by USDA, HUD, Army COE. (ELR Order #745, 29 pages) (NTIS Order PB–199 740–F). 9/8.

I–71 (Northeast Expressway): Cincinnati, *Ohio*. Construction of 8-lane freeway, necessary interchanges, ramps, etc. beginning north of Melish Ave. to point just east of Victory Parkway (.9 miles) Will complete construction project for I–71. 4(f) approval was given (5/5 for land required from Walnut Hills Playfield and Victory Park. Highway project I–71–1 (31) 04. Comments made by DOI and city of Cincinnati. (ELR Order #750, 22 pages) (NTIS Order PB–200 013–F) 9/8.

SH–144: Pushmataha County, *Oklahoma*. Development of a Secondary State Highway on new alignment from just north of Moyers northeast to north of Dunbar (12.3 miles). Comments made by University of Oklahoma, Pushmataha Soil and Water Conservation District. Highway project S–66. (ELR Order #752, 11 pages) (NTIS Order PB–200 216–F) 9/10.

SH–123: Osage County, *Oklahoma*. Con-

sists of developing a primary state highway facility on an alignment generally offset from existing SH–123. From 10 miles north of Barnsdall, northerly for 6.6 miles. Comments made by DOT, Indian Nations Council of Governments and State of Oklahoma. Highway project S–5732. (ELR Order #825, 14 pages) (NTIS Order PB–199 238–F) 9/16.

FAS Route 6018: Payne County, *Oklahoma*. Upgrading road to 4-lanes, partially on new alignment, beginning at the intersection of SH–51 and Western Ave. and ending at US–177 in Stillwater (3.2 miles). Comments made by Oklahoma State University, DOT, and Oklahoma Office of Community Affairs and Planning and many concerned citizens. (ELR Order #802, 45 pages) (NTIS Order PB–199 615–F) 9/17.

US–62: Cherokee County, *Oklahoma*. Construction of a new 4-lane highway beginning at the east urban limits of Tahlequah and extending just east of the junction of SH–10 (1.6 miles). Highway project F–508. Comments made by Univ. of Oklahoma, State of Oklahoma, Eastern Oklahoma Development District. (ELR Order #883, 17 pages) (NTIS Order PB–199 594–F) 9/24.

FAS–4504: McCurtain County, *Oklahoma*. Construction of a 2-lane road on new alignment beginning east of Wright City and terminating 10 miles northwest of Broken Bow (3.7 miles). It will be an industrial access road. Highway project S–CS–4529. Comments made by DOI, various State of Oklahoma agencies. (ELR Order No. 875, 16 pages) (NTIS Order # PB–200 010–F) 9/24.

U.S. 76: widening from 2 to 4 lanes between Marion and Mullins, *South Carolina* (about 8.6 miles) Comments made by HUD, DOT, various State of South Carolina agencies. (ELR Order No. 776, 14 pages) NTIS Order #PB–202, 603–F) 9/10.

Railroad track removal and relocation: Greenwood, *South Carolina*. Involves tracks belonging to Seaboard Coast Line Railroad and Southern Railway Company. Comments made by HUD. (ELR Order No. 800, 14 pages) (NTIS Order # PB–199 001–F) 9/17.

Secondary Route 4431: Putman County, *Tennessee*. Construction of 1.2 miles of highway from Willow Ave. and 12th St. to SR–135 on new location. Highway project S–S)–443 (6) State Project 71027–1310–03. (ELR Order No. 673, 6 pages) (NTIS Order # PB–202 330–F) 8/31.

Secondary Route 2373: Sullivan County, *Tennessee*. Replacement of bridge over the South Fork Holston River between Caylors and Silver Grove and improvement of approaches. Highway project S–2373 (10). Comments made by DOT, TVA, HUD, Army COE, USDA, various State of Tennessee agencies. (ELR Order No. 879, 26 pages) (NTIS Order # PB–200 030–F) 9/24.

Loop 375: From I–10 to US–62–180. El Paso County, *Texas*. Involves construction of 7.3 miles of highway across desert terrain. Highway project S–615. Comments made by Commerce, HEW, City of El Paso. (ELR Order No. 718, 15 pages (NTIS Order # PB–202 454–F) 9/8.

US–67, The East-West Freeway: Tom Green County, *Texas*. Construction of a 6-lane divided facility from intersection with Loop 306 west of San Angelo to a point east of San Angelo (8.9 miles). Comments made by Commerce, OEO. (ELR Order No. 874, 53 pages) (NTIS Order # PB–202 924–F) 9/24.

Forest Hill Ave: Richmond, *Virginia*. Proposed construction of a 4-lane bridge and approaches to replace an existing coastline railroad (.2 miles). Highway project T–5502 (6). Comments made by EPA, DOI, various State of Va. agencies, several local agencies. (ELR Order #712, 12 pages) (NTIS Order #PB–199 634–F) 9/7.

US–58: 3–4 mile long by-pass of Stuart, *Virginia* on new location. Project F–024–1. Comments made by DOT, EPA, DOI, various Commonwealth of Virginia agencies (ELR Order #775, 15 pages,) (NTIS Order #PB–198 969–F) 9/10.

Route 123: Prince William and Fairfax Counties, *Virginia*. Relocation of route 123 from 3 miles south of the Prince William-Fairfax County line. Includes a new bridge over the Occoquan River. Highway project F–089–1[ ]. Comments made by the Commonwealth of Virginia Air Pollution Control Board. (ELR Order #777, 13 pages) (NTIS Order #PB–198 880–F) 9/10.

SR–101: Clallam County, *Washington*. Widening of road between Deer Park Rd. and Fairview Rd. Realignment of a small section near Bayley Creek. Highway project F–007–4. Comments made by EPA, DOI, HUD, USDA and various State of Washington agencies. (ELR Order #667, 26 pages) (NTIS Order #PB–202 336–F) 8/31.

US–14, SH–33, C.T.H "YY": La Crosse County, *Wisconsin*. Rebuilding 1.5 miles of existing road 8 miles east of La Crosse. Highway project S 1473(1), 1D 5439–1–71. Comments made by USDA, DOI, DOT, Mississippi River Regional Planning Comm. and Wisc. Dept. of Natural Resources. (ELR Order #669, 16 pages) (NTIS Order #PB–202 331–F) 8/31.

US–18 and 60: construction of a new crossing of US–18 and 60 over the Mississippi River between Marquette, *Iowa* and Prairie du Chien, *Wisconsin*. Consists of 2 large river structures over the 2 main channels, a causeway between, necessary approaches, removal of two existing bridges, etc. Length of project about 2 miles. Project will require lands from the Upper Mississippi Wildlife Refuge. 4(f) approval was given on 7/30/71 for lands required from the Upper Mississippi River Wildlife and Fish Refuge. Comments made by DOI, Army COE, HUD, DOT, USDA and various agencies in the States of Iowa and Wisconsin. (ELR Order #795, 90 pages) (NTIS Order #PB–202, 659–F) 9/16.

US–20–Thermopolis–Worland Road (Big Horn River Bridge): Washakie County, *Wyoming*. Construction of 4-lane section and new location, including a bridge over the Big Horn Rivers, will provide a more direct access to the main business district of Worland. Highway project F–034–4 (9). Comments made by HUD, Army COE, EPA, DOI and various State of Wyoming agencies. (ELR Order #805, 21 pages) (NTIS Order #PB–202 661–F) 9/17.

Urban Mass Transportation Administration

Draft

Title, description, and date

Personal Rapid Transit System in Morgantown, *West Virginia*. The Morgantown PRT will be a computer controlled transport system which will offer fully automatic service and operation. Vehicles will have an electric propulsion system. Purpose: to demonstrate the feasibility of a new system concept of public transportation. (ELR Order #828, 9 pages) (NTIS Order #PB–202 713–D) 9/15.

U.S. Coast Guard

Draft

Title, description, and date

Improvements to Point Loma Coast Guard Light Station, San Diego County, *California*. Involves installation of about 450 lineal feet of rubblemound revetment at the base of the bluff around the point. Purpose: protect the light stations from erosion to the bluff caused by waves. 8/31.

Final

Title, description, and date

Bee Line Expressway extension: construction of fixed dual highway bridges over the St. Johns River between Brevard and Orange Counties, *Florida*. Includes 2 approach causeways through St. Johns River marshlands. The major concern is the impact on the Dusky Seaside Sparrow, an endangered species that lives in the marsh. Comments made by Army COE, DOI, various State of Florida agecies and the Florida Audubon Society. (ELR Order #882, 32 pages) (NTIS Order #PB–202 920–F) 9/24.

DEPARTMENT OF TREASURY

Contact: Richard E. Slitor, Assistant Director, Office of Tax Analysis, Washington, D.C. 20220 (202) 964–2797.

Draft

Title, description, and date

Legislative proposal to repeal the excise tax on passenger automobiles. This proposal, part of the President's New Economic Policy, provides for the repeal of 7 percent manufacturers excise tax on new passenger automobiles. Would be effective as of the date of the President's address. (ELR Order #728, 16 pages) (NTIS Order #PB–202 649–D) 9/8.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH SEPT. 30, 1971

BY AGENCY

	Draft[1]	Final[2]	Total[3]
Agriculture, Department of	39	82	121
Appalachian Regional Commission	1	0	1
Atomic Energy Commission	27	24	51
Commerce, Department of	0	7	7
Defense, Department of	3	2	5
Air Force	3	0	3
Army	5	4	9
Army Corps of Engineers	156	234	390
Navy	5	4	9
Delaware River Basin Commission	3	0	3
Environmental Protection Agency	3	8	11
Federal Power Commission	15	4	19
General Services Administration	15	14	29
HEW, Department of	1	0	1
HUD, Department of	8	8	16
Interior, Department of	44	31	75
International Boundary and Water Commission—United States and Mexico	3	2	5
National Aeronautics and Space Administration	18	4	22
National Science Foundation	2	0	2
New England River Basins Commission	1	0	1
Office of Science and Technology	0	1	1
Tennessee Valley Authority	11	1	13
Transportation, Department of	814	322	1,136
Treasury, Department of	1	3	4
U.S. Water Resources Council	1	0	1
Total	1,179	755	1,934

[1] Draft 102's for actions on which no final 102's have yet been received.
[2] Final 102's on legislation and actions.
[3] Total actions on which final or draft 102 statements for Federal actions have been received.

Note: Separate 4(f) statements not incorporated in 102 statements received from DOT are not included.

BY PROJECT TYPE

	Draft[1]	Final[2]	Total[3]
AEC nuclear development	8	7	15
Aircraft, ships and vehicles	2	3	5
Airports	27	100	127
Buildings	1	4	5
Bridge permits	14	4	18
Defense systems	2	1	3
Forestry	2	3	5
Housing, urban problems, new communities	7	4	11
International boundary	4	2	6
Land acquisition, disposal	11	19	30
Mass transit	3	1	4
Mining	5	1	6
Military installations	9	2	11
Natural gas and oil:			
Drilling and exploration	4	4	8
Transportation, pipeline	4	2	6
Parks, wildlife refuges, recreation facilities	7	12	19
Pesticides, herb cides	5	10	15
Power:			
Hydroelectric	19	3	22
Nuclear	23	16	39
Other	13	1	14
Transmission	7	5	12
Railroads	1	0	1
Roads	656	206	862
Plus roads through parks	112	9	121
Space programs	8	0	8
Waste disposal:			
Detoxification of toxic substances	3	1	4
Munition disposal	2	3	5
Radioactive waste disposal	1	1	2
Recycling	0	0	0
Sewage facilities	2	4	6
Solid wastes	1	0	1

	Draft [1]	Final [2]	Total [3]
Water:			
Beach erosion, hurricane protection	2	20	22
Irrigation	16	8	24
Navigation	38	85	123
Municipal and industrial supply	3	1	4
Permit (Refuse Act, dredge and fill)	4	0	4
Watershed protection and flood control	126	192	318
Weather modification	7	3	10
Research and development	12	6	18
Miscellaneous	8	12	20
Total	1,179	755	1,934

[1] Draft statements for actions on which no final statements have been filed.
[2] Final statements on legislation and actions.
[3] Total actions on which final or draft statements for Federal actions have been received.

A LEADING BAPTIST REPLIES TO "AMERICANS UNITED" IN SUPPORT OF PRAYER AMENDMENT

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. WYLIE. Mr. Speaker, recently the so-called Americans United mailed to all Members of Congress a paper entitled "Fallacies and Falsehoods of the Wylie Amendment," which I regard as not accurate. Dr. James M. Bulman, parliamentarian of the Southern Baptist Convention, has responded.

I commended Dr. Bulman's letter to the attention of my colleagues:

DOCTOR BULMAN'S LETTER

A paper issued by Americans United, with headquarters in Silver Spring, Maryland, criticizes the following proposed amendment to the U.S. Constitution:

"Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

One point particularly in the criticism is deserving of consideration. Before taking up this point, some observations will be made about the rest of the paper.

Certain alleged "fallacies and falsehoods" are set forth concerning "the drive to amend the First Amendment to the U.S. Constitution." If the prayer amendment is passed, it is claimed, "all the court decisions which have been based on the First Amendment *since the founding of this nation* will be undermined." Actually, the First Amendment has not remained inviolate throughout our republic, but was extensively changed by the Fourteenth Amendment of 1868 as the latter has been interpreted comparatively recently. Thus the Supreme Court acknowledged in Schempp case in 1963:

"This Court has decisively settled that the First Amendment's mandate . . . has been made wholly applicable to the states by the Fourteenth Amendment. Twenty-three years ago . . . this Court, through Mr. Justice Roberts, said: '. . . The Fourteenth Amendment has rendered the legislatures of the states as incompetent as Congress to enact such laws'."

Of course, only by such inclusion of the states was it possible for the high court in 1962 to ban a prayer sanctioned by the state of New York; and the same for other decisions of recent years relating to religion. The prayer amendment sponsored by Representative Wylie would restore to some extent the original provisions of the First Amendment.

The paper put out by Americans United claims that "voluntary prayer" is still "permitted in all public places," and also even *denominational* prayer—since "voluntary prayer necessarily reflects . . . the denominational orientation of each individual."

If one believes that prayer which is both "voluntary" and "denominational" is permitted in the schools, and wants it this way, then, obviously, he must regard the Wylie amendment, in authorizing only "*non*-denominational" prayer, as taking away something which we now enjoy. But if one wants voluntary and denominational prayer to be permitted, but believes that prayer of any kind, even *non*denominational prayer, is *not* now permitted, then, just as obviously, it would seem, he will look upon the Wylie amendment as offering some change for the good.

The paper cites the 1962 decision as saying the First Amendment must "at least mean that . . . it is not part of the business of government to compose official prayers for any group of the American people to recite." It is to be noted that this is a *partial* statement of what, in the eyes of the court, is prohibited: the First Amendment is said to mean *"at least"* what the court here sets forth. That the court regarded *more* to be prohibited than official "composing" of prayer is indicated by the further statement that the "power, prestige and financial support of government" cannot be placed behind religion: this might mean that school facilities are not to be used for religious exercises, and that school employees are not to participate with students in such exercises. And this is just what was said some months later when the Schempp decision found religious services objectionable because "held in school buildings under the supervision and with the participation of teachers employed in those schools." As stated in the following summary which the late Senator Dirksen had placed in the Congressional Record (Sept. 19, 1966):

Not only did the Supreme Court in 1962 and 1963 prohibit religious services in the schools, where "in neither case was any child compelled to participate"; but since then, "a federal court has ruled, in a case arising in Whitestone, New York, that public school teachers cannot even permit pupils to recite prayers in classrooms by themselves and on their own initiative. The Supreme Court *refused* to review this last ruling."

Subsequent action by the high court has been to the same effect.

While professing to be able to see "voluntary prayer" as permitted by these court decisions, Americans United strangely are unable to see it in the Wylie amendment. This amendment, they claim, actually would not permit "voluntary" prayer, since it "doesn't even mention 'voluntary prayer'," and would even "forbid" such prayer. It is all the more improper for Americans United to try to make something out of the absence of the word "voluntary," since the 1962 decision, which they insist permits voluntary prayer, only use the word "voluntary" to say that prayer which is "voluntary" is *not* free . . . from the limitations of the Establishment Clause" of the First Amendment! But, of course, the Wylie amendment does not say that people are compelled to pray; and what it says about the "right" to pray must be understood in connection with the First Amendment's provision for the "free" exercise of religion.

It is suggested that there are sinister connotations in the amendment's reference to persons as "lawfully assembled"—as if this is somehow a threat to "freedom of assembly." Those "lawfully" assembled are to be defined in accordance with the First Amendment's provision for those "peaceably" assembled.

The question is raised whether a *church* is to be classified as a "public building," which, in the words of the proposed amendment, is one "supported in whole or in part through the expenditure of public funds." If so, it is argued, the amendment would "place in dire jeopardy the freedom and independence of all churches in America since it implies that only 'nondenominational' worship may lawfully be offered in public buildings." And it is pointed out that churches are classified as "public buildings" in the building codes and safety and fire regulations of most cities.

But what a city classifies for a particular purpose would by no means necessarily be the same as what the Supreme Court has classified in reference to such a subject as now before us. It is sufficient to say that if churches were now classified by the Supreme Court as public buildings "supported in whole or in part through the expenditure of public funds," then none of the churches could be in operation. In the Schempp case, the court cited with approval these previous judicial pronouncements:

"The effect of the First Amendment to our Constitution was to take every form of religion out of the realm of things which could directly or indirectly be made public business and thereby be supported in whole or in part at taxpayers' expense. . . . The Amendment's purpose was . . . to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion."

Clearly, then, for the churches now to exist they must, and do, come under the classification of institutions *not* "supported in whole or in part at taxpayers' expense."

By what appears to be a rather odd twist, the Americans United contention is that authorization of "nondenominational" religious exercises would prevent tax support from being withheld from *"parochial"* schools—which by definition could hardly be anything other than denominational. This does raise the question as to just what is the "nondenominational" religious exercise which the amendment would permit, and we shall go into that question after a couple of other matters are noticed.

It is claimed that the proposed amendment will not help repair the breakdown of morals within our society. Such provision for prayer is described as "like putting a band-aid on a cancer." We shall not go into the question of the objective efficacy of prayer—though it may be remarked that Americans United appear to be making rather pretentious assertions as to what might and might not be responded to by the Almighty. One man may think a prayer of no value, while another may think quite differently. Why must the latter be prevented from saying the prayer simply because it is lightly regarded by the former?

But the question of the subjective significance of prayer needs some comment, especially in view of the court's contention in 1962 that "when the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain." Thus, the court meant that even though, say, a few atheistic students would not be compelled to join in a prayer, yet the government's sanction of that prayer in the classroom would exert undue influence on this minority.

By the same token, when the machinery of government, as now the case, supports the position of atheists and others who do not want prayer in the schools, then "indirect coercive pressure" is exerted against those who believe that prayer is important enough to be included in the schools. The court professes that the position of government toward religion is neutral—but "neutral you cannot be." In excluding religion from the classroom, the government is in

effect inculcating the idea that religion is to be ignored in our national life. That which is ignored will easily be felt to be insignificant. Government sanction of prayer at least will not encourage the youth of today to think that religion may as well be dispensed with.

If the majority of students want to have prayer in the classroom, why should they have to submit to the will of a minority who not only do not want it for themselves but do not want others to be allowed to have it? Where a difference of opinion exists, everyone cannot have his way. Should not the majority prevail, with, of course, provision for one to be excused from participating in an observance to which he cannot conscientiously consult. Under the Wylie amendment, nobody would have to conform to the practice of those who want to pray in school; whereas as things now stand, those who want to pray must conform to the practice of those who do not want to pray.

The paper labels it a "falsehood" to think that the "promoters of this prayer amendment" are primarily interested in prayer "as an end in itself." I cannot speak for others. I can only say—as one who has tried to "promote" this amendment, not by activity in Washington, but in North Carolina—that I resent any assertion or insinuation that my efforts are not motivated by the primary concern for prayer as an end in itself.

Now for the one criticism of some merit. The criticism, to be sure, is expressed not very clearly or consistently. The upshot is that the term "nondenominational" allows of various definitions. This is true for our language in general. But what about the language of the court and the Constitution?

The 1962 decision recognized that the prayer sanctioned by New York was itself nondenominational in that it referred to "the fact the prayer may be denominationally neutral." That prayer consisted of the following words: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country." At least it would be a gain to have the Constitution changed so as to permit *this* prayer, or so I feel; for while it does not express all that I should desire, it is all right as far as it goes. This New York prayer is much like the religious sentiment of the Declaration of Independence, which is often said to be "deistic" (or "the religion of nature"); and its author, Thomas Jefferson, was rather deistic. Yet, the arch opponent of deism, John Witherspoon, signed the Declaration. The Calvinism (Presbyterianism) of Witherspoon did not exclude the concept of "nature's God" expressed in the Declaration. The religion of the Declaration was, from the standpoint of Witherspoon, true as far as it went.

But Americans United, while contending that "nondenominational might variously be defined, yet positively assert that it is definitely defined in one sense: "A prayer in the name of Jesus Christ would be forbidden in any public building by this amendment. No basis is given for this assertion. But I shall give basis for maintaining the contrary.

The Constitution must be interpreted consistently with itself. The Wylie amendment, on becoming a part of the Constitution, would mean that any religious concept authorized within the sphere of government by the Constitution is to be classified as "nondenominational." Contrary to popular claim, the existing Constitution is *not* altogether neutral in respect to religion: there is recognition of "*the year of our Lord.*" which, it cannot successfully be denied, can only refer to Jesus Christ. Thus to this extent the United States Constitution is a *Christian* document! This recognition of Jesus Christ authorized within the sphere of government by the Constitution would, by the addition of the Wylie amendment, be classified as "nondenominational." Thus prayer in reference to Jesus Christ as "Our Lord," or to the "year" of His birth, would be "nondenominational"; otherwise, the Constitution in one place would be authorizing only "nondenominational" religious concepts within the sphere of government, and then, inconsistently, in another place would be authorizing a "denominational" concept within that sphere.

NIXON LEADS IN HARRIS POLL

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. SPRINGER. Mr. Speaker, I know that many of my colleagues have been wondering how the various polls rate the candidates from time to time. The Louis Harris poll in the Thursday, October 28, 1971, Chicago Tribune is herewith attached and I think would be of interest to many in the Congress:

THE HARRIS ANALYSIS—MUSKIE FALLS FARTHER BEHIND NIXON

(By Louis Harris)

Sen. Edmund Muskie (D. Me.) continues to slip in the polls and now trails President Nixon by 12 points in the latest Harris Survey. In interviewing completed Oct. 1, the President leads Muskie by 47 to 35 per cent with Gov. George Wallace of Alabama at 11 per cent. A month earlier, Nixon's lead was only 43–41 per cent, with Wallace at 12 per cent.

Between September 23d and October 1st, a cross section of 1,387 likely voters 18 and older were asked questions identical to those over the past two years.

In the latest results, Nixon has opened up a wider lead over Muskie than at any time since February, 1970. He has come back dramatically from his low point of an eight-point deficit in April of this year. Undoubtedly, the President is benefiting from having seized the initiative on the pivotal issue of peace with his announced trips to Peking and Moscow and on the crucial economic issue here at home with his wage-price freeze.

Muskie's fall has been most precipitous among two of the most independent-minded segments of the electorate: young people under 30 and the most affluent group earning $15,000 a year and over.

Both had been staunch supporters of Muskie in earlier surveys, and he had registered his gains over the President over the past year primarily among these groups. Now among young people, Muskie is running no better than even and he has fallen far behind Nixon among the most affluent and best educated voters.

Whenever a sharp change as this occurs, it is always problematic whether it has been caused by an increase in the appeal of one man or a decline on the part of the other. In this situation it is entirely likely that the Nixon upward movement has been the result of his recent dramatic moves at home and abroad. By the same token, Muskie does not appear to have developed the solid base of popular appeal to withstand such a Nixon offensive.

When Wallace is eliminated from contention, Nixon holds a clear 10-point lead over Muskie in a two-way contest.

Again, the turnabout in the fortunes of the two men is apparent. Back in February, on a two-way split, Muskie led the Republican incumbent by a 48–42 per cent margin. Now, Nixon has reversed the standings and has opened a substantial gap between him and the Democratic frontrunner.

[In percent]

	Nixon	Muskie	Wallace	Not sure
Nationwide:				
Latest	47	35	11	7
August	43	41	12	4
By age:				
Under 30:				
Latest	38	38	14	10
August	35	37	11	7
30–49:				
Latest	46	40	10	4
August	43	41	13	3
50 and over:				
Latest	49	32	11	3
August	48	35	13	4
By income:				
$5,000 to $9,999:				
Latest	41	36	13	10
August	43	34	14	9
$10,000 to $14,000:				
Latest	50	39	8	3
August	48	39	11	2
$15,000 and over:				
Latest	57	34	6	3
August	49	44	6	1

THREAT TO CIVIL LIBERTIES

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. RYAN. Mr. Speaker, on Friday, October 29, the Washington Evening Star reported that the Department of Justice is currently undertaking the development of regulations designed to eliminate automatically from their jobs Federal employees whose beliefs and associations the Government decides are "subversive."

The dangers of such actions are clear. The loss of employment because of speech, beliefs, and associations is clearly contrary to the philosophy of the Constitution and the guarantees of the first amendment.

Yet according to that newspaper account, the plan being contemplated by the Department of Justice would abolish those legal safeguards now in effect, and would set new standards which would bring dismissal of an employee if the Government felt his continued employment "would not promote the efficiency of the service."

As a Congressman who believes that the Bill of Rights provides essential safeguards which must be maintained and as a member of the Committee on the Judiciary, I am most strenuously opposed to any regulations which would jeopardize an employee's constitutional rights. Therefore, on Friday, October 29, I wrote to the Attorney General expressing my grave concern in this matter, calling upon him to insure that the rights of Federal workers not be abridged by any regulations considered by the Justice Department, and requesting a full report on this issue.

At this point, I include in the RECORD an article by Joseph Young which appeared in the Washington, D.C., Evening Star on October 29:

UNITED STATES MOVES TO FIRE "SUBVERSIVES": AUTOMATIC OUSTER CALLED FOR IN PLAN

(By Joseph Young)

The Nixon administration is drafting plans for the automatic firing of all federal employees who are members of any organiza-

tion the government decides is "subversive" or "revolutionary-terrorist."

The plan would abolish present legal safeguards adopted following the witchhunts of the Joseph McCarthy era in the 1950s and the loyalty programs of the late 1940s.

It would apply to both "sensitive" as well as "non-sensitive jobs in government.

Mere membership in a group listed by the attorney general as "subversive" is not now grounds to fire a federal employe. The government must prove that an employe is an "active and knowing" member of such an organization.

The proposed new standards would bring the dismissal of an employe if the government decided his continued employment "would not promote the efficiency of the service."

Apprised of the administration's proposed changes, federal employe union leaders expressed alarm that this could result in a new witch-hunt in the federal service.

They also express concern that the proposal would mean virtually any employe could be fired on vague charges.

The union leaders ask who is to determine in these rapidly changing times of social stress and upheaval which organizations are "subversive" or "revolutionary" and which are not?

Federal union leaders say there is a grave danger that government employes belonging to groups demanding an end to the fighting in Vietnam or in the cause of school and housing integration and other social issues would stand to lose their jobs if the plan becomes effective.

Asst. Atty. Gen. Robert C. Mardian, chief of the Justice Department's internal security division, referred to the proposal in remarks prepared for an Atomic Energy Commission security conference. Mardian has also indicated the administration's thinking on the matter in testimony before Congress.

The ideas discussed by Mardian are only "working proposals," a Justice Department spokesman said today.

"These proposals," he said, "are simply part of our current evaluation of the existing security system."

Officials have not yet decided whether it would take new legislation or only a presidential order to put the proposals into effect, if a decision is made to implement them, the spokesman added.

In his remarks to the AEC group, he described as "legalism," federal court decisions which carefully circumscribed operations of internal security programs.

He said that "legal distractions . . . have placed an onerous, if not impossible, burden on government and industrial security officers," and that the new standards are part of several proposals to correct this.

Among others he named was a July 2 executive order from President Nixon authorizing the Subversive Activities Control Board to hold hearings and designate groups that fall into the "subversive" or "revolutionary-terrorist" category.

This order is under attack in Congress. There have been bills introduced by Sen. Sam Ervin, D-N.C., to bar use of federal funds to enforce the order.

Mardian argued that evaluating the membership in groups "dedicated to revolutionary-terrorist" principles would offer a "more realistic" test than present standards.

Mardian argued that government agencies should be able to fire employees if membership in an offending group would diminish his agency's efficiency.

Mardian added that "the vast majority of Americans would . . . agree that persons who are knowing members" of such groups "should not be employed in even non-sensitive positions, not simply because they are disloyal, but because such people are not likely to improve the delivery of governmental services of a government system they are trying to destroy."

Queried by Jared Stout of the Newhouse News Service as to which additional organizations would be named as subversive or which kind of activities by federal employees would be regarded as subversive or revolutionary-terrorist, Justice Department spokesmen declined to do so.

A Justice Department spokesman said the proposed plan could take the form of either legislation or a presidential executive order.

A SHOT HEARD 'ROUND THE WORLD

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. DANIEL of Virginia. Mr. Speaker, the decision by the United Nations to seat Communist China and expel Nationalist China may well have ramifications beyond those anticipated by our former friends who were so jubilantly celebrating the event on October 25. Even though tension had been mounting for some time over how the United Nations would resolve the question of the "two Chinas," the final tally of votes on the Albanian resolution was indeed a "shot heard 'round the world"—to borrow a phrase rooted deep in American history.

I feel those words describe appropriately the effect which that action will have in the years ahead. Those member nations whose representatives behaved in such an undignified manner will have their joy tempered, I believe, by the repercussions of that irresponsible vote. Already, sentiment has swelled in the Nation and in the Congress to alter U.S. participation in that body. Some Members advocate U.S. withdrawal from the United Nations; others favor a reduction of our contribution to that body.

I, for one, am convinced that the time has come for a long, hard look at the nature and extent of our participation in the U.N. Certainly, there is justification for some burden-sharing. Accordingly, I have joined with a number of my colleagues to introduce legislation which would require that, for any calendar year after 1971, this Nation's contribution to the budget of the United Nations shall be limited to an amount which bears the same ratio to the budget of the U.N. and its agencies as the total population of the United States bears to the total population of the U.N.'s member states.

For entirely too long, the United States has shouldered a disproportionate share of the cost of the United Nations. The American taxpayers have rescued the organization from bankruptcy time and time again. For instance, for fiscal 1971, the United States assessment on a per capita basis, amounted to 8 times the amount paid by the Russians, 2½ times that paid by the French, and and 1½ times the United Kingdom's contribution. Furthermore, the United States contributes almost twice as much to the U.N. as the Russians; yet Russia—by an amazing tactic, has three votes in actuality; whereas the United States has one. There seems to be no justice.

In admitting Mainland China, the United Nations has violated its own Charter; the objectives and goals of the organization have been compromised. The American Legion, long known for its commitment to the principle of freedom, has expressed "profound dissatisfaction and disappointment" at the United Nations' decision. The response of this organization parallels my own feelings; therefore, I would like to include the fine statement of the American Legion in the RECORD.

The article follows:

THE AMERICAN LEGION NATIONAL COMMANDER EXPRESSES LEGION DISSATISFACTION WITH UNITED NATIONS ACTION IN SEATING RED CHINA—EXPELLING TAIWAN

WASHINGTON, D.C.—The American Legion National Commander, John H. Geiger, of Des Plaines, Illinois, today expressed the "profound dissatisfaction and disappointment" of his organization with the UN action yesterday recognizing Communist China, and expelling the Republic of China from the world body. The full text of Geiger's statement follows:

"On behalf of the nearly four million members of The American Legion, its Auxiliary and affiliated organizations, I am compelled to express my most profound disappointment and dissatisfaction with the decision of the United Nations General Assembly yesterday to admit Communist China to the world body and to expel the Republic of China. The American Legion has adamantly opposed the admission of Communist China to the UN and supported the Republic of China as the sole legitimate representative of all of China in that body.

"We are shocked that the UN has deemed it appropriate to seat Chinese Communist representatives who have seldom upheld the principles upon which the United Nations was founded. We are appalled that the General Assembly voted also to expel the Republic of China which has consistently upheld the Charter and which has made many valuable contributions to peace and to the welfare of the developing nations throughout the world. I am convinced this action by the UN General Assembly can only damage the reputation and effectiveness of the world organization and all its agencies."

"This nation remains firmly committed by treaty to the defense of the Republic of China against aggression from Communist China. Our government must continue to live up to this commitment and we shall watch very closely to see that there is no weakening of our resolve to do so. I believe that our government leaders must now consider very seriously a substantial increase in military assistance to the defensive forces of the Republic of China, and that we must enhance our own military capability in that area to deter possible aggression. I am convinced that the UN actions yesterday have encouraged Communist China in the belief that it can feel free to seize Taiwan by force. We must prevent that tragedy at all costs.

"Regarding the United Nations itself, we of The American Legion are now evaluating America's relationships with that organization and will formulate new Legion policies toward it. While I do not necessarily feel that a retaliatory cut in United States contributions to the United Nations is any answer to the problem, I do feel that a thoroughgoing revision of UN structures and procedures is necessary at this time.

"In the 1971 National Convention, The American Legion announced its support for President Nixon's visit to mainland China in the interests of seeking peace and reducing tensions. We continue to support the visit but we urge the President again not to take any steps that would in any way alter our existing political, economic and military relationships with the Republic of China or otherwise damage Taiwan's national interests."

Mr. Speaker, I would like to insert at this point an editorial on the same subject which appeared in the Lynchburg News in my State of Virginia. This excellent expression needs no elaboration by a second party.

The article follows:

THE DAY THE U.N. DIED

Twenty-five years ago the editor of this newspaper wrote an essay lauding the idea of the new United Nations which won first prize at Lynchburg College. Fresh from the searing experiences of World War II, he went hook, line and sinker for the idealistic rhetoric and language surrounding the creation of the U.N. Within a decade he was disillusioned, but he still held to a forlorn hope for this organization which promised so much and which could, if properly and honorably utilized, blur the tensions of nationalism and pave the way for—if not peace, then the absence of global conflict. Few things scar a man as deeply as the betrayal of a dream. Time and again the U.N. betrayed that dream by deviating from its Charter and purpose. On Monday of this week—Oct. 25, 1971—seventy-six nations ruthlessly betrayed that Charter and for all practical purposes transformed the U.N. into an organization representing their special interests. It is no longer a world organization, but represents the Communist power bloc and its satellites, fellow-travelers and hangers-on.

Under its Charter, the U.N. cannot expel a member nation except for violations of that Charter. But it expelled the Republic of China, a founding member, which has never violated the Charter.

Under its Charter, the U.N. cannot admit a member which does not subscribe to the principles of the Charter. But it admitted the Communist Government of China which has refused to abide by Charter principles and codes of conduct and considers itself not bound by them—a government which has consistently refused U.N. membership and has never formally applied.

Under its Charter, the U.N. cannot interfere in the internal affairs of a nation. It has betrayed that principle many times, but on Monday it took unto itself the power to determine what government shall represent a nation.

It expelled a government representing 14 million people—a nation larger than all but a handful of the U.N. members. And the action was taken, largely, by nations ruled by dictatorships, military and political. They, in effect, voted for one of their kind.

And they did so with the most abusive language toward those nations which dared to defend the Charter and the Republic of China.

The United States, represented by the administration of Richard Nixon, laid the groundwork for the betrayal. The President signified that Red China would be welcome in the U.N. when he sought an invitation to visit that country. The U.N. realistically took that to mean that Mr. Nixon would not seriously object, if he would object at all, to the seating of the Communist regime as the "legitimate" rulers of their enslaved people.

This was admitted by the Pakistani ambassador who voted for the expulsion of the Republic. Said he: "I would like to acknowledge that President Nixon's new policy contributed to the victory."

Even so, the Nixon Administration could exercise its veto in the Security Council to block the General Assembly action. But Richard Nixon is going to Peking. He is not likely to veto its admission into the U.N. on the eve of his trip.

One gets the impression that the U.S. insistence on "two Chinas"—the admission of Peking while retaining Republic membership—only served as an elaborate smokescreen to cover up Mr. Nixon's decision not to oppose Red China membership—and to sacrifice the Republic if need be. Peking has maintained all along that it would not accept membership as long as the Republic remained in the U.N.

Henceforth, membership in the U.N. will depend upon those members of the Communist club and their followers who have ignored the Charter and its principles and taken unto themselves the authority to determine who shall qualify for membership—and which government shall represent a nation.

These nations have turned this last hope for peace and justice into an instrument of repression.

Their vote represented the pragmatic worst in human nature—its willingness to sacrifice principles and ideals for expediency. Their vote represented a denial of human rights. It was a ruthless betrayal of the highest ideals of humanity, for which the rest of the world eventually must pay a fearful price.

Their final gesture was fitting: when the Republic of China refused to take part in this betrayal and walked out before the final vote, those nations which betrayed it—applauded!

Applauded their own duplicity and degradation.

THE STILL SLUGGISH ECONOMY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. HARRINGTON. Mr. Speaker, despite official pronouncements from the White House, the statistics fail to prove that 1972 will be, as President Nixon said, a "very good year." The press is reporting that inflation has not been stopped. In New York last week, the Times reported that meat prices went up. The economy is still sluggish, and the rate of unemployment has not declined.

Except for automobile sales, consumer spending has not risen noticeably. At a meeting of the Business Council a week ago, two corporation officials said the investment credit would improve profits but would not add to employment or the gross national product.

As Hobart Rowen in the Washington Post wrote last week, the new economic program must have more than the illusion of stimulus to improve the economy. The policy, to be truly effective, must create jobs, must reduce prices, and must expand the economy. Until that occurs, there will not be much progress. At this time, I insert Mr. Rowen's article in the RECORD:

GOALS ELUDING NIXON: THIRD QUARTER ECONOMY "JUST PLAIN DISMAL"

(By Hobart Rowen)

The performance of the U.S. economy in the July-September quarter was just plain dismal, although the Nixon administration hasn't lost its talent for de-emphasizing bad news.

According to the Commerce Department's official data, the Gross National Product rose by a rate of only $15.9 billion, or 6.3 per cent, to a seasonally adjusted annual rate of $1,059 billion.

Since more than half the gain was due to inflation, the real rate of growth was only 2.9 per cent or well below the 4 per cent rate that the economy needs to keep up with the steady growth in the labor force; anything less simply assures higher unemployment.

The crumb of satisfaction that the administration economists wrung out of the poor 3rd quarter picture was that the GNP "deflator"—the best measure of inflation in the economy as a whole—dropped to 3.3 per cent from 4 per cent in the 2nd quarter.

But the hard real significance of the GNP numbers is that the progress of the U.S. economy in moving out of the 1969–70 recession is not satisfactory.

It is not just the certainty that the GNP will hit only about $1,050 billion for the year as a whole, and not the administration's extravagant $1,065 billion forecast; that had long since been foredoomed.

The problem is that unless the economy is pushed forward with more vigorous steps, recent ebullient forecasts (such as Walter Heller's) that GNP in 1972 will increase by $100 billion or so may also become candidates for the ash-heap. None of Heller's Democratic colleagues have gotten out on that limb with him.

Let us stop and recall for a moment the rationale behind the price freeze and the Phase II of the wage-price controls program that will begin on November 14.

The argument has been that an "incomes policy"—vaguely defined as some sort of wage-price limits—was needed because:

1. There was a unique combination of unemployment and inflation (stagflation is the word used by some) that classic monetary and fiscal policy had failed to control.

2. In order, thus, to control inflation while expanding economic activity (so as to create more jobs) wages and prices would have to be held down by the government order.

3. With a wage-price control network in effect, expansionary moves to "get the economy moving again" could safely be undertaken.

Meanwhile, while official Washington has been pre-occupied with establishing the machinery for a Pay Board and Price Commission, the expansionary phase of the program is still stuck in the congressional mill. And the effectiveness of the key measure—the 7 per cent investment credit—is highly debatable, inasmuch as the economy is operating substantially under capacity.

The key indicators at the moment are not terribly encouraging about the future. Automobile sales, it is true, have risen sharply, but largely stimulated by the prospective repeal of the 7 per cent excise tax. The auto sector, in fact, dominated whatever minimal gains there were in the 3rd quarter.

Consumer spending generally hasn't shown the response hoped—namely, a broad-scale advance predicated on the assumption that price controls would put a lid on inflation.

At the Business Council meeting a week ago in Hot Springs, the estimates of the economy for 1972 were anything but ebullient. Two of the leading corporation officials in the country said flatly that the investment credit-might improve the profits picture in 1972, but not jobs or the GNP.

Ralph Lazarus, a keen analyst of consumer trends, finds the individual keeping a tight hold on his wallet while looking for real bargains in terms of quality. The head of Federated Department Stores, Inc., Lazarus said that an additional $20 to $30 billion in purchasing power could be released "if reasonable consumer confidence" were restored. This would require, Lazarus said, "greater determination on the part of business, labor and government."

And although the average person (unless he depends a great deal on imported goods or does much travel abroad) is less aware of the international implications of Mr. Nixon's New Economic Policy, the threat of a worldwide recession triggered by a trade war may be beginning to sift into consumer consciousness.

Many officials, notably Federal Reserve Chairman Arthur F. Burns, had been counting on a psychological lift from the price freeze: if businessmen and consumers were convinced that the cycle of inflationary expectations was finally broken, then they would spend their money freely.

But there is so much uncertainty about the form and the power of the Pay Board and the Price Commission, so much a wait-and-see attitude, that both businessmen and the average consumer seem uneasy. The concessions won by George Meany and the other labor leaders, and the failure so far to establish a wage yardstick, seem to have convinced Wall Street that while corporate prices may be pinned down, wages will be controlled with a loosely-woven sieve.

This, of course, would be a disaster: there is widespread support, among ordinary citizens, for controlling out-size wages and prices. The business community and ordinary citizen were way ahead of Mr. Nixon on this one, and it will be a shame if his long-delayed action now loses its impetus. A tough program is needed to make the thing work.

Politicians are well aware that the economy—jobs and prices—has supplanted Vietnam as the key issue for next year. Mr. Nixon, when he moved to freeze wages and prices, and "float" the dollar, converted, in a single stroke, what had been a "minus" issue for him to a potential plus. But to get votes on the economic issue, he has to produce results, in terms of lower prices, reduced unemployment, and growth in the economy. So far, those real goals of his NEP have eluded him.

OPPOSITION TO TITLE X OF THE HIGHER EDUCATION BILL

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. ERLENBORN. Mr. Speaker, I announced on the floor last Wednesday my intention to offer an amendment to the sex discrimination provisions of title X of the higher education bill, H.R. 7248. My amendment will exempt the undergraduate admission policies of institutions of higher education from the provisions of title X.

I am offering my amendment because I do not believe that the Federal Government should regulate the ratio of sexes within our undergraduate institutions. It would be a dangerous precedent for us to inject the Federal Government into the internal administration of private institutions, and would create a serious threat to the autonomy of our institutions of higher education and the American higher education system as we know it.

Since announcing my intention, I have received support from numerous institutions and associations. In addition, I have noted several editorials opposing the provisions of title X in the New York Times and Washington Post. For the information of my colleagues, I would like to insert some of the letters I have received and the editorials I have noted at this point in the RECORD:

HARVARD UNIVERSITY,
Cambridge, Mass., November 1, 1971.

Hon. JOHN N. ERLENBORN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. ERLENBORN: In response to your request, I am writing to express the views of Harvard University in regard to Section 1001 of Title X of H.R. 7248. We oppose this section in its present form for the reasons set forth below.

Although increased Federal aid to higher education will be vital in years to come, many university officials are gravely concerned that such assistance will bring restrictions that will unwisely impair the essential autonomy of their institutions. In contrast with the situation in many other countries, our system of higher education has benefited greatly from its diversity and from the autonomy given to individual institutions in matters of educational policy. It is a grave mistake to depart from this tradition and encumber Federal aid with restrictions which impose uniform requirements on matters of educational policy unless such requirements are so imperative as to leave no room for honest debate or difference of opinion. The very fact Section 1001 entirely exempts institutions of student bodies substantially of a single-sex suggests that the principal of equal admissions does not satisfy this standard. We will suggest below some further reasons why the requirement would not be beneficial for an institution such as Harvard.

1. *Effect on Harvard.* The potential effect on Harvard University stems from one aspect of the University: undergraduate education in Harvard College. All of Harvard's graduate schools admit women on a non-discriminatory basis, and have done so for a number of years.

On the undergraduate level, however, a system of coordinate education between Harvard and Radcliffe College has evolved over the years. Radcliffe is a separate corporate entity and operates its own admissions program for women, but by agreement with Radcliffe, Harvard undertakes to provide the educational system for women who are admitted by Radcliffe. It is not clear whether Section 1001 would effect this coordinate education program; for the purposes of this letter we will assume it does.

The critical problems for Harvard are primarily financial and educational. If women were added in very large numbers without decreasing the number of men, substantial costs would be incurred in housing additional students and in providing the financial aid, teaching personnel, medical and athletic facilities, etc., required to accommodate them. In addition, it is quite likely that students and faculty will object to the adverse educational effect of such a large increase in the size of the undergraduate body. If, on the other hand, larger numbers of women were admitted with compensating reductions in the number of men, the University would run educational and financial risks of a different kind. Since women have been much less inclined than men to concentrate in the sciences, a heavy substitution of women for men might under-utilize our science faculties and require expensive additions to our faculty and staff in already crowded departments in the humanities and social sciences.

In the longer run, there may be an even more serious risk of substantially impairing the level of alumni support to the University. Although Federal support has been and will continue to be vital, Harvard's quality as an institution will continue to be heavily dependent on private support. Sixty percent of all alumni gifts, which amounted to $21.5 million last year, to the *University* (not merely the College) are attributable to Harvard College alumni. The available evidence seems to suggest that alumni support their university to a degree far in excess of alumnae. For example, Harvard alumni contribute to Annual Giving at a *per capita* rate over four times that of Radcliffe graduates, and large disparities are also evident at other private universities. Although some may think it desirable to have important issues turn on such financial considerations and others may argue that different trends will emerge in the future, the fact remains that Harvard—together with other private universities—confronts a most precarious financial future. Harvard has already added to its present burdens by assuming a deficit at Radcliffe that currently exceeds $600,000 per year. While this step was highly desirable, and even necessary, we find it very difficult not to oppose any policy that would bring substantial new burdens and thus jeopardize the welfare of future generations of Harvard and Radcliffe students as well as the faculty and employees of the University.

2. *Broader Effect.* It is likely that Harvard would not be the only institution that would face serious financial and education problems. But more generally, as a matter of policy it does not seem sensible for the Congress to take a definitive stance on coeducation. This question, at least for the time being and at the undergraduate level, should be left to the individual institutions to decide. Over the past few years there has been a good deal of change and experimentation. But very few, if any, educators think that they know all the answers.

Section 1001 would impose an answer. It says, in effect, institutions must be either substantially single sex or completely equal. It says that if an institution is single sex and wants to try coeducation, it must then become irrevocably coeducational and move to complete equality in admission of both sexes. Obviously, some institutions that might wish to begin admitting students of the opposite sex will feel seriously inhibited if they cannot move in this direction without committing themselves to such a massive shift in the composition of their student body. Section 1001 expresses a certainty of knowledge that does not exist and severely inhibits change and experimentation.

Further, problems may well arise in the administration of Section 1001. Equality in admitting students is not a matter susceptible of easy demonstration, especially in institutions where many factors other than grade points, averages, and test scores are taken into account. Government officials could thus be led to engage in increasingly detailed review and regulation of admissions.

Quite apart from the specific problems inherent in Section 1001, we would emphasize once again the dangers involved in efforts by the Federal government to shape the educational policies at colleges and universities. Almost all colleges and universities are heading toward financial difficulty and only rarely can an institution remain competitive if it refuses Federal aid while other institutions accept it. As a result, it is no answer to say that Section 1001 imposes no requirements. In fact, it places very heavy pressure on institutions of higher learning to abide by its terms in order to qualify for assistance and thus tends to impose uniform requirements and an essential function of our universities. This is not the last time that Congress will be asked to regulate the activities of colleges and universities. We strongly urge you to consider what this tendency will mean for the qualities of diversity, experimentation and autonomy that we have encouraged in the past.

Sincerely,

CHARLES U. DALY.

SMITH COLLEGE,
Northampton, Mass.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

MY DEAREST SENATOR KENNEDY: I am writing to express my concern with respect to

Section 1001 of Title X of H.R. 7248. Insofar as this section would apply to the admission policies of undergraduate colleges, I do not think it would be sound legislation and I ask your support in opposing it.

As you know, Section 1001 would deny Federal financial assistance to institutions of higher education that excluded persons from participating on the basis of sex. Certain exceptions are made, including one excepting an educational institution in which substantially all of the students are of the same sex. Although Smith College has a few men living on campus as guest students and a somewhat larger number taking individual courses as visitors from neighboring colleges, the proportion of men in our courses is quite small and no men are admitted as candidates for the undergraduate degree. Therefore, Smith College would not be directly affected by Section 1001.

Nonetheless, I believe that Section 1001, if it became law, would be harmful to the best interests of those it is designed to protect. There are two principle reasons for this.

First, it has by no means been demonstrated that any one form of education is best for all students. On the contrary, it is widely held that there should be a variety of options open to students. With respect to the balance between the sexes, this variety should include various alternatives ranging all the way from single-sex institutions to participation by both sexes in only a part of the college's program to full coeducation. To meet the needs of students of differing preferences and temperament and to provide that variety of institutions that will permit experimentation as to the best ways in which the goal of equality between the sexes can be achieved in American society, it is important that the intermediate options between single-sex institutions and fully coeducational ones be possible. It is precisely these options that Section 1001 would strike down. In so doing, it would impoverish American education and American society.

The second principal reason that I urge your opposition to Section 1001 is that it would tend to have a deleterious effect on women's colleges, which are the very institutions that have been established to provide for women educational opportunities equal to those available to men and to prepare and encourage women to participate fully in American society. If coeducational colleges, including those that were formerly for men, are required within a stated number of years to abandon consideration of sex when selecting candidates for admission, as Section 1001 would require, one effect might be to cause some students who would otherwise attend women's colleges, and for whom the women's colleges would actually be the most beneficial educational environment, to attend a coeducational institution. This would be a disservice both to such individual students and to the women's colleges as a group.

In summary, I feel that Section 1001 of Title X of H.R. 7248, as it refers to undergraduate admissions, should not be passed because of its prospective negative effect on the richness and variety of American higher education and on the colleges most expressly devoted to the advancement of the position of women.

Sincerely yours,

THOMAS C. MENDENHALL.

YALE UNIVERSITY,
New Haven, Conn., October 28, 1971.

Hon. JOHN N. ERLENBORN,
House Office Building,
Washington, D.C.

DEAR MR. ERLENBORN: I write in connection with the pending higher education authorization bill, and specifically about Title X, which bans sex discrimination both in the employment of faculty and the admission of students. Certainly such discrimination should not be permitted in employment matters or in academic programs leading to employment (law, medicine, and the like), but I doubt that Congress knows more than anybody else on the subject of the proper mix of sexes in undergraduate programs, and on this latter score the present diversity ought to be allowed to continue.

There is no evidence at all to support the argument that any fortuitous division of the sexes in an undergraduate student body is good and any controlled division—even 50–50—is bad, yet that is the necessary conclusion from Title X.

Proponents of the ban argue that federal tax monies should not go to an institution which admits students on the basis of sex any more than such monies should go to a college which discriminates on the basis of color. The analogy is false, because we know that racially separate education is inherently unequal, but we know no such thing concerning the separate education of boys and girls or of men and women. Title X itself concedes the falseness of the analogy, because it would permit an institution to bar all men or all women—even from graduate programs.

Only institutions which admit both male and female students come under Title X, and even then some sex quotas are permissible, for the bill (as amplified by the committee report) allows a college to decide that 90% or more of its student body, graduate or undergraduate, shall be of one sex and 10% or less shall be of the other. But Yale University, which does not permit any sex quotas in graduate admissions, whose first year undergraduate class is more than 20% female, and which is earnestly determined, for educational reasons, to increase the numbers of its women undergraduates, would be barred by Title X from exercising its own judgment and deciding its own pace in such matters. Frankly, I cannot understand why Congress would wish to condemn our present approach but would not object if Yale imposed an upper limit of 10% on the numbers of women admitted to the University. Legislation with such anomalous consequences cannot be right.

The bill would allow colleges in transition, like Yale, seven years to end numerical quotas for undergradaute men and women, but only if the U.S. Commissioner of Education approved the plan by which we were working toward the end of quotas.

I admire Commissioner Marland, but Title X contains no standards for the kind of plan he should approve or disapprove, and there is no reason to suppose his judgment about the admissions process at Yale is superior to, and certainly it cannot be informed as, that reached here on campus. If the Congress is to hand such a thankless task to the Commissioner—and you will understand that I am not recommending it do so—then Congress should not shirk its duty to prescribe the criteria by which a college is to be judged both for the benefit of the Commissioner and of the institution which has to develop and submit a plan.

It seems to me that Title X is a flawed attempt to deal legislatively with one of the unsolved, only half understood problems of our culture, namely, how to assure that there will be no arbitrary and irrelevant barriers to the full development and use of women's talents. Wisdom on this issue has come, slowly so far, and many women are understandably impatient, but impatience alone does not teach the proper remedy—as the defects in Title X demonstrate.

If the title is not stricken from the bill and returned to committee for more study, then I urge at the least it be amended to:

(a) Remove its application to undergraduate programs;

(b) Extend its application to all graduate programs, saving only those where religious tenets are involved, and

(c) Close the loophole which would permit an all male or all female institution to coeducate, while still retaining quotas, by adopting a co-ordinate program, as with Harvard-Radcliffe, Columbia-Barnard, etc.

Such changes in Title X would make it fairer, administratively workable, and limited in its scope to those aspects of the higher educational process, faculty employment and graduate study, where there can be no doubt that sex quotas ought not to be used.

Sincerely,

ALFRED B. FITT,
The Special Adviser.

PRINCETON UNIVERSITY,
Princeton, N.J., October 28, 1971.

Hon. JOHN N. ERLENBORN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ERLENBORN: Having just been informed that an amendment to H.R. 7248 to exempt undergraduate education from the provisions of Title X is under consideration, I am writing to support such an amendment. In doing this, I want to emphasize that I am an advocate of fair and equal opportunity for women, but I believe that it will be best advanced without federal regulation that interferes with the autonomy of colleges in choosing their own student bodies and works against the diversity of educational opportunities which is one of our society's great assets.

In my view, this is a case in which the effort to support a worthwhile principle by nation-wide regulation affects adversely other important principles and in the final result may also work often against the very principle the proposed legislation seeks to advance.

Thus, it is very important to maintain and advance academic standards while pursuing the goal of equal opportunity. Here at Princeton University and at other colleges and universities, the educational process could be seriously weakened by a precipitous requirement of an equal admissions policy as a condition of federal assistance. In our third year of undergraduate coeducation, we have been able to enlarge our enrollment of women faster than at first was thought possible because of the freedom we have had in planning the best use of our educational resources. If we should have to go even faster than planned, the educational strengths, of faculty and laboratories, for example, built up over the years to meet the needs of male students would have to be diluted as we were forced to add faculty and facilities in other academic fields which women generally prefer. The strain this would put on the University's finances would be very severe. In other words, Title X of H.R. 7248 would cause both academic and financial difficulties for Princeton and would weaken rather than improve the opportunity which the University so recently opened to women students.

Elsewhere, it would seem to me, Title X well may reduce rather than promote equality of opportunity for women. Single sex institutions which have considered becoming coeducational could be expected to shy away from it because of the arbitrary requirement and pacing of the transition by federal legislation.

Also, where colleges and universities are wrestling with their academic and financial problems, I believe that Title X may seriously hamper educational innovation and change. For example, Dartmouth College is considering an imaginative new academic calendar while seeking to promote the education of women by becoming coeducational. In such cases the freedom to shape the curriculum without the handicap of outside regulation concerning admissions is of the utmost importance. Title X appears greatly to restrict Dartmouth's ability to make the changes it is contemplating.

No one supports the goal of fair and equal opportunity for women more strongly than I. However, I suggest that the means proposed in this legislation are the wrong means to advance that objective in American higher education.

Sincerely,

ROBERT F. GOHEEN.

DARTMOUTH COLLEGE,
Hanover, N.H., October 27, 1971.

Hon. CLAIBORNE PELL,
Hon. WALTER F. MONDALE,
Hon. THOMAS F. EAGLETON,
Hon. JACOB K. JAVITS,
Hon. PETER H. DOMINICK,
U.S. Senate, Washington, D.C.

DEAR SENATORS: I am writing to you to express my serious concern with the provisions of the pending Higher Education bill as they pertain to admission of students to undergraduate colleges.

The Senate-passed Higher Education bill contains no provisions with respect to discrimination on grounds of sex in higher education. The House Education and Labor Committee has reported a provision (Title X) which would prohibit such discrimination in both admissions and employment.

Dartmouth would welcome a ban on sex discrimination in graduate school admissions, and in the employment, pay, and promotion of faculty and administrative employees. In both areas, the denial of equal treatment for women has an immediate detrimental effect on their professional careers. It is personally frustrating to women, and it deprives the country of their skills and productivity.

However, the House provisions, by encompassing undergraduate admissions, is in my opinion an unwise extension of Federal control. I offer the following reasons for this view:

Unlike the situation which prevailed until the mid-1960's with regard to black students, there are excellent opportunities available to women in undergraduate education. In 1970, more than 41% of total college enrollment in America was female. In the Eastern United States, th.re are superb all-female colleges, as well as outstanding coeducational institutions.

One of the strengths of higher education in this country is its diversity. This is particularly important to students and their families. Some students do best in an environment of their own sex; some where students of their own sex are a distinct majority of the college population, others in an equally balanced student body. Many university presidents can give you vivid examples of the way in which students perform differently in different social environments.

Many formerly single-sex schools are now changing to coeducation. For a number of these schools, it is extremely important that they be free to experiment with varying ratios of men and women on the campus. Although the House bill gives them seven years in which to establish a practice of open admissions, financial consideration may make that timetable impossible. And, as I have pointed out above, it may well be that a particular ratio of men to women is more suitable to the students in a given institution than an equal mix. Some schools, seeing that they are destined to lose control of their admissions policies at the end of the seven-year period, will doubtless elect to remain single-sex (or will accept a percentage of the other sex not exceeding 10%, the House bill's figure). Thus the effect of the provision may turn out to be the opposite of its intention.

There is no question that many schools will suffer a substantial loss of alumni contributions if they are compelled to adopt an open-admissions policy with regard to sex. It will take time and discretion if the support of many alumni is to be gained for a basic change in the character of their schools. The Congress should not, with one hand, offer new financial support for colleges, and with the other, set in motion a process that will reduce existing private resources.

There is an even more fundamental danger inherent in the House bill. It does not specify clearly defined criteria on the basis of which discrimination would be judged. During the hearings there were suggestions that they might be based purely on the basis of scores from College Board tests. If Dartmouth College were forced by the Federal government to base admissions entirely on the basis of College Board tests, it would fundamentally change the nature of the institution. For example, we could no longer continue our very substantial Equal Opportunity Program. I would consider it most unfortunate if a bill that purports to provide more opportunity for women would accidentally destroy the great progress that has been made in the admission of minority students to our major universities.

In a matter such as this, wise public policy would suggest a measured approach. Congress ought not to use Federal support—which amounts to only a small fraction of the universities' revenues for undergraduate education—as the lever by which to force extraordinary changes in operations of private institutions, where there is no compelling constitutional or social need to do so.

May I ask for your help in making sure that the Higher Education Act does not include the House provision extending the prohibition of discrimination to undergraduate admissions.

Sincerely yours,

JOHN G. KEMENY.

ASSOCIATION OF AMERICAN UNIVERSITIES,
Washington, D.C., October 29, 1971.

Representative JOHN N. ERLENBORN,
Cannon House Office Building,
Washington, D.C.

DEAR MR. ERLENBORN: The presidents of universities which are members of the Association of American Universities (list attached) discussed at a meeting on October 27 the progress of universities in removing discrimination against women, and problems which must be solved by a number of institutions if their plans for admitting increased numbers of women are to be met. They noted the increase in enrollment of women in many institutions and reaffirmed their commitment to progress towards removal of all forms of discrimination at the maximum feasible rate.

In connection with this discussion, the universities expressed opposition to Title X of H.R. 7248 as it applies to admission of undergraduates on the ground that it would establish an undesirable degree and kind of Federal influence over the ability of institutions to select students. Maintenance of the appropriate degree of university control over selection of students, faculty and academic programs is essential to the maintenance of the autonomy of universities, which is in turn the key to the contributions which they can make to society.

The members also stressed their judgment that the enactment of Title X would tend to reduce the diversity which is a uniquely valuable characteristic of the American system of higher education.

Sincerely yours,

CHARLES V. KIDD,
Executive Secretary.

MEMBERSHIP OF THE ASSOCIATION OF AMERICAN UNIVERSITIES

Donald F. Hornig, President, Brown University, Providence, Rhode Island 02912.

Harold Brown, President, California Institute of Technology, Pasadena, California 91109.

Charles J. Hitch, President, University of California, Berkeley, California 94720.

Louis A. Toepfer, President, Case Western Reserve University, Cleveland, Ohio 44110.

Clarence C. Walton, President, Catholic University of America, Washington, D.C. 20017.

Edward H. Levi, President, University of Chicago, Chicago, Illinois 66037.

Glenn W. Ferguson, President, Clark University, Worcester, Massachusetts 01610.

Frederick P. Thieme, President, University of Colorado, Boulder, Colorado 80302.

William J. McGill, President, Columbia University, New York, New York 10027.

Dale R. Corson, President, Cornell University, Ithaca, New York 14850.

Terry Sanford, President, Duke University, Durham, North Carolina 27705.

Derek Curtis Bok, President, Harvard University, Cambridge, Massachusetts 02138.

John E. Corbally, Jr., President, University of Illinois, Urbana, Illinois 61801.

John W. Ryan, President, Indiana University, Bloomington, Indiana 47405.

W. Robert Parks, President, Iowa State University, Ames, Iowa 50010.

Willard L. Boyd, President, University of Iowa, Iowa City, Iowa 52240.

Milton S. Eisenhower, Interim President, The Johns Hopkins University, Baltimore, Maryland 21218.

E. Laurence Chalmers, Jr., Chancellor, University of Kansas, Lawrence, Kansas 66044.

Wilson H. Elkins, President, University of Maryland, College Park, Maryland 20742.

Jerome B. Wiesner, President, Massachusetts Institute of Technology, Cambridge, Massachusetts 02139.

Clifton R. Wharton, Jr., President, Michigan State University, East Lansing, Michigan 48824.

Robben W. Fleming, President, University of Michigan, Ann Arbor, Michigan 48104.

Malcolm C. Moos, President, University of Minnesota, Minneapolis, Minnesota 55455.

C. Brice Ratchford, President, University of Missouri, Columbia, Missouri 65202.

Durward B. Varner, Chancellor, University of Nebraska, Lincoln, Nebraska 68508.

James M. Hester, President, New York University, New York, New York 10003.

William C. Friday, President, University of North Carolina, Chapel Hill, North Carolina 27514.

J. Roscoe Miller, Chancellor, Northwestern University, Evanston, Illinois 60201.

Novice G. Fawcett, President, Ohio State University, Columbus, Ohio 43210.

Robert D. Clark, President, University of Oregon, Eugene, Oregon 97403.

John W. Oswald, President, Pennsylvania State University, University Park, Pennsylvania 16802.

Martin Meyerson, President, University of Pennsylvania, Philadelphia, Pennsylvania 19104.

Robert F. Goheen, President, Princeton University, Princeton, New Jersey 08540.

Arthur G. Hansen, President, Purdue University, Lafayette, Indiana 37907.

W. Allen Wallis, Chancellor, University of Rochester, Rochester, New York 14627.

John R. Hubbard, President, University of Southern California, Los Angeles, California 90007.

Richard W. Lyman, President, Stanford University, Stanford, California 94305.

Melvin A. Eggers, Chancellor, Syracuse University, Syracuse, New York 13210.

Charles A. LeMaistre, Chancellor, University of Texas, Austin, Texas 78712.

Herbert E. Longenecker, President, Tulane University, New Orleans, Louisiana 70118.

Alexander Heard, Chancellor, Vanderbilt University, Nashville, Tennessee 37203.

Edgar F. Shannon, Jr., President, University of Virginia, Charlottesville, Virginia 22903.

Charles E. Odegaard, President, University of Washington, Seattle, Washington 98105.

William H. Danforth, Chancellor, Washington University, St. Louis, Missouri 63130.

John C. Weaver, President, University of Wisconsin, Madison, Wisconsin 53706.
Kingman Brewster, Jr., President, Yale University, New Haven, Connecticut 06520.

OPPOSITION TO THE PRAYER AMENDMENT CONTINUES TO GROW

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. SCHWENGEL. Mr. Speaker, every day more and more citizens of this Nation are coming to realize the potential harm contained in the so-called prayer amendment. Typical of this concern is that attributed to the archbishop of Atlanta, Thomas A. Donnellan, by the Atlanta Journal. The archbishop stated:

I don't feel that the present interpretation of the Constitution on the matter of public prayer abridges religious rights.

Additional religious groups have indicated their opposition, or reaffirmed their earlier opposition. They include the following:

[National Council of Jewish Women, Inc.]

TOPICAL STATEMENT: SEPARATION OF CHURCH AND STATE

The National Council of Jewish Women is concerned and alarmed by efforts to amend the Bill of Rights to permit non-denominational prayers in our public schools and to invalidate landmark Supreme Court decisions which affirm that governmentally required prayers are a violation of the Constitution.

NCJW speaks as a denominational organization founded on religious principles and dedicated to the protection of religious belief. It holds that freedom to worship in his own way and in the place of his own choosing is the inalienable right of the individual. Separation of church and state is fundamental to freedom of religion.

For almost two centuries the Bill of Rights has served this nation in protecting the religious freedom of its citizens. NCJW opposes all proposals to modify the First Amendment in any way.

H.J. Res. 191 now pending on the Calendar of the House of Representatives poses a major threat to religious freedom in America. It gives the Government power to prescribe the kind of prayer which the individual may offer in public building—non-denominational prayers. The proposed amendment introduces a divisive element into our society and would create no end of confusion and conflict on the definition of what is "non-denominational prayer."

NCJW strongly protests this infringement on the religious liberty of all Americans. Any law concerning prayer is an intrusion upon the conscience of the individual and, per se, violates freedom of religion. It urges the members of the House of Representatives to reject this resolution, or any other which would weaken the First Amendment of the Constitution.

GENERAL CONFERENCE OF SEVENTH-DAY ADVENTISTS,
Washington, D.C., October 7, 1971.

Representative FRED SCHWENGEL,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE SCHWENGEL: The purpose of this letter is to oppose the passage of the School Prayer Constitutional Amendment. On two previous occasions, the General Conference of Seventh-Day Adventists has authorized testimony in opposition to similar bills. This position has not changed.

Seventh-day Adventists welcome the concern and the solicitude for religion which the proposed amendment represents. Prayer is an important element in the life of faith, and contributes much to the moral strength of a nation, especially the youth among us. We believe this to the extent that in addition to cheerfully supporting the public school system with our taxes, we operate the second largest Protestant parochial school system in the United States. However, the Seventh-day Adventist Church emphatically opposes this, or any other, amendment that would have the effect of altering the force and effectiveness of the safeguards and guarantees provided by the First Amendment to the Constitution.

Your opposition to the School Prayer Constitutional Amendment will help to keep this nation strong by helping to keep the First Amendment to the Constitution strong.

Very sincerely,

W. MELVIN ADAMS,
Associate Director, Department of Public Affairs and Religious Liberty.

BOARD OF CHRISTIAN SOCIAL CONCERNS OF THE UNITED METHODIST CHURCH,
Washington, D.C., October 22, 1971.

Re: The Prayer Amendment
To: MEMBERS OF THE HOUSE

DEAR REPRESENTATIVE: I would like to send along to you a copy of our Board's official policy statement on the Prayer Amendment. This resolution was adopted at a recent Annual Meeting held in Washington, D.C.

The statement basically opposes "nondenominational prayers" as most likely to become "meaningless petitions." Also, since undefined by the churches and synagogues, the authorization of such prayers would mean that governmental authority would have to compose and endorse these petitions for use in the classroom. This, we believe, would constitute a breach of the separation of the church and state as provided in the Constitution.

We, therefore, urge that you oppose House Joint Resolution 191 when it comes before the House on November 8th or soon thereafter, as well as any other proposed prayer amendments to the Constitution. We are, of course, unreservedly in favor of prayer but believe it should appropriately be centered in the home and in the churches and synagogues. Your prayerful consideration of this question will be greatly appreciated.

Yours sincerely,

DR. A. DUDLEY WARD,
General Secretary.

PRAYER AMENDMENT TO THE CONSTITUTION

(Statement of the Board of Christian Social Concerns of the United Methodist Church)

The Board of Christian Social Concerns expresses its grave concern over the movement for passage of the Prayer Amendment to the U.S. Constitution. We believe that such action would seriously jeopardize the traditional separation of church and state, erode the guarantees of the First Amendment, and cause substantial and unnecessary divisiveness in the religious community.

We would like to reaffirm the position of the 1968 General Conference of the United Methodist Church when it declared: "Public schools may not properly establish any preferred form of religion for common exercises of worship or religious observance or study."

The concept of government-imposed "non-denominational prayer" tends to ignore prayer as a personal communication between God and man. Such voluntary personal prayers may be offered in the public school at the present time, and are not in violation of Supreme Court decisions of 1962 and 1963.

We believe that "nondenominational prayer"—without particularized faith content and purposely intended to be inoffensive—would most likely result in meaningless petitions. Nothing could better be designed to alienate children and youth from commitment to a vigorous faith than being required to mouth meaningless prayers in the classroom.

We believe it is unlikely that the major faiths will ever agree as to the precise meaning of the phrase, "nondenominational prayer." At the same time we refuse to confer upon governmental authority either the right or the theological competency to compose prayers to be used in public schools. In no way do we disparage the sincere efforts of those who seek to extend the influence of religion in our society. However, we believe the Prayer Amendment is not the proper vehicle. Instead we reaffirm our conviction that worship should be centered in the home, the churches and synagogues, and their congregations, rather than turned over to the schools or any public agency.

We, therefore, respectfully request the Congress of the United States to retain the historic relation between church and state and to oppose House Joint Resolution 191 and any other proposed prayer amendments to the Constitution.

Approved by the Board of Christian Social Concerns on October 7, 1971; vote: 32 Yes, 0 No, 1 Abstain.

Mr. Speaker, additional editorials in opposition to the amendment follow:

[From the Catholic Times, October 10, 1971]

THE PRAYER QUEST

All of the really nifty proposals for constitutional amendments seem to come from Ohio or receive more than a fair share of support from Ohioans. It is evident that there are still many people who believe in legislated morality in our lovely state.

Back in 1917 members of the Women's Christian Temperance Union, with headquarters in Westerville, rejoiced when the Eighteenth Amendment was proposed by resolution of Congress. The Amendment was fully ratified on January 16, 1919, and by reason of its own terms became effective one year later.

It turned out to be the worst constitutional mistake in the history of the nation, but United Sates citizens suffered the effects of prohibition for more than 13 years before the Twenty-first Amendment repealed it.

The problem of prohibition came from the attempt to impose the moral views of a vocal minority on an entire populace. It made crime out of noncrime and forced the production of alcoholic beverages to go underground. Loads of good people became "criminals" and organized crime received fantastic impetus.

The most recent move for amendment action came from a petition drive in Cuyahoga Falls. This drew a response from Representative Chalmers Wylie, who obtained 218 signatures to force a prayer amendment bill out of committee. This amendment would assert that "persons lawfully assembled in any public building supported in whole or in part through the expenditure of public funds" could not be refused the right to participate in non-denominational prayer.

The bill in question had remained in committee because no one could resolve the question, "What does a non-denominational prayer look like?" The answer is, of course, no one knows, because it is impossible to compose a prayer that is not denominational.

If this amendment is proposed congressionally and ratified so that someone or some group is authorized to compose an accepted set of "non-denominational prayers," it could provoke one of the biggest controversies this country has ever witnessed. It would bring up the question of the civil government meddling in the affairs of religion.

The official recognition of certain prayer formulas would also carry the connotation of establishing a kind of religion.

We all know the reason why these petitions, legislative moves in various states and at least eighty proposed bills in both houses of Congress keep coming up—the 1963 Supreme Court decision about prayers in public schools. But the interesting thing is that the Court didn't really forbid prayers in public schools. The decision simply declared that no child could be compelled to participate in prayer against his or his parents' will.

Meanwhile, the First Amendment upholds what still seems to be an adequate defense of religious rights. The present proposal would not only confuse the issue, but actually contradict it.

[From The Baptist Record, Oct. 14, 1971]

DO WE WANT THE PRAYER AMENDMENT

(By Joe T. Odle, editor)

As was seen in a recent Record the proposed Prayer Amendment has been forced out of committee, and will be considered in the House of Representatives sometime in November.

Do we really want and need this legislation which actually could become one of the most dangerous bills ever to be brought before Congress, as far as religious freedom is concerned?

After studying the bill carefully I am convinced that it should be defeated decisively and overwhelmingly.

Now before friends everywhere begin to jump on me, let them look at the bill for themselves and see how dangerous it is.

I am just as much in favor of the right of every individual to pray anywhere, as any proponent of this bill ever could be.

I simply do not want to receive my right to pray from the Government! That right comes from God Himself, and no Government ever should assume or be given the right to say when a person can pray!

Now, again, before crying out that the Supreme Court has ruled out praying in the school room, let me ask you to go back and see what they did rule. All that they said was that the school authorities could not set up a program of proscribed prayer for the school room.

Volunteer prayer has continued in many school rooms, and will so continue. Where it has been ruled out by individuals, that has been upon a misinterpretation of the Supreme Court ruling.

This amendment appears to be very innocent and innocuous. The truth is, however, it is very dangerous.

In the first place that is a "lawful assembly?" Does this mean that some court will have to decide whether a meeting is lawful or not? The Constitution of the U.S. does not use this term. It says "peaceably to assemble." There is a vast difference. In Russia, and in some other countries, religious services are not "lawful." Are we ready to allow the courts to say here whether an assembly is "lawful" or not?

But there is a second weakness and danger in this proposed bill.

It gives the right only for "non-denominational prayer." What is "nondenominational prayer?" Only the courts could decide. To the Jew or Moslem who does not believe in Christ, would my use of the name of Christ in prayer be considered "denominational?" Suppose that some of these unbelievers objected to my using the name of Christ in a prayer in a hospital, in a class room, in a public building or elsewhere? Would this mean that I was praying a "denominational" prayer? Who would decide? If this bill is passed, the decision would have to be made by the courts. Be sure that there would be another "Mrs. O'Hara" who would force the test.

These are just two of the dangers in this bill. Others were pointed out by Mr. Garrett of the Baptist Joint Committee in the recent issue.

I cannot see how any Baptist in the world, loving freedom as we do, could support a bill like this.

Yet, our congressmen are under pressure to pass it. They are being charged with being "against God" if they do not support the bill. They need to know that right thinking Christian citizens do not want this bill passed, and will support them in their vote against it.

I suggest that it would be well for many letters to go from responsible citizens all over this state to our representatives in Congress urging them to defeat this measure.

The first amendment to the constitution has guaranteed our liberties for nearly two centuries. Let us not allow that guarantee to be weakened and even destroyed now, by our emotional effort to get a bill passed that does not even say what we want to say.

All of us for freedom of prayer.

We want that freedom to be from God, and not by the decision of a court. We have seen enough liberties taken away by courts. The right to pray must not be placed in their hands.

[From the Minneapolis Star—Oct. 23, 1971]

A THREAT, NOT AID, TO RELIGION

The school prayer issue that should have been settled with the 1962 Supreme Court decision has cropped up again in Congress. A petition in the House signed by 218 members means that a proposed constitutional amendment to permit prayers in public schools will come to a vote next month.

This method bypasses the Judiciary Committee, and, being unusual, indicates strong pressure is at work, pressure that we find deplorable no matter how well meant.

The 1962 case produced one of Justice Black's most eloquent decisions and provided an example of "strict construction" at its best. It dealt with the nondenominational prayer prescribed for New York schools, and is therefore four square with the new proposal that also speaks of nondenominational prayers in "public buildings," though the real purpose is to reach schools as such.

Black said it is no part of the business of government to compose "official prayers." And more than that, any "union of government and religion tends to destroy government and to degrade religion." But he said nothing could be more wrong than to contend the separation indicated hostility to religion. On the contrary, history showed it strengthened religion, for when government tried to spread faith, many lost respect for religion.

Moreover, it seems to us that in a nation of many faiths, a "nondenominational" prayer that offended none would be meaningless or, more likely, contrary to many religions in form, spirit and fundamental tenet. In that sense it would not be neutral at all.

Parents who want to encourage their children to pray have endless opportunity to do so in the home, in their chosen place of worship or in religous schools. What is disturbing about the advocacy of prayers in public schools is that the goal is not only to add, uselessly, one more place of prayer for those who don't object, but to force a religious observance on those who do. We sense that the object is not so much to benefit the child in some way but to satisfy the mistaken zeal of adults who would force their concept of conventional piety on the society at large.

[The Minneapolis Tribune, Oct. 4, 1971]

PRAYERS IN AND OUT OF SCHOOL

The issue of prayers in public schools, temporarily laid to rest by the Supreme Court nearly a decade ago, has come to life once more. By a small margin, the House has voted to bypass its Judiciary Committee and take directly to the floor a proposed constitutional amendment that would permit nondenominational prayers in any public building.

Again, the lines are forming in this controversy, which encompasses principles of religious and secular freedom and sensitivities about tradition, morality and educational values. The amendment is opposed by officials of 11 national Protestant and Jewish bodies, both liberal and conservative, who say that it would lead to government intrusion into religious affairs. Some other clergymen disagree, however, and scores of bills have been introduced in recent years in an effort to overturn the Supreme Court rulings. A few years ago, it was estimated that about 13 percent of the public schools in the country still held religious devotionals for pupils.

Both Bible reading and prayers in public schools were ruled out by the Supreme Court in 1962 and 1963 decisions. Last April, the court refused to hear a case pertaining to the reading of prayers from the Congressional Record. The case involved a New Jersey public school.

Religion—in many forms—has had a significant place in the history and culture of America. Religious beliefs and practices affects the lives of many Americans today. But free choice of religious denomination and free choice not to affiliate with any religious group or follow any set of beliefs are also basic to American democracy.

Children have ample opportunities to worship and pray in churches, in classes sponsored by religious institutions and at home. At the same time, schools can legitimately teach students such subjects as history of the great religions, the role of religious institutions in world and national history and the effects of religious thought upon literature and art.

Congress should recognize that standardized prayer has no place in public schools attended by children of diverse religions and backgrounds, and that the practice of religion elsewhere is already well protected.

THE DETERIORATION OF U.S. MILITARY CAPABILITY OVER THE PAST SEVERAL YEARS

HON. WALTER E. POWELL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. POWELL. Mr. Speaker, recently I had the honor of attending the Annual Community-Military Dinner held in Dayton, Ohio. Gen. Jack G. Merrell, Commander, Air Force Logistics Command based at Wright-Patterson Air Force Base, delivered the main address of the evening. General Merrell is deeply concerned, as I am, about the deterioration of U.S. military capability over the past several years. At this time, I would like to share General Merrell's remarks with my colleagues:

REMARKS OF GEN. JACK G. MERRELL

I would like to think that this dinner tonight not only recognizes the long and excellent relationship between the Dayton area and Miami Valley community and Wright-Patterson Air Force base, and that it not only honors those of us from Wright-Patterson, but that it has another major significance. It is altogether proper that this event be held on Veterans Day—now one of our major holidays.

For this nation, as well as much of the rest of the world, remains free today primarily because Americans have always answered the

call to arms when that freedom was threatened.

Since the day when the shot heard around the world was fired, about 41 million people have served in our armed services. Twenty seven million of those are living veterans. One million have died in service in all our wars, which is a tragic loss of life, but it represents our national determination to remain free.

Today we are in a period of negotiation, rather than confrontation, with our potential adversaries. However, our aging weapon systems, the deterioration of our physical plants, and the slowdown in our research and development efforts in all our armed forces is a cause of deep concern. This can weaken our chances for successful negotiations and can prove disastrous if those negotiations fail.

We at Wright-Patterson are doing our part. Virtually every aircraft ever flown by the Air Force was developed at Wright-Patterson. Since 1921, the entire air force has been supported from Air Force commands having their headquarters at Wright-Patterson.

And, you all know the importance of Wright-Patterson to the local community. The economic impact is enormous. There are some 25 thousand military and civilian personnel at the base. The annual payroll is more than 325 million dollars. The real property of the base is worth 300 million dollars. Our people contribute generously to the combined Federal Campaign which supports the United Appeal and other charities. In this year's drive, which is not yet completed, Wright-Patterson personnel have already met 101 percent of their quota, contributing nearly four hundred thousand dollars so far.

That is evidence of Wright-Patterson's support for the community. But more important is the Dayton and Miami Valley area's long-standing support for the base. This mutual support makes Wright-Patterson and its people very much a part of the community.

And what is the importance of Wright-Patterson to the nation and the entire free world? I have already alluded to the fact that it is the Air Force's main base for research and development and for logistics. Not so well known are some other facts, such as that many materials developed in our laboratories have application in the civilian industrial economy or that complex management techniques developed at Wright-Patterson have been widely adopted by business and industry.

The list is long, ladies and gentlemen, but it is important the community realize that Wright-Patterson is not just a local asset or a local operation. The activities carried on there have worldwide impact.

Today, we are carrying out our responsibilities in a national atmosphere of anti-militarism and shrinking military budgets. Nevertheless, I am confident of our ability to do what is required of us now and what will be required in the future. Particularly with the support of people such as you.

And what about that future as it applies to Wright-Patterson? I am not clairvoyant, but it is obvious that the fortunes of the base will be influenced by such factors as changes in the military threat and the American public's understanding of that threat, by changes in our commitments to other countries, by changes for better or worse in the anti-military feeling among some segments of our population and some elements of the news media as well as the support of our elected representatives.

Specifically, however, we should keep in mind that Wright-Patterson has been here since 1917. It is a major base. It is protected from the housing encroachment that has caused the closing of other bases.

In the past year, some significant improvements have been made. The President's dedication of the new Air Force Museum was the highlight. The museum was a community project and was supported by the chamber of commerce—Another indication of the strong support for the base.

Our request for construction funds for this fiscal year is now under review in Congress. This includes a new materials laboratory, which will allow this major activity to remain at Wright-Patterson.

When I reflect upon the long history of support that the Dayton and Miami valley area has always given military aviation, and Wright-Patterson Air Force Base in particular, I am vastly appreciative and encouraged.

I am also grateful and moved that the chamber of commerce, representing the community, would again honor us from Wright-Patterson as you have done tonight.

Ladies and gentlemen, I thank you and am indeed proud to be a member of a great community.

EXTENSION OF REMARKS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. ESCH. Mr. Speaker, in rising to support this bill, I should like to address the attention of my colleagues to the needs and interests of college librarians.

Just as the public library serves the entire community—the college library serves the entire institution, all of the student body, the whole research-teaching-learning community of higher education. When Congress assists in the development of college and university libraries, it is promoting the progress of every scholarly discipline and every field of research and learning. Federal assistance to college libraries is therefore by no means a matter of narrowly categorical legislation. It is more nearly general aid to higher education than any other program of Federal assistance, with the sole exception of student financial assistance.

Particularly today, when more and more college students are in programs that permit them to study independently, instead of following the centuries-old system of mass lectures and mass textbook reading, more and more emphasis is being placed on the materials found in the library and the skilled assistance of the professionally trained librarian. Many colleges are considering the enrollment of students, especially adults, who will study for the most part at home or with the aid of television, coming to the campus only rarely.

Other developments which are increasing the pressures on the resources of college libraries are the increases in the numbers of students and the development of course offerings in many new and expanding fields, including black studies, ecology, and social change.

Along with the need to increase assistance under title II–A for library resources, the training needs for librarians, as provided for in title II–B, are of great significance. Until this year, the money appropriated for training in library and information science had been divided between fellowships and institutes for use by library schools. In fiscal year 1971, fellowships were greatly reduced, and they were abandoned altogether for fiscal 1972 in favor of institutes, except for the few doctoral fellowships for which a commitment had already been made. This is a major blow to library training, and library schools everywhere are greatly concerned.

Prof. Edmon Low of the University of Michigan has called this akin to eating our seed corn, since the training of the librarians of the future depends on the continuation now of programs to encourage the preparation of qualified graduate-level teachers of library and information science.

This is an age of computers and of a galaxy of new equipment and techniques for the storage, retrieval and dissemination of information. The future leaders of the profession will need to know more than ever before, and we will need more of them than we now have. Instead of reducing the program, it needs to be continued and strengthened.

Fellowships are particularly helpful in the case of students who could not otherwise pursue graduate training. The dean of the School of Library Science at Atlanta University has called the continuation of title II–B fellowships "a very urgent need" because this private, predominantly black institution would otherwise be unable to prepare librarians to work with disadvantaged children and adults in school, public and academic libraries.

It should be noted that accredited library schools operate in a different setting from most other graduate schools in that they have no undergraduate training programs. They require a bachelor's degree for entrance. This is because they believe their training must be undergirded by a sound and broadly based education in the liberal arts. They thus try to attract the most capable students they can upon graduation from the various disciplines in the natural and social sciences and the humanities, but it is these very same able students whom the professors in each discipline—for example, mathematics, biology, or history—are urging to go on to graduate work in their fields, and usually they can offer either a fellowship or a position of a teaching fellow for undergraduates, an option that the library school does not possess. Therefore, without fellowships, a library school is at a serious disadvantage in attracting quality students for its work.

As a member of the Committee on Education and Labor, I commend these provisions of this bill to you for your favorable action.

EXECUTIVE POWER SOARS WHILE CONGRESS SINKS

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. MITCHELL. Mr. Speaker, I would like to share with my colleagues a column written by TRB entitled, "Executive Power Soars While Congress Sinks"

that Mr. Leon Ried, one of my constitutents shared with me. The column follows:

WASHINGTON.—In the past 50 years White House power has soared while congressional power has sunk. That's America's story for half a century with no end in sight. The shift in power has been so gradual that nobody thinks much about it, and yet the change is so great that it almost amounts to a different form of government.

It began back after the first World War but in recent times Vietnam brought it to a head as L.B.J. pushed a war that Congress never got around to declaring. When he submitted the Tonkin Gulf resolution, Congress whooped it through with only two nays. Now comes Mr. Nixon, who invaded Cambodia without consulting anybody and who now on the domestic side has put the entire economy under federal control. Congress just gapes.

I look around in amazement. Congress is hardly a co-equal branch anymore; it is subordinate. If Truman had tried this a few years ago, Congress would have jumped right out of its skin. Truman sought to stop a rail strike by drafting workers and outraged everybody. Mr. Nixon has a simpler procedure; he freezes wages and prices for 90 days and then moves into a kind of modified corporate state. Part of his technique is sticking in needles and part is hypnosis; it's a kind of economic acupuncture.

I'm not saying the thing is wrong; something had to be done quick after wasting two years on a game plan that didn't work. But I don't think people have grasped yet the complexities and possible consequences of the thing.

Presidential power used to be modified or guided by the Cabinet, and often the big decisions were collectivized. In the Nixon administration the faceless Cabinet seems to have been subordinated to the inner White House staff; the President fired Interior Secretary Hickel when he pleaded merely to get to see him.

Presidential power used to be more closely circumscribed by a belligerent press, a commanding Supreme Court, and a jealous Congress. In one way or another these curbs all have been altered. As to the press, F.D.R. held two press conferences a week before the war. He was crippled but he learned what troubled the country by the reporters' questions. It was two-way communication. Mr. Nixon, by contrast, has had only 20 press conferences in two years and eight months. The press is often obnoxious and is always dreaming up mean questions. But for a leader who can't be queried in parliament, the press conference did manage to penetrate the White House shell.

Mr. Nixon has got a substitute, a one-way communication system. I mean, of course, the spot TV shows. This is government-by-surprise with sudden, startling appearances. He has been on the air 46 times, or more than Lyndon Johnson in five years (28 times) and thrice as many as JFK (15 appearances in two years, 10 months).

The Supreme Court was always there as a curb, too, and still is. Often it has served as a balance wheel, slowing an administration in too much of a hurry, or speeding it up sometimes in time of delay. The great Warren Court was "activist" largely because of a lazy Congress and a President (Eisenhower) who was neutral on civil rights. It advanced the rights of the poor and oppressed.

Everybody knows why Congress is losing power. It's because it won't reform procedures. Like feudal lords the committee chairmen, picked by seniority, run the place and are interested in their own bailiwicks and in local affairs. Congress is wildly inefficient in handling the purse-strings. When Vietnam went sour it didn't dare step in. It left the driving to Papa, and complained comfortably from the back seat.

Now comes the economic crisis which illustrates ironically how little Congress has to say and how the Democrats have tied their own hands. They pushed on Mr. Nixon an economic blank check equivalent to the Tonkin Gulf resolution. This was the Economic Stabilization Act. They voted it primarily because they didn't think the President would use it.

They wanted to embarrass him. He said he didn't want it, wouldn't use it, and would veto it except that it carried one or two technical provisions he liked. Democrats rubbed their hands at their sly trick. Then, suddenly, Mr. Nixon set up a new economic program using all the power they had given him and demanding more.

Maybe this is the wave of the future; maybe we will see a me-too Congress from now on, and even for a while a me-too Supreme Court. But three things about the new economic plan scare us. First is the huge distortion in benefits it gives to big business and to corporations, as against the poor. Second is the precedent it sets for aggrandizing the executive branch while demeaning Congress.

Third is the anxious feeling that this extraordinary extemporized move to the corporate state may not work. Seven men will decide what prices you and I pay; another group will decide our salaries and wages. Can you run America that way? It is divorced from public control. In other days an observer would simply have said no, it won't work, but today it had better work.

It would seem likely that in time Mr. Nixon will produce a boom (with a $30 billion deficit this year, and another expected next year, it would seem hard not to). But the danger comes later on from a real inflationary blow-off around 1973, after the election. And then? Well, if the thing turns into a mess there will be tougher controls, a real recession this time (to discipline labor) and probably a Congress rubbing its eyes.

REVOLUTIONARY ANTIMILITARISM IN COMMUNIST THEORY AND PRACTICE—VII

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. SCHMITZ. Mr. Speaker, in conjunction with the House Committee on Internal Security's investigation into subversion of our Armed Forces I insert in the RECORD at this point part VII of Dr. Robert E. Beerstecher's comprehensive thesis, "Revolutionary Antimilitarism in Communist Theory and Practice."

This portion of the study deals with Communist antimilitary operations during the early 1930's. Chile, Germany, Italy, Denmark, Japan, Peru, and other nations felt the effects of the Communist campaign. In 1932 the seizure of two ships of the Peruvian Navy by Communists resulted in a regular naval and air battle. Similar incidents occurred in other navies.

Communist attempts to undermine the British Navy in this period were extensive. These activities take on added significance in light of the recent expulsion of 105 Soviet agents from Great Britain and the fact that one of the charges brought by the British Government was that the Soviets were attempting to infiltrate the British Navy. The more it changes the more it stays the same.

At the 1933 plenum of the Comintern the extended scope the Communists assign to antimilitary work was reemphasized. The plenum asserted that antimilitary work was to be directed against, "the vital parts of the war machine of imperialism", and the "fate of war is determined by the large factories" and that a correct Leninist approach to antimilitary work combined direct subversion of the fighting forces with disruption of the material and technological base which supports the men in the line. Front and rear are integral parts of the whole. The whole is war, or in the present day in the United States, the whole is our ability to maintain our defenses at a level which precludes Soviet calculations of successful attack against our country. It is no accident that the secretary general of the Communist Party of the United States, Gus Hall, stresses the fact that over 20 percent of the employees in our electrical industries are women when orienting party members to the reasons for CPUSA participation in the "women's liberation movement."

Dr. Beerstecher points out that our extension of diplomatic recognition to the Soviet Union in 1933 greatly increased the prestige of the Communist Party of the United States. With Maxim Litvinov's, then Soviet Peoples Commisar for Foreign Affairs, pledge to President Roosevelt to refrain from subversive activity in the United States still ringing in the diplomatic breeze the CPUSA intensified its efforts to destroy the fighting effectiveness of our Armed Forces.

Part VII of Dr. Beerstecher's study follows:

REVOLUTIONARY ANTIMILITARISM IN COMMUNIST THEORY AND PRACTICE—VII

(A dissertation submitted to the faculty of the Graduate School of Georgetown University by Robert E. Beerstecher, Ph. D.)

XII. "PREPARE FOR POWER"[1]

The Japanese invasion of Manchuria in September, 1931, decided the fate of the Chinese revolution. Rather than sacrifice themselves in a struggle against the superior military power of Japan, the Soviets decided to pursue an overt policy of neutrality. The failure of Russia to intervene militarily in their behalf was a disastrous blow to communist prestige in China which seriously impeded the growth of communism there for several years. Although the international communist press called for an intensification of the struggle against the forces of imperialism, the Soviet press within Russia was careful to avoid making any direct provocative attack against Japan. Instead, the official party line emnating from Moscow stated that American, British and French imperialists were using Japan as a weapon against China and the Soviet Union. In order to stem the tide of anti-imperialist struggles in the Philippine Islands, Latin America and the other colonial nations, the communists asserted, the United States deemed it necessary to "smash" the Chinese revolution.[2] In the United States, the communist party urged its members to form united front committees against intervention. It also called for the formation of antiwar committees and the adoption of resolutions demanding the withdrawal of American warships from China.[3] Similar actions occurred throughout western Europe.

In October, 1931, less than a month after the end of the unsuccessful revolt in the Chilean navy, the secretariat of the South

Footnotes at end of article.

American bureau of the Young Communist International held its third plenary session in Montevideo. At this session a resolution was passed intended to revitalize the antimilitarist program in Chile and to initiate antimilitarist work in Peru.[4] The resolution re-emphasized the necessity for conducting mass antimilitarist work in the army and navy. It directed the young communists in Chile and Peru to begin concrete work among the sailors and soldiers. Work in the armed forces, the resolution explained, should not be considered as conspiratorial work for specialists alone, for it was fundamental mass work to be undertaken by all members of the young communist leagues as well as all working youth. This did not lessen the necessity, the resolution continued, of carrying out conspiratorial organizational work to create illegal calls in the armed forces. The resolution also stressed the necessity for popularizing the slogan of fraternization between the soldiers and the workers, and for agitating for the partial demands of the servicemen. It also accorded recognition to the need for special newspapers and periodicals in connection with the work in the armed forces.[5]

There were several other interesting sequels to the September revolt in the Chilean fleet. In the face of strong government reaction against communism, the Communist Party of Chile again began to adapt its movement and organization to illegal conditions. However, in the next parliamentary elections, the Chilean communists put forward as one of their candidates one of the leaders of the sailors' revolt who was awaiting court-martial. They also intensified their agitational activities in Chile, using the plight of the leaders of the naval revolt as the central propaganda theme. Communist parties throughout the world were ordered to assist the Communist Party of Chile in this fight by the Comintern: "The international proletariat must support the fight of the working masses of Chile to rescue the thousands of sailors and workers from the claws of military justice." [6]

On November 15, 1931, the Young Communist League of Italy convened its eleventh national congress. Antimilitarism was a major item on the agenda at this congress. Discussion of the agitational techniques associated with work in the army and navy was directed by several comrades who had recently completed their own military service.[7] Previously, communist success in penetrating the Italian armed forces and establishing an effective foundation for illegal cells had been retarded by the fact that the Young Communist League of Italy lacked members with military training or experience. Moreover, Italian military authorities had been quick both to recognize the threat which communism represented and to institute internal security measures which countered communist attempts to infiltrate the military command structure.[8]

Recognizing that its efforts to broaden the scope of antimilitarist work in the armed forces would no longer be handicapped by the inexperience of its personnel, the Young Communist League of Italy formulated "in a concrete manner" the tasks to be accomplished by working in the army and navy. It emphasized the possibilities for agitation offered by mass demonstrations to secure better food, refusals to drill, etc. The congress stated that antiwar demonstrations and strikes, unrest among the new army recruits, mutinies in the army and navy, and suspicion and discontent both within and between the paramilitary fascist youth organizations in Italy were clear manifestations of "the rapid and constant process of revolutionization of the masses" [9]

The term *revolutionization* became a part of the lexicon of communism after Yaroslavsky had used the verb *revolutionize* in a speech at the sixth world congress of the Comintern to describe the process through which the masses became imbued with the spirit of revolutionary doctrine. Movements among the troops, Yaroslavsky said, served to "revolutionize" the proletariat.[10] Yaroslavsky advanced the thesis that the proletariat was stimulated by and derived both determination and a sense of what modern "psychologists" would consider "togetherness" from the knowledge that it had the sympathy and "the support of the army or at least a part of it."[11]

The Comintern used Yaroslavsky's theses to justify its directives for an intensification of work within the armed forces. In turn, communist parties and youth leagues, like the Young Communist League of Italy, repeated it to their membership. The communist party's illegal central organ, *L'Unità* (*Unity*), issued special appeals to the Italian soldiers and sailors in which it advanced the action slogans "Down with war!" and "Against intervention in China!" [12] *L'Unità* was one of the primary vehicles for Italian antimilitarist propaganda. Almost every issue carried special columns devoted to the problems of Italian servicemen.

When Italy dispatched a naval division to Shanghai, *L'Unità* called on the Italian masses to "support the Chinese revolution in a concrete manner" by preventing the further dispatch of arms, munitions, warships and troops to China.[13] Focal point for the communist activities against the Italian navy was the important naval installation at La Spenia. More thousands of leaflets and antiwar pamphlets were distributed annually in the barracks and on board the ships of the Italian fleet. The communists conducted most of their secret meetings for the sailors in the town, but some clandestine meetings were held on board ship.[14] Revolutionary activity was most effective aboard the *Andrea Doria* and the *Trieste*, but communist propaganda leaflets discovered aboard these vessels resulted in increased vigilance on the part of naval authorities.[15]

A special antimilitarist conference was held in Germany late in 1931. The results of the conference were reported in the December, 1931, issue of *Oktober*, the German revolutionary journal edited by Ernst Schneller:

"The holding of this conference introduces a new chapter of revolutionary antimilitarist work in Germany. It is of historical importance because at it—in the words of one of its own resolutions—for the first time since 1919, numbers of the armed forces of the bourgeois state have come together in order to debate as to how they may use the weapons given them for fighting against the people, for fighting for the people." [16]

To avoid detection, German communists camouflaged their literature destined for clandestine distribution in the organized military forces. For example, *Oktober*, which could no longer be printed in Germany, was printed in Zurich, and smuggled into Germany under the false covers of the legal journal, *Neue Architektur* (*Modern Architecture*). Similarly, other communist propaganda items were concealed behind such harmless cover titles as *Cross-word Puzzle Journal*, van der Velde's *Technik der Liebe* (*Technique of Love*), or *Latest News from the Motor Show*.[17] Match boxes and cigarette packages were often used as containers for the distribution of folded leaflets and appeals among the troops. A revised German edition of Langer's *Der Weg zum Sieg* was also published in Zurich in 1931 to support the growing revolutionary movement in Germany.

Appeals by the Communist Party to Germany to the "workers, peasants, toilers, young people, soldiers, sailors" followed the international party line with reference to the prevention of the shipment of arms, munitions, airplanes and war supplies to the "Japanese warmongers." "German soldiers," one such appeal stated, "Do not fire on your fellow countrymen! Do not fire on the soldiers of other countries. Fraternize with them." [18]

Manifestos issued by the Communist Party of Great Britain called on all Englishmen to demand the withdrawal of British forces from the Orient.[19] But communist propaganda and agitation was not limited to England alone. British soldiers and sailors stationed in Shanghai and aboard British warships in the Far East were flooded with propaganda leaflets and handbills voicing communist suggestions that they agitate to be sent home. After Invergordon, the Comintern had extended its antimilitarist campaign to include subverting British influence in every area in which British servicemen were stationed. In Egypt, work against the British army and among the armed forces of the Fuad monarchy became a task of primary importance, and the cry "Away with the British armed forces in Egypt and the Sudan" was raised by the Communist Party of Egypt as a basic slogan of its action program.[20] Similar slogans were raised against the British army in India.[21]

The Comintern supplemented the action program which it had promulgated for the Communist Party of India in 1930 with a special action program for the Young Communist League of India. Communism did not emerge as a force to be reckoned with in India until after World War II, even though its existence there as an organized movement dates from the founding of the Comintern. Early soviet interest in the prospect of an Indian revolution rested less on the anticipated realization of socialism in India than on its desire to destroy the British commonwealth.[22] This motivation persisted, and became more intense as the spectre of imperialist military intervention dominated all soviet policy. "British imperialism," the young communists told their Indian audiences in the 1930's, "is preparing in our country the mailed fist for military intervention against the U.S.S.R. and the revolutionary emancipation movement in the whole of the East." [23] To meet this challenge, they said, it was necessary to spread revolutionary propaganda among the soldiers and police, for these were the forces by which British imperialism suppressed the revolutionary movement. In contrast to the nationalist appeals to the soldiers to leave the army and resign in accordance with Gandhi's teaching of nonviolence, the Young Communist League of India based its appeals to the army on the necessity for the violent overthrow of British rule. According to the young communist league, victory in India could only be achieved by "the revolutionary armed insurrection of the masses of the working classes, the peasantry, the poor of the towns, and the Indian soldiers, under the banner and leadership of the communist party." [24] Complete independence for India, the annulment of all debts, the expropriation and nationalization of all industries, and the confiscation with compensation for all property—these were the substantive slogans of the Indian revolution toward which the communists worked.[25] The Young Communist League of India realized that such slogans were less likely to rally the soldiers to the support of a revolutionary struggle than would slogans based upon their own immediate and personal demands, e.g., service in their native province, the right to select their own officers, prohibition of the use of soldiers as servants by the officers, increased pay and allowances, etc. It therefore directed as an "immediate duty" that all young communists participate in the establishment of a secret revolutionary organization in the army, the assigned task of which would be "to struggle for the daily demands of the soldiers." [26]

Detailed guidance from the Comintern as to how the Indian communists were to proceed in carrying out their work in the armed

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forces was provided by a special pamphlet covering all aspects of both tactical and organizational questions. "The army organization must be organized absolutely separately," the pamphlet admonished, explaining that if it were joined with the local workers' or peasants' organizations, the members of both might end up in jail. To reduce the risk which organizational work among the soldiers entailed, military cells were to be administered only by special representatives of the local communist committee who were specially trained for military work.[27] The pamphlet concluded that the work in the British army units would be unsuccessful if Indian communists attempted to carry it out. English communists in India, it said, should engage in this task. It also stated that native battalions frequently were billeted in areas where the local communists spoke a different language or dialect from those in the battalion. In such instances, the communist party was either to recruit someone locally who could speak the language, or get comrades from the home district of the battalion to come and assist in the work.[28] There is little to indicate, however, that the action program of the Indian communists was ever successful in creating an effective nuclei withir the Indian army.

French communists also agitated against intervention in the Far East, but of greater significance was the Comintern's antimilitarist campaign which called for an attack on French influence in Indo-China. Special instructions were issued governing communist organizational work among the Annamite units, the native and French troops. "Pay attention to the national question," the local communists were advised,[29] and compare the economic conditions, the pay and privileges of the Annamites with the French soldiers. When talking to native soldiers from peasant stock, they were told, emphasize the "intolerable conditions of peasant life." In discussions with the workers, such subjects as unemployment, low rates of pay, and the severe conditions of work were to be featured. The Indo-Chinese communists recognized the importance of establishing a small but secure organization for military work. Every soldier drawn into the movement was to be thoroughly screened and tested.

Cells were to be limited in membership from three to five; no two cells were to be connected in any manner. Cells were to be directed only by those comrades who had been specifically instructed in military work. Numbers were not considered important; loyalty was.[30] Local French communists were to be employed in the work among the French troops, as they could stress the differences which existed between the soldiers and their officers in a much more convincing manner. Communists chosen to carry on work among the organized military forces were to be provided with the special indoctrination literature which had been provided the communist party.[31] Agitational propaganda against recruiting, against the military, against militarism, against capitalism, and against the sending of soldiers to fight their families was to be emphasized.[33]

Support of the Chinese revolution as a fundamental theme of communist propaganda was repeated in every country, but the local parties did not neglect their own antimilitarist campaigns. For example, communist antimilitarist activities in Denmark were aimed at disintegration of the organized military forces. In March, 1932, the Communist Party of Denmark featured a special agitational campaign among the sailors and marines stationed in Copenhagen, as part of its antiwar week program. The communists called for a strike against the reductions in pay which had been imposed as the result of the impact of the world depression on the economy of Denmark. Propaganda leaflets were distributed calling to Danish servicemen to follow the "example" set by the British sailors at Invergordon, but the call went unanswered. In typical communist fashion, however, the local comrades reported in the party press that their action had been sympathetically received by the men and that general discontent existed. What the comrades failed to report was that the discontent was within their own ranks because of the lack of response by Danish servicemen to their agitational program.[34]

The Struggle for Japan

Inside Japan, the Comintern launched a major effort to expand the communist movement. "The ideological and organizational fight against the present war," it decreed, "must be the first and foremost task of the Japanese in the election campaign."[35] The Comintern stressed the decisive importance of conducting an antiwar campaign throughout Japan and organizing a mass struggle among the soldiers, sailors and ex-servicemen. In anticipation of communist successes during the spring elections of 1932, the Japanese communists were directed to "strengthen and enlarge nuclei in the factory, labor exchanges, villages, barracks and warships."[36] Concrete and immediate programs for the sailors and soldiers were to be developed around the central slogans: "Immediate withdrawal of all Japanese troops from the occupied territories and Chinese waters," "Fraternization of the Japanese and Chinese soldiers," "Convert this war into civil war!"[37] Other slogans raised included the following: "Not one soldier against the Soviet Union! Not one soldier against revolutionary China! Let us reply to the mobilization with a civil war."[38] Although the Japanese communists intensified the antimilitarist campaign in the armed forces, and issued a number of antiwar pamphlets, one of their leaders admitted later that "the work in the army and navy is weak and insufficiently systematic."[39] Another veteran communist, Sanzo Nozaka, who was better known in the party under the pseudonym, Susumo Okano, characterized the work in the armed forces and specialized para-military organizations as reflecting an "opportunist weakness."[40]

The failure of the Japanese communists to attract servicemen into the communist party and the young communist league, or to organize mass movements of protest among the troops did not pass unnoticed by the Comintern.[41] In May, 1932, the Comintern promulgated the famous " Theses on the Situation in Japan and the Tasks of the Communist Party."[42] The theses outlined a comprehensive militant action program designed to prepare the Japanese communist movement for the revolutionary situation which the Comintern believed was imminent, but for which it found the Japanese organization totally unprepared.[43] The theses stressed the importance of increasing both written and spoken agitation and propaganda against both "imperialist" and "counter-revolutionary" war. The war slogans and policies of the Japanese government, the communists were told, were to be "exposed," and contracted with the peaceful aims of the Soviet Union. Communists were to appeal to the troops to refuse to fight, to leave the front without giving up their arms, and to form soldiers' committees. In the event of war against the Soviet Union, the communists were to agitate among the soldiers to desert to the side of the Red Army. "In a reactionary war," the theses declared, "the revolutionary class cannot help hoping for the defeat of its own government. The defeat of the government army weakens the monarchist government of Japan and assists the civil war against the ruling classes."[44] A mass action program was to be undertaken to foment strikes in the armament factories, in the port areas and in the transport industry. The communists were directed to use all means available to them to bring about the proclamation of a general strike, and to convert it and the revolutionary antiwar movement into armed rebellion. The theses re-emphasized the necessity of supporting the partial demands of the soldiers and sailors, and of organizing mass actions among them and in the factories supporting the war effort. Special work among the youth and among women, more specifically among the wives and mothers of servicemen, was also defined as being one of the basic tasks of Japanese communism.[45]

In order to meet the growing requirements for specialized propaganda media for dissemination within the armed forces, the Communist Party of Japan began publication of a regular fortnightly paper, *Neisi no Tomo* (*The Friend of the Soldier*).[46] *Neisi no tomo* proclaimed itself as the voice of both the "revolutionary soldiers and sailors."[47] An article entitled "How the Soldiers' Committees were Created" appearing in one of the early issues of *Neisi no tomo* began with the following injunction: "Revolutionary workers and peasants who live in barracks, take a lesson from the experience of these comrades! Create soldiers' and sailors' committees in all barracks and on all ships![48] The Communist Party also published a special naval newspaper, *The Lofty Mast*, in the port of Kure.[49] *The Lofty Mast* featured such slogans as "Defend the Soviet Union—the fatherland of the international proletariat!," "Liberation of Korea and Formosa!" and "Independence for China."[50] In addition, numerous local papers and pamphlets were published for distribution in the barracks, on board the warships, and in the port areas. All of these publicized the peace policy of the Soviet Union, and contrasted it with the militancy of Japan. Conditions back home among the dependents of the servicemen were highlighted whenever circumstances permitted. These newspapers and pamphlets all followed the pattern established by *Sokki* in reprinting letters from soldiers and sailors on the rigors of military life.[51]

In May, 1932, the first international seaman's congress was convened in Hamburg, Germany. as part of the Comintern's program to extend its influence into the maritime industry. In addition to the official open meetings of the congress, a series of secret sessions to which only communists were admitted was also held. Among the subjects discussed at the secret sessions was how disintegration work was carried on inside naval forces throughout the world. Discussion included detailed analysis of communist tactics employed in past naval mutinies, and resulted in the development of advanced techniques which were recommended for future application. Reichstag Deputy Willy Leow led the discussion on the mutiny of the Imperial Germany navy, while several foreign communist antimilitarist experts made presentations on Invergordon and other recent naval revolts.[52] The communists actively carried on disintegration work within the German armed forces. Communist cells formed in both the army and navy observed special security precautions. Because of its extremely conspiratorial nature, little overt publicity was given to this phase of the antimilitarist programs, as special police and military units to combat communism had already started to make their appearance in Germany.[53]

In May, 1932, the South American bureau of the Comintern registered its first success resulting from the antimilitarist action program which had been adopted at the third plenary session of its secretariat in October, 1931. This program aimed at the disintegration of the armed forces of all South American countries, but had emphasized the necessity for work in Chile and Peru. It was in Peru that its initial success was achieved. On May 7, the crews of the Peruvian cruisers

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Grau and *Bolognesi* mutinied and hoisted the red flag of communism. The mutiny caught the Communist Party of Peru by surprise, for it had not realized that the situation in the navy would develop as rapidly as it had. The absence of any plan doomed the mutiny to failure. The mutiny began when radical elements of the crews overpowered their officers in a "protest as victims of capitalism against the inhumane conditions of life imposed upon them.[54] The mutineers attempted to leave their ships, but they were forced to remain aboard by small arms fire from the shore units which had been mobilized by the Peruvian Government. Both cruisers were anchored alongside the quay at the time of the outbreak of the mutiny. As in the case of the Chilean mutiny in September, 1931, the ships' crews did not attempt to take them out of the harbor until it was too late. After submarines loyal to the Peruvian Government had cut off any possible exit from the harbor, the crews of the *Grau* and *Bolognesi* were called upon to surrender. The refusal of the mutineers to comply with this request was the signal for the submarines and shore units to open fire on the two cruisers. The mutineers aboard the *Bolognesi* returned the fire. Government aircraft also went into action against the cruisers. When aerial bombs scored a direct hit on the *Bolognesi*, the crews of the two ships hoisted the white flag of surrender.

August 1, 1932 marked the opening of "Navy Week" in Great Britain. The date coincided with the annual communist campaign against war. Portsmouth was selected as the target of communist activity. Overnight, the streets of Portsmouth were painted with communist antiwar slogans. Warships in the harbor area were flooded with propaganda leaflets.[55] However, the communists failed to create any unrest among the fleet, notwithstanding the fact that the communist press in Great Britain tailored its propaganda to the armed forces to an even greater degree after Invergordon than it had before. For wide dissemination among Royal Navy personnel the communists published the *Red Signal*, a newspaper which proclaimed itself to be "the voice of the Communist sailor." The *Red Signal* recommended that sailors take the guns which the government put in their hands and "study the art of war."[56] A separate newspaper, the *Soldiers' Voice*, was published for distribution among British army personnel. The *Soldiers' Voice* proclaimed that "the only way to defeat the cuts is direct action as adopted by sailors at Invergordon."[57] The *Soldiers' Voice* also stated that "the way to victory lies not through voting but through mass struggle. What is needed is a repetition of the united strike." It advised its readers: "Let us use the knowledge of arms which they give us, when the opportunity presents itself, to overthrow their rule and, in unity with our fellow workers, to establish the free socialist Britain."[58] No less than 17 different pamphlets addressed to the soldiers and sailors were disseminated by British communists in 1932.[59]

The Twelfth Plenum

In September, 1932, the Comintern held its twelfth plenary session at Moscow. The fundamental thesis advanced by the plenum was that the period of relative stabilization of capitalism was ending. The time had come, the veteran Finnish communist, Otto Kuusinen, stated, for the proletariat to "prepare for power."[60] But, he warned, there is not yet an immediate revolutionary solution in the most important and decisive capitalist countries. At the present moment, what is taking place is precisely the *transition* to a new phase of the great collisions between classes and states, to a new cycle of revolutions and wars.[61] The mutiny of the British fleet at Invergordon, Kuusinen stated, was a "symptom" of the disintegration of the forces of British imperialism. "A navy which has mutinied once," he added, "may mutiny again, and such a navy is, so to speak, a navy "without stabilization'."[62]

Similar "portents of the coming storm," it was stated, were to be observed in the state of ferment which also existed in the armed forces of other countries, e.g., France, Italy, Poland, and Greece, while advances in antimilitarist work were to be noted everywhere. In Spain, for example, the communist party, had created basic organizational "strongholds" in the army, and had elected committees of soldiers.[63] Communist antiwar work against the munitions industry and among the recruits and soldiers in Czechoslovakia was called one of the most "constructive achievements" of the European communists.[64] Throughout the twelfth plenum, the necessity for communist parties to prepare for the period of illegality was stressed.

One of the most important speeches at the twelfth plenum delivered by Okano. Okano detailed the work which had been carried out in Japan, and admitted that an intensification of work in the armed forces was necessary. "The opportunist weakness of our work," he said, "may be observed in the army, navy and special military organizations of the fascist and reactionary type. To this day, we do not carry on any active work in these military organizations.[65] Okano observed that the Japanese imperialists had set for themselves the task of occupying vast territories of the Soviet Union. The occupation of Manchuria, he stated, was "merely a prologue, a preparatory step" for the military intervention of the Soviet Union.[66] Against the backdrop of Okano's statement, the thesis which the Comintern had promulgated for Japan earlier in the year appeared in their true light as an attempt on the part of the soviets to forestall disaster by neutralizing the offensive power of Japan through the communist revolutionary antimilitarist program. The theses launched the Japanese communist movement on a massive revolutionary agitation campaign against the war. It also focused additional attention on communism which resulted in an increase in the number of communists and party sympathizers arrested annually by the government.[67]

The plenum declared that a revolutionary situation was likely to arise in Japan within a very short time. The Communist Party of Japan, it stated, "must increase its work in the army and navy, especially in Manchuria, must carry on popular agitation among the workers, peasants and the exploited urban petty bourgeois masses, in langauge that can be understood by the broad masses, in order to expose the indissoluble connection that exists between imperialist war and the direct preparations for military intervention against the U.S.S.R., on the one hand, and the strengthening of the military-police reaction and the increased plundering of the toiling masses in Japan itself, on the other hand."[68]

The plenum stated that although favorable results had been achieved by some communist parties in mobilizing the masses against imperialist war and against military intervention, no party had been successful in preventing the transport of troops to China or military supplies to Japan. The plenum criticized the Young Communist International for its "weakness and backwardness" in the struggle against imperialist war and military intervention. The antiwar work of both the communist parties and the young communist leagues "in the army, the navy and the special fascist semi-organizations," it stated, was in an "intolerably neglected condition."[69] Communist parties, the plenum continued, had not succeeded "in fulfilling the urgent task of creating legal, semi-legal or illegal control committees and illegal committees of action, based on the masses, in the factories, railroads, ports and ships, have not succeeded in mobilizing the masses of the workers in the reformist trade unions and other mass workers' organizations on the basis of the tactic of the united front from below for the purpose of preventing the transport of troops to China and munitions of war to Japan, and in developing the agitation against imperialist war and military intervention among the masses of peasants and the urban petty bourgeoisie."[70]

Furthermore, it charged, "inadequate bolshevik resistance was shown to the opportunist underestimation of the war in China and to the underestimation of the danger of imperialist war and military intervention, to the opportunist failure to understand all the pecularities of the present drift towards a new world war, to individual pacifist deviations from the Leninist teaching on war, to opportunist passivity with regard to war and to fatalistic opportunist moods.[71]

The plenum directed all communist parties to carry on extensive antiimperialist work among the soldiers and sailors, among recruits, reservists and in the special military organizations of the bourgeoisie; to strengthen the party organizations and all the revolutionary youth organizations, bearing in mind that the whole party, the whole young communist league must participate in this work; to organize the struggle of the soldiers in their every day demands and to support this struggle by the solidarity of the workers and toiling peasants; to popularize revolutionary traditions and examples of the struggle against war.[72]

The plenum directed all communist parties to undertake a "systematic ideological struggle" against nationalism and chauvinism, and to carry on propaganda for a "real proletarian internationalism."[73] The tactic of the united front from below was to be developed and applied in establishing "legal, semi-legal and illegal control committees and committees of action" for the preparation of strikes to prevent the transport of munitions and troops.[74]

The concluding remarks at the twelfth plenum were delivered by Ercoli (Palmiro Togliatti), the Italian communist. "Let us try to overcome the gap which exists between our decisions and our resolutions!" Ercoli stated, adding: "Let us take root in the factories, let us work thoroughly in the reformist trade unions, let us work among the masses of unemployed, let us penetrate into fascist trade union organizations, into the army, into the navy."[75]

Economic conditions in the United States became more acute during the fall of 1932. Unemployment steadily increased, breadlines became longer, and the gloom of the depression deepened. Racial unrest figured prominently in the news. The American communists recalled the prediction made by Stalin in a speech on May 6, 1929, that "the moment is not far off when a revolutionary crisis will develop in America."[76] "One day," the *Daily Worker* asserted, "the Negro worker and poor farmers of America, in alliance with their exploited class brothers of the white races, will win their freedom, too, through a soviet revolution. They will then be free to develop the so-called Black Belt of America, as the Ukrainians are developing theirs. . . . Only through a communist revolution will this goal be achieved."[77]

The revolutionary crisis, the communists said, had almost arrived. In bold-face type, the *Daily Worker* repeated Lenin's admonition: "The struggle against militarism must not be postponed until the moment when war breaks out. Then it will be too late. The struggle against war must be carried on now, daily, hourly."[78]

William Z. Foster, the communist candidate for President of the United States in 1928, wrote a book in 1932 which he called *Toward Soviet America*.[79] In it he discussed the role of the armed forces in a revolutionary crisis. Foster stated:

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"In measuring the potential forces for and against the revolution, naturally the question of the rule to be played by the army and navy is one of fundamental importance; for, in the final show-down, it is upon them that the bourgeoisie relies to maintain its control. If it loses the armed forces, then all is lost. Here, certainly, the revolution will recruit powerful forces, with fatal effects to capitalism." [79]

"The armed forces are not impervious to communism simply because they have patriotic propaganda dinned into their ears and are subject to a rigid discipline," Foster asserted, explaining that "the great bulk of these forces originate in proletarian or farmer families and they eventually respond to the sufferings and miseries of their close relatives. Especially is all this true of conscript armies. Besides, they have their own deep grievances in the service. Experience teaches that such worker-peasant forces are very unreliable for the bourgeoisie." [80]

As examples, Foster cited the armies of the tsar and the Kaiser, recalling that "it was only a few months ago that the capitalists of the world got a shiver of fright and a foretaste of the future by the revolts in the British and Chilean navies." [81]

Tension in Anglo-Soviet relations had increased following the Invergordon incident. A few weeks after the twelfth plenum was held, the British Ambassador in Moscow advised the British Foreign Office that the Comintern had issued specific instructions to the Communist Party of Great Britain at its plenary session to form cells in military organizations. The British Ambassador's report was closely followed by an allegation in *Izvestiya*, the official soviet newspaper, that the British Foreign Office "had instructed its agents to furnish documents, real or bogus, establishing the connection between the soviet government and the Communist International." [82] Parliamentary and public anger soared in Great Britain, but the British Foreign Secretary's demand for an apology was summarily ignored by the soviets who declared that they could not be responsible for editorial commentaries in *Izvestiya*. Discussions between the British Foreign Secretary and the Soviet Ambassador in London failed to stop communist, antimilitary agitational or propaganda activities. Communist attempts to spread disaffection among the British military forces continued. Shortly thereafter the organizing secretary of the South Wales district of the communist party was arrested and charged with the distribution of communist propaganda among the armed forces. A notebook found on him at the time of his arrest carried the cryptic remark: "must carry on work among the armed forces." The notebook also stated "we should have to join the navy, the air force and start a revolution." [83] The British revolution never materialized.

XIII. THE SECOND ROUND OF REVOLUTIONS AND WARS

De Zeven Provincian

The new cycle of revolutions and wars which had been predicted at the twelfth plenum of the Comintern began in January, 1933. The Comintern's reconstruction of the Indonesian communist movement started immediately after the failure of the November, 1926, revolution, but it was not until the depression years of the 1930's that the opportunity came to test the revolutionary organization which had been erected in the Dutch colonial forces. On January 30, 1933, the native corporals, lance corporals and marines belonging to the crews of the Dutch cruiser *Java* and the destroyers *Piet Hein* and *Evertsen* stationed at Surabaya, Dutch East Indies, mutinied.[84] Their complaint was a familiar one: pay reductions. Whereas only a ten percent reduction had been anticipated, the pay cuts announced by the Dutch Ministry of Defense added up to a minimum of fourteen percent.[85] Dissension spread rapidly among the naval ratings. The situation worsened considerably after the Dutch authorities arrested another 425 ratings for refusing to obey the orders of their officers and attend morning parade.[86]

News of the events which had taken place in Surabaya spread rapidly throughout the East Indian squadron of the Dutch fleet where it was sympathetically received by the men. Although emotions were heated, naval authorities were able to maintain control everywhere except in the port of Kotaraja, Northern Sumatra where the Dutch battleship, *De Zeven Provincien*, lay at anchor. Except for the ships' officers and a handful of European petty officers, the crew of *De Zeven Provincien* was composed of native East Indians. The officers of the *De Zeven Provincien* found it hard to communicate with the native seamen who spoke at least ten different dialects among themselves. The natives were proverbially taciturn so their mood did not betray the fact that shortly before dawn on February fifth, a mutiny would break out.[87] All but nine of the ship's officers were ashore when the mutiny occurred. They were seized at bayonet point, handcuffed, and locked in one of the cabins. However, one of the nine managed to escape by throwing himself overboard. After swimming to a nearby small boat, he rowed to shore and sounded the alarm.[88] Immediately thereafter, the order was given to up anchor, and the *De Zeven Provincien* sailed out of the port heading for Surabaya.

Some mutinies have come without warning; others, as in the case of the mutiny aboard the *De Zeven Provincien*, were preceded by events which revealed that insurrection was imminent. If the widespread disorder in Surabaya had not in itself been enough to indicate the seriousness of the situation which existed, then the warnings to the captain by the commander of the Dutch East Indian army and others regarding the hostility of his crew should have resulted in special vigilance. Instead of initiating normal precautionary procedures, the captain went ashore for the evening. Even a telephone message from one of his sailors, warning that the native crew intended to seize his ship was laughed aside by the captain, who said that the crew would be unable to weigh anchor.[89] Within hours, the threatened mutiny became fact.

Richard Krebs, a former member of the Maritime section of the Comintern, later revealed that an action committee composed of Dutch and Javanese marines belonging to a communist cell aboard the *De Zeven Provincien* was influential in instigating the mutiny. According to Krebs, their actions were carried out in response to special instructions which had been received from a courier sent by the Far Eastern section of the Comintern. They had been instructed to seize control of the ship and sail for the Java coast where they were to bombard the naval station at Surabaya with the eleven inch guns of the *De Zeven Provincien*. Their action, Krebs asserted, was to serve as the signal for a general communist inspired uprising throughout the Dutch East Indies.[90]

Although Krebs' assertion of direct Comintern complicity in the *De Zeven Provincien* mutiny cannot be validated, it is not improbable that some communist influence existed within the crew. Communist interest in the East Indian squadron of the Dutch fleet has been confirmed by other sources, a point on which Krebs shed some very interesting additional light. Krebs reported that in the middle of September, 1932, he was ordered to put eight members of the Dutch young communist league through a ten-day training course in naval disintegration tactics. This course was conducted in the special school which the Comintern had set up in Rotterdam, Holland, for training communists in naval work. Similar schools existed for the same purpose in Rouen, France, and Hamburg, Germany. Krebs stated that the eight young communists were professional seamen who were about to be called up for military service by Holland. In view of their background and experience, the trainees were scheduled to enter the navy. They were ordered to make special application for service in the East Indian squadron of the Dutch fleet where they were to apply the special training they had received.[91]

The only ship anchored in the port of Kotaraja was the small Dutch vessel *Aldenbaran*. This was the vessel which the captain of the *De Zeven Provincien* boarded and set to sea in pursuit of his ship. The *Aldabaram* was no match for the larger and speedier *De Zeven Provincien*, and was quickly outdistanced by it. Contemporary accounts of Captain Eikenboom's pursuit of the *De Zeven Provincien* contained all the humor and pathos of a chase sequence involving the Keystone cops. A squadron of Dutch cruisers and destroyers were sent from the Celebes to join the chase, but they required a three day sail through the Java sea before they reached the Sumatran coast.[92] Two days later, three Dutch flying boats, two destroyers, and a minesweeper joined the chase.[93]

The news of the mutiny of the *De Zeven Provincien* was the signal for communists in Holland, Dutch Guiana and the Indies to organize meetings protesting the pay cuts and distribute pamphlets in support of the mutiny.[94] In Berlin, Dimitrov learned of the mutiny, and he ordered the maritime section of the Comintern to issue a special manifesto addressed to the "navy men of all countries," exhorting them to "prepare to follow the glorious example of the *De Zeven Provincien* mutineers!" [95] In Holland, the daily communist newspaper, *Tribune*, drew a parallel between the action of the Indonesian seamen and the revolt of the Russian cruiser, *Potemkin*. The *Tribune* issued a special appeal calling for a joint struggle of the Indonesian masses and Dutch working class, in particular the Dutch sailors and soldiers, to join with their fellow workers against the "capitalist exploiters." [96]

A radio message from the crew of the *De Zeven Provincien* addressed to the press stated that the mutiny would soon be ended. The mutineers stated their intent to surrender to the captain and render him honors. Their mutiny, they proclaimed, was simply a protest against the pay cut and against the arrest of those who had previously protested.[97] The Dutch Ministry of Defense in the Hague announced that if the mutineers did not surrender immediately and unconditionally, force would be used.[98] A subsequent message from the mutineers asked that the naval authorities be informed that there were no communist leanings among them, and that no violence had occurred. Again they indicated their intent to surrender, but this time attached the condition that they be given an assurance of immunity, and that the wage cut would be rescinded.[99]

When the *De Zeven Provincien* was finally located at sea, it was called upon to surrender. The mutineers refused and Dutch seaplanes bombed the ship. One of the hundred pound bombs struck the deck setting it afire. Eighteen crew members were killed outright, and several others, four of whom later died, were wounded by the explosion of the bomb. In panic, the crew took to the small boats, and immediately surrendered to the warships standing by. After their release, the officers again resumed command of the ship, and with the assistance of a boarding crew from the Dutch battleship *Java*, extinguished the flames. Captain Eikenboom was put aboard his vessel. Later, however, he was relieved of command and court-martialed. All of the ringleaders of the mutineers were arrested

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and imprisoned on Onrust Island until their trials. In addition, those members of the *De Zeven Provincien's* crew who had been ashore when the mutiny occurred, but who had themselves mutinied against naval authorities on shore, were also arrested and held for trial.[100] Communist parties throughout the world organized sympathetic demonstrations both during and after the mutiny, raising the cry "Freedom for the Dutch and Indonesian sailors.[101] Dutch consulates were picketed. Slogans popularizing the plight of the *De Zeven Provincien* crew were featured in the communist press and propaganda organs:

"Protest against the murder of our Dutch sailor comrades!

"Demand the freedom of press, assemblage, release of all Dutch and Javanese seamen held in prison camps!

"Demand the freedom of press, assemblage, and the right to organize and strike for the Dutch and Javanese seamen held in prison camps!" [102]

These and similar proclamations were printed on communist underground presses throughout the world in English, Dutch, German, French and the Scandinavian languages, for clandestine distribution aboard the warships of the major European navel powers.[103] Communist agitators in Helder, the major naval port in northern Holland, distributed pamphlets inviting the sailors to form sailors' and soldiers councils.[104] Rumors that certain destroyers and cruisers based at Helder intended to imitate the action of the *De Zeven Provincien* led to the taking of extraordinary precautions to preserve order. All guards were doubled, and at least one destroyer manned by officers and trusted men kept up a full head of steam owing to the tension which followed the announcement that government forces had bombed the *De Zeven Provincien* to end the mutiny.[105] On February 8, the Dutch Ministry of Defense had issued an order prohibiting members of the armed forces from having any "labor" newspapers, pamphlets or literature in their possession, an extreme measure designed to counteract the subversive and highly inflamatory propaganda material being disseminated by the communists in Holland and the East Indies.[106] Seditious pamphlets and tracts continued to be smuggled into the naval barracks, even after seventeen communists had been arrested in Helder for their activities.[107]

For several months after the mutiny, the Comintern continued to feature the mutiny of *De Zeven Provincien* in its propaganda, comparing it with the the epic of the *Potemkin*. The bombing of *De Zeven Provincien*, the communists proclaimed, was a "bloody rehearsal for a naval air war." [108] With Comintern aid, the illegal Communist Party of Indonesia continued its work among the armed forces. In some of the army barracks of Batavia, soldiers found posters on their walls proclaiming "Long live the fleet! Follow the example of *De Zeven Provincien!* [109]

However, the Indonesian communists recognized that the weakness in their movement resulted from the lack of a determined revolutionary leadership, and acknowledged the fact that their work among soldiers, sailors and the masses had been inadequately prepared.[110] The failure of the Communist Party of Holland to campaign vigorously for the release of the mutineers brought complaints from the Indonesian communists, but without success, for the situation in Holland precluded any widespread overt agitational program.[111] Although the thirteenth plenum of the executive committee of the Comintern later defined the mutiny of the *De Zeven Provincion* and the work of the Communist Party of Holland as "good revolutionary work," the revolutionary situation had passed. With it passed the Comintern's golden opportunity to destroy Dutch control in the Indies.[112]

The spreading flames of revolt

February, 1933, marked a turning point for communism in Germany. At the twelfth plenum of the Comintern, the Communist Party of Germany had been directed "to continue the offensive against fascism and prepare the masses for the revolution, for the dictatorship of the proletariat of soviet Germany.[113] Fascism in power in Germany, the communists were warned, meant the speeding up of the preparations for imperialist war.[114] On the night of February 27, 1933, the efforts of the German communists to prepare the proletariat for "the decisive revolutionary battles" were interrupted by the burning of the German Reichstag. Even as the ruins of the Reichstag smouldered, the German national socialists began an aggressive campaign to discredit communism.

Repressive measures against the communists were swift and cruel by modern standards, but they were effctive. The national socialists who turned a propaganda barrage against the communists. Emphasis was placed on the subversive nature of communism, the foreign direction and control exercised by the Comintern over the German communists, and the threat of soviet espionage. Although the campaign often went far beyond the truth in order to discredit the communists, one fact was evident from its success. Communist disintegration work in the armed forces was ineffective since the personnel were fully informed and realized that they themselves were the target for subversion: ignorance was the best ally of communism; knowledge of its tactics its most dangerous adversary.

The rise of Hitlerism did not mean the end of antimilitarism in Germany. The greater the successes achieved by Hitler, the deeper underground went German communism. Shortly before the Reichstag fire, a special illegal organization, protection and intelligence section, otherwise known as "O.S.N.A.," had been formed by the Comintern. O.S.N.A. was an elite organization set up to work inside the German communist party. It was responsible for espionage, disintegration of political organizations and parties hostile to communism, and infiltration and demoralization of the armed forces.[115] In addition to the illegal O.S.N.A., the German communists also had the "Am" or "Antimilitarisms" organization. "Am" was the communist apparatus responsible for making antimilitarism an effective, offensive, political weapon. The organization structure of "Am" which was also known as the "M" apparatus, the "C.K.", or "Mixed Commission," consisted of both district and subdistrict committees. These committees directed the formation and work of the so-called action groups which were responsible for carrying out the dangerous and difficult tasks connected with the preparation of an armed uprising.[116] Special military courses were organized by the "Am" organization for training personnel in antimilitarist work. It is possible to gain an appreciation of the scope of instruction from the index of one such "Am" course which is reproduced below:

"Details of course for the military tasks of the revolutionary proletariat.

"I. Introduction.

"II. The army.

A. The organization of the army.

B. The importance and part played by the army.

C. Analysis of classes represented in the army and its ideology.

D. The political, official and material position.

III. The Effect of the crisis on the army.

A. Fundamental contradictions in capitalist military policy.

B. The effects of the crisis on the army.

C. The crisis and distintegration from within.

"IV. The line of propaganda.

A. General political points of view.

B. Capitalist and proletarian military policy.

C. Watchwords and paroles in the agitation.

D. Partial demands.

"V. Means of propaganda and methods of work.

A. General means and methods.

B. Special means of agitation and propaganda.

C. Methods of distribution of literature.

"VI. The forms of organization of work among soldiers.

A. The military organization.

B. The organization of the entrance of revolutionary elements into the army.

C. The work among former soldiers.

"VII. The organizing of the revolutionary work among soldiers." [17]

Separate "Am" courses were also organized for work among the police. These courses overlapped the army courses to a considerable degree:

"Details of course. The work among the police.

"I. A revolutionary task. (Fundmental attitude)

"II. The police. (History—Formation—Application—Class Warfare—Material, political and official position.)

"III. Crisis—Growth of the revolution. (Effect—the police during and after the armed rising.)

"IV. Lines of propaganda. (General points of view—political lines of demands.)

"V. Means and methods of propaganda. (Special means—methods of distribution of literature.)

"VI. How to influence the army. (The getting of agents—bases.)

"VII. Work on the masses. (The ideological struggle—mobilization of the masses).[18]

Langers' *Der Weg Sum Sieg* and Neuberg's *Der Bewaffnets Aufetand* were recommended reading for all personnel training for the armed uprising.[19] Special instructions distributed under the title *Rote Manovey-Kritik* also provided detailed directions for carrying out work in the army during military exercises. These instructions described how to establish contact with the soldiers, their organization into groups, the exploitation of incidents for agitational purposes, and the techniques for effective distribution of propaganda.[20] The importance of expanding their disintegration activities to include work among the immediate families and relatives of the men in service was also recognized by the German communists. Work in the homes was considered just as essential as work in the army. "With us," said a special circular issued by the information section of the German communist party which discussed work among the relatives of servicemen, "it is not only the task of individuals, but of the whole organization." [21]

Elsewhere in Europe, the Comintern's antimilitarist program flourished. Disintegration work was pushed in France, Italy, Greece, the Balkans, England and Spain. Work was again started even in the Swiss army.[122] In the Scandinavian countries, the communists recorded minor successes. Revolutionary unrest was prevalent in the Swedish navy during 1933. In the Swedish port of Karlskrona, communist agitation led the sailors to join with recruits in demonstrating against bad food. The unrest spread to a number of navy ships in the harbor, but the naval authorities were able to prevent the outbreak of violence or mutiny.[123] Large scale agitation and propaganda work was also carried out in Greece. In their appeals addressed to the soldiers and sailors, the Communist Party and the Young Communist League of Greece actively encouraged uprisings and mutiny.[124] Leaflets addressed to the sailors of the Greek navy

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called on them to support the wave of strikes which swept Athens and Piraeus during the winter of 1932–1933. These leaflets, and the agitational appeals published in *Rizospastis*, the daily organ of the Communist Party, led some naval units to mutiny.[125] The Greek communists also fed agitational propaganda to the men in the army and navy through special antimilitarist newspapers, *Kokinos Antaroa* (*The Red Soldier*) and *Kokinos Siena* (*The Red Flag*). These newspapers received wide circulation and were passed from hand to hand in the barracks and on board Greek naval vessels. Petty grievances were magnified, and military discipline and morale suffered. On the Isle of Poros, communist agitation among the sailors billeted in the central barracks over allegedly bad food led to near mutinous conditions.[126] By the end of the year, Greek communists were boasting that their work in the army was increasing, and pointed to the fact that *Rizospastis* daily published two columns of letters from soldiers and sailors as an indication of their rising strength.[127]

The restless Americans

In February, 1933, *Circulación Interna*, the bulletin of the central committee of the Communist Party of Chile, called for a major antimilitarist drive in the barracks and on board ship. The bulletin reminded its readers that work among the armed forces was an obligation of all militant communists.[128] This call to action coincided with the announcement by Chilean authorities that a communist plot involving an uprising in the armed forces had been uncovered. Technical command of the plot was directed from Montevideo, Uruguay.[129] The communists intended their revolution to spread to the principal Chilean provinces, with special emphasis on the involvement of the crews of the Chilean warships in the harbors of Valparaiso and Talcahuano and the lower ranks of the Chilean army. Documents captured by government authorities revealed that the communists had hoped to use the Chilean navy to establish the first soviet in South America. Only the plot's premature disclosure prevented their attempt to execute the plan.[130]

An active antimilitarist program was also carried out in the armed forces of Argentina, but a revolutionary crisis never developed. Communist organizational and disintegrational techniques employed against the Argentinian army and navy during the years between 1928 and June 1933 were described by the Communist Party and the Young Communst League of Argentina in a pamphlet, *Nvestra trabajo antimilitarista* (*Our Antimilitarist Work*).[131] This pamphlet contained a most comprehensive discussion of communist antimilitarist doctrine. It was written at the direction of the Young Communist International to provide a basis for discussion at a national "anti" conference schedule in Argentina in late 1933. It was also designed to serve as guidance for the various propaganda organs of the Argentinian communist movement. Much of the information in the pamphlet was derived from the *Program* of the Young Communist International and from Yaroslovsky's *El trabajo de los bolebeviques en el ejército de la revolución de octobre*. Although both documents were cited as the original source for various directives and techniques which it amplified, the pamphlet warrants detailed study, for it revealed not only how the communists went about their work in undermining the armed forces in Argentina, but also how their techniques could be applied against any paramilitary organization, including the police, the fire department, and the coast guard, etc.[132]

The fight against militarism was defined in the pamphlet as one of the most important tasks facing the communist; it was a task requiring the conquering of the army and navy by work carried on "tanto en el interior como fuera," i.e., as much from the inside as from without.[133] The basic organizational unit for carrying on work inside the armed forces, the pamphlet revealed, was the communist cell consisting of three or four members. Individual communist cells were to be organized in each company, battery, squadron, section, regiment and ship. Three or four cells in a regiment or aboard ship constituted a *bureau* which was to direct the work of the component cells. Antimilitarist work in the armed forces also required mass support. Therefore, in addition to the illegal communist cells, soldiers' and sailors' committees (which performed much the same function as the committees did in the factories) were to be formed where they did not already exist. The communist cells actuated and motivated these committees through the active participation of their members.

The conspiratorial nature of the cells required the adoption of illegal methods of work and the maintenance of internal security precautions. Even the general membership of the Communist Party and Young Communist League of Argentina were not permitted to become aware of the identity of the cell members.[134] Whenever direct contact was required with the local communist organization, it was to be carried out through the bureau, but never by the cell itself.[135] Cell members were to avoid becoming identified as communists. They were directed to always keep the illegal nature of their work foremost in their mind, and guard against betrayal through their own imprudence, e.g., when introducing propaganda leaflets into the barracks or aboard ship, only a few were to be distributed at a time so as not to compromise their source. Work among the recruits was never to be carried out openly. Letters were to be printed, or handwriting disguised, but were never to be mailed aboard ship or from inside the compound. Finally, members with previous police records as communists were never to be utilized in legal work, but were to be assigned to work underground within the movement so as not to compromise their associates.[136]

The pamphlet differentiated between work among officers, non-commissioner officers, recruits and reservists. Although noting that the bourgeois social origin of the officer class usually precluded its consideration as an area for active party recruiting, positive emphasis was placed on Yaroslavsky's observation that there were individual officers who might join the communist ranks, and who, by virtue of their experience and specialized military training, could provide valuable technical assistance in preparing for an insurrection in the armed forces. Individually, such officers could become party members, but consideration was always to be given to the possibility of using groups of five or six as the basis for the development of revolutionary officers' associations.[137] Except in the case of officers, the basic unit of organization was to be the committee, i.e., the non-commissioned officers' committee, the recruits' committee, and the reservists' committee. Committees were to be motivated by partial demands calculated to appeal to their own peculiar group interest, e.g., partial demands for non-commissioned officers were to emphasize the right to attend officer candidate school, while demands for increased pay or service assignments near their home were to be aimed at the recruits. The common tendency to formulate work among the conscripts on the basis of their conflict with non-commissioned officers was to be avoided. Slightly different tactics were to be applied to work among the reservists. In addition to organizing them into committees, efforts were to be made to get them to actively participate in antiwar organizations. The formation of a Red Front organization with its potential united front appeal to the youth of other ideological leanings was also directed on a national scale.[138]

The pamphlet stressed the importance of mass antimilitarist work in any industry closely associated with the production of war materials, e.g., aircraft plants, arsenals, powder plants, etc. Cells in such factories were to fight against war preparation by strikes, work stoppages, slow down techniques, and whatever else might be necessary to impede the shipment of war materials.[139] In addition, the factory committees in all industries were to maintain close liaison with members who entered the military service. The pamphlet listed several techniques which could be used to link the men in service with the workers, e.g., the sending of gift boxes of cigarettes, fruit, or money to one or two soldiers or sailors who had been "adopted" by the factory committee; group visits to the barracks or aboard ship, etc. It also defined three types of slogans suitable for disintegration work in the armed forces; those based on the immediate demands, e.g., for an increase in base pay; general agitational slogans, e.g., reduction of the length of the military service period; and political slogans, e.g., defend the Soviet Union. Reference was also made to a fourth type of slogan addressed to groups with special interests, e.g., the reservists.[140]

XIV. THE MATURING CRISIS

The Thirteenth Plenum

In December, 1933, the Comintern convened its thirteenth plenum to discuss the growing threat of fascism and its relation to the maturing revolutionary crisis which had been predicted by the twelfth plenum. In the main address to the thirteenth plenum, Kuusinen stated that all communist parties had to fight against fascist ideology and the "fascization" of bourgeois governments and organizations by instituting a 'united front" from below.[152] The imperialists, he said, were "sliding" into war at an accelerated rate.[153] Therefore, the communist parties had to begin immediate preparation "for the transformation of the imperialist war into civil war, and concentrate their forces in each country, at the *vital parts of the war machine of imperialism*." [154] Kuusinen stated that in addition to increasing their agitation, among the proletariat, the communists "by all means in their power" had to "insure the practical organization of *mass action*, preventing the shipping of arms and troops, hindering the execution of orders for belligerent countries, organizing demonstrations against military maneuvers, etc." [155] He emphasized also the necessity for intensifying *"political education* work" in the army and the navy.[156] Bolshevism, Kuusinen told his audience, could not passively wait for war. To do so, he said, would be tantamount to desertion from the field of battle. Modern war, he continued, was a war which welded the front and the rear into an inseparable whole. It was therefore necessary for all communists to learn how to properly distribute their forces, and how to concentrate their activities against the shipment and supply of war materials. "The fate of war," Kuusinen stated, "is determined by the large factories." The factories, therefore, were to be made the "strongholds" of the revolutionary struggle against war. "Work in these enterprises, as well as among the troops at the front," Kuusinen concluded, "must become the backbone of our work.[157] The "revolutionizing" of the toiling masses was also declared to be the main task of communist antiwar struggle. Kuusinen said that all workers, soldiers and recruits were to take counsel from Lenin's words:

Maos propaganda in Cuba was carried on in the central party organ, *El Trabajador* (*The Worker*). In it, and later in its successor, *Bandera Boja* (*Red Flag*), the slogan "organize soviet of workers, peasants, soldiers' and sailors' deputies," was emphasized.[158] By supporting a struggle for their own economic and political demands, the party popularized all the main slogans of communism among the sailors and soldiers, espe-

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cially the one for fraternization with the fighting workers and peasants. In those districts where guerrilla units were operating, the communists emphasized the necessity for special agitation work among the army units. The soldiers should be encouraged to refuse to fight, they said, and told to go over to the side of the partisans.[147] Whenever the armed forces showed any inclination to go over to the side of the revolutionary masses, even greater emphasis was placed on "the further deepening of the incipient process of political radicalization of the army, support of the demands put forward by the soldiers and sailors and the practical carrying out of elections of soldiers' committees and of officers, in defiance of old barracks discipline, to extend and consolidate the transition already begun in the army to the side of the revolutionary masses."[148]

However the repeated failures of the Cuban communists to gain control of the revolutionary movement brought criticism from the Comintern that work in the villages had been neglected, and that "the connection between the attitude of peasants to the proletariat and the attitude of the army to the revolution" had been forgotten.[149] Moreover, the Comintern complained, the party said nothing about the giving of land to soldiers:

"It formulates the slogans of soviets thus—soviets of workers' and peasants' deputies, *supported* by committees of soldiers and sailors, seemingly denying the soldiers and sailors direct participation in the soviets, which is absolutely impermissible."[150]

The Cuban communists were further reminded that "the disintegration of the army and the winning of it to the side of the revolutionary people" was one of the most important conditions for the victory of the Cuban revolution.[151] But the Cuban communists failed in their attempts to translate Comintern directives into a popular action program.

Even the most minor issues were to be used by the communists as a basis for disintegration work, the pamphlet revealed, citing as an example the requirement for military personnel to finish dressing within minutes after the morning bugle sounded. The demand for more time to dress, it was noted, could be made the subject for action by the cells and committees, and could be the subject for agitational posters hung on the ships' bulkheads or barracks' walls. Communists could suggest surreptitiously to the men around them that additional time was required for dressing: "A friend told me that he and several others are going to take 10 minutes extra time tomorrow morning to get dressed. Are you agreeable? O.K., then how about checking with some of the others.[141] By such indirect methods, the pamphlet stated, communists could achieve their goal of undermining the discipline of the military service without becoming identified by the authorities as the leaders of the movement. Under no circumstances, cell members were cautioned, were delegates to be sent to the officers to demand reforms, nor were elections to be held to select representatives, for such recognition only served to pinpoint the communist leadership which made it vulnerable to later retaliation by the authorities. The pamphlet stated the communist's conviction that neustra prenea es nuestra major arm," i.e., our press is our best weapon.[142] But even the best weapon was ineffective in the hands of untrained men, it stated, pointing to the early deficiencies of *Lammago*, the official communist organ for the soldiers and sailors in Argentina.

There was also a resurgence of communist activity in Cuba after the collapse of the Machado dictatorship in 1933. A series of factional Cuban governments followed the downfall of Machado. Each in turn became the target of communist propaganda and agitation, but the antimilitarist program was weak.[143] Frequent reminders were sent by the Caribbean bureau of the Comintern to the Communist Party of Cuba that it must "penetrate into the army and the fleet, to arouse the soldiers and sailors to fight, and to link up their movement with that of the proletariat and the peasantry."[144] One of the most important tasks which faced the Cuban communists, it stated, was the organization of *"sailors' and soldiers' committees*, as well as the task of strengthening them in every way and converting them into competent organs of leadership of the revolutionary struggle of the toiling masses, into organs which can be relied upon in creating soviets."[145]

"You are given a rifle and a splendid quick-firing gun built according to the last word of engineering technique—take this weapon of death and destruction, do not listen to the sentimental snivellers who are afraid of war. Much has been left in the world that must be destroyed by fire and sword for the liberation of the ruling class."[158]

In the discussions which followed Kunsinen's address, the delegates to the thirteenth plenum critically examined the results of the antimilitarist work which had been carried out in their own countries. The Chinese communist delegate admitted that "the work of the winning over of the masses of the soldiers and for spreading sedition among the enemy troops still shows serious defects. As yet this work has no systematic, deliberate character. In conditions of war, intervention and revolution, this work is naturally of first-class importance."[159]

Without "systematic, resolute bolshevik work" among the soldiers, it was pointed out, the Communist Party of China could not organize a victorious national-revolutionary war against imperialism and the Kuomintang.[160]

Okano, the Japanese representative at the thirteenth plenum, indicated that government action against communism in Japan had proven extremely effective. Moreover, he said, "our antiwar work is still insufficient. We have never stopped a single train or a single boat of soldiers and ammunition to China and the Soviet borders."[161] Okano placed great emphasis on the need for improved security. He stated: "We must strengthen our work in the army and in the navy more carefully and in a strictly secret manner."[162] Although the showing made by the Communist Party and the Young Communist League of Japan was unimpressive, and when evaluated in terms of the tasks outlined by the 1932 thesis might be considered a failure, the real significance of their efforts rested with the small but powerful revolutionary cadre which had been organized. Okano later summed it up neatly when he said: "I think that most valuable achievement of our party in the period after the sixth congress is that we trained bolshevik forces."[163]

The plenum was particularly interested in the work which had been carried out in the armed forces of countries bordering the Soviet Union. Antimilitarist work in the Rumanian army, it was reported at the thirteenth plenum, was not up to the standards of the work of the Greek or Bulgarian parties.[164] However, some successful work had been carried out in the Rumanian navy. Cells had been organised in the naval barracks and in some of the ships of the Rumanian Black Sea fleet. Rumanian sailors held shipboard meetings at which they declared their solidarity with the working classes, and demanded recognition for their sailors' committees. Agitation for such partial demands as better food, increased pay, etc., and threats to support a general strike if their demands were not met, represented the tenor of communist activity in the Rumanian navy during this period. Occurrences of insubordination were rare as subsequent disciplinary actions proved extremely severe.[165] In Bulgaria, the young communist league had continued to increase its influence in the army through its illegal newspaper, the *Red Soldier*.[166] Antimilitarist activity was also carried on in the Czechoslovakian army, but the government had initiated increased internal security measures to stamp out communism among the soldiers.[167]

The Polish representative to the plenary session described how the Communist Party of Poland carried out its propaganda campaign through a clandestine underground press which published the party's central organ, *Chervony Shtandar* (*Red Banner*).[168] A separate newspaper written in simple language for the men of the Polish armed forces, *Koszary* (*Barracks*),[169] was also published, but the problem of strengthening its work in the organized military forces continued to be one of the most pressing problems which faced the Communist Party of Poland.[170]

In Germany, antimilitarist work had all but ceased, while it was carried on in Italy on a reduced scale. In France, work continued in the armed forces, with added emphasis on the navy. In April, 1934, *Cahiers du bolshevisms* published a brief article by André Marty summarizing the lessons of the Black Sea revolt. This article was republished in the *Communist International*, the central organ of the Comintern, in English, Russian, German, French, Chinese and Spanish, the following month. "Let us utilize and apply in action the lessons of the glorious mutinies of the Black Sea," the article stated. "The uprising in the Black Sea," it continued, "show us how we can fight against anti-soviet aggression, how we can turn the imperialist war into a civil and revolutionary war."[171] Whether in home port or abroad, naval forces were the target of propaganda and agitational appeals as part of a coordinated program of the Young Communist International. For example, during a fleet visit by the Italian navy to Lisbon, Portugal, in 1934, agitational leaflets printed in Italian wore distributed aboard the warships by Portuguese communists. These leaflets called on the sailors to follow the examples set for them by British sailors at Invergordon and Dutch sailors aboard the *De Zeven Provincion*.[172] Similar work was carried on in the Scandinavian and Baltic ports.

The mutinies and uprisings in the armed forces throughout the world during the years following the sixth world congress represented for the communists "a series of links of the chain of uneven but constant maturing of the revolutionary crisis."[173] The importance of these movements to the international communist cause was summarized by Manuilsky at the thirteenth plenum:

"Comrades, let us grant that these movements have not yet led to victory. But after all without a *"Potenkin"* there could have been no *"Aurora."* By virtue of these movements the communist parties are growing and strengthening, the broad masses are learning the science of revolution, and they are learning it very quickly, for at the present time in the capitalist countries the path that leads from the *"Potenkin"* of 1905 to the *"Aurora"* of 1917 is being covered much more quickly than was the case in tsarist Russia."[174]

Toward Soviet America

The formal diplomatic recognition granted by the United States to the Soviet Union two months before the thirteenth plenum in October, 1933, greatly increased the prestige of the American communist movement. In November, 1933, Maxim Litvinov, the soviet People's Commissar for Foreign Affairs, informed the President of the United States that it would henceforth be official soviet policy "to refrain, and to restrain all persons in government service and all organizations of the government or under its direct or indirect control, including organizations in receipt of any financial assistance from it,

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from any act, overt or covert liable in any way whatsoever to injure the tranquility, prosperity, order, or security of the whole or any part of the United States, its territories or possessions, and, in particular, from any act tending to incite or encourage armed intervention, or any agitation or propaganda having as an aim, the violation of the territorial integrity of the United States, its territories or possessions, or the bringing about by force of a change in the political or social order of the whole or any part of the United States.[175]

The soviet policy did not, however, extend to the Comintern or to any of its sections. The Communist Party and the Young Communist League of the United States redoubled their efforts to prepare for the still imminant but illusive revolutionary crisis which was to lead to a soviet America. Now the revolutionary overthrow of capitalism was to be accomplished in the United States was vividly described by M. J. Olgin in a pamphlet called "Why Communism?" The overthrow of state power, Olgin asserted, would grow out of the everyday struggles of the workers:

"As the organization of the workers grows, as their struggles become fiercer, while many non-proletarian elements like farmers, intellectuals, and oppressed members of the lower middle class join the revolutionary movement, the final onslaught on the fortress of captalism draws nearer. These struggles are the reaction of the masses to the misery wrought by the crisis of capitalism. The capitalists try to overcome the crisis by putting additional burdons on the shoulders of the masses, but they cannot cure the incurable disease.[176]

There would come a time, he continued, "when large sections of the population say that this simply "cannot go on." The government seems to be entirely incompetent to cope with the political and social difficulties. The belief of the population in the wisdom and all-powerfulness of the "men higher up" is shaken. These men are losing their confidence. The confidence of the masses in their own strength is growing apace. The struggles of the masses meanwhile become broader and deeper. The government tries suppression. It goes not succeed in crushing the spirit of revolt. It cannot stem the tide.[177]

Capitalism would then seek to prevent the revolution by plunging the country into war, but Olgin noted, "A time comes when there is demoralization above, a growing revolt below; the morale of the army is also undermined. The old structure of society is tottering. There are actual insurrections; the army waivers. Panic seizes the rulers. A general uprising begins.[178]

Olgin described the course which the uprising would follow: "Workers stop work, many of them seize arms by attacking arsenals. Many had armed themselves before as the struggles sharpened. Street fights become frequent. Under the leadership of the communist party, the workers organize revolutionary committees to be in command of the uprising. There are battles in the principal cities. Barricades are built and defended. The workers' fighting has a decisive influence with the soldiers. Army units begin to join the revolutionary fighters; there is fraternization between the workers and the soldiers, the workers and the marines. The movement among the soldiers and marines spreads. Capitalism is losing its strongest weapon, the army. The police as a rule continue fighting, but they are soon silenced and made to flee by the united revolutionary forces of workers and soldiers. The revolution is victorious.[179]

There was only one way to abolish the capitalist state, Olgia asserted, that was "to smash it by force." [180] It could be done; it had been done, he pointed out, in Russia during 1917. There had also been workers' revolutions in Germany during 1918, in Hungary and Bavaria in 1919, and in China in 1927, he added, but the workers had been deprived of victory by socialist betrayal. A revolution could not win, he stated, "unless the armed forces, or at least *part of them*, join the workers." [181]

After the thirteenth plenum, the American communist party called on all its sections to "check up" on whether, and to what extent, the most important decisions of the plenum, i.e., to concentrate forces in each country *"at the vital parts of the war machine of imperialism"* and to "intensify *political education work in the army and in the navy,"* were being carried out.[182] Organizational and political measures to insure that the decisions were carried out "with infinitely greater speed" than past programs had been were specifically directed. It was necessary, the party stated, "not only to clarify more sharply the political importance of the program of concentration, but also to check up the capability and fitness of our cadres in the strategic points of concentration and to make sure that the most proven, experienced and courageous mass workers and leaders occupy these positions.[183]

Unless this was done, the sections were told, they could not expect to carry on a "bolshevik struggle" against war, or prevent the shipment of munitions and troops.[184]

The years 1933 and 1934 saw an intensification of the antiwar struggle in the United States. "Only if our antiwar campaign is developed in the factories, munition plants, docks and ships can our struggle against war be effective," the party leaders told the American communists, adding: "Only by such means can we actually paralyse the war plans of the American bourgeoisie; only in this way can the Soviet Union be defended from American imperialist intervention. The factories, the places of heavy industry, will be the necessary guarantees that it will be the proletariat that will lead, which is the only class capable to lead the antiwar movements of all non-proletarian stratas of the population.[185]

"The next strategic places for the antiwar activities of the party and the young communist league," they continued, "must be within the armed forces, as well as within the various semi-military reforestation and concentration camps of adult unemployed and homeless youth." [186]

Antimilitarism played an important role in communist preparations for a soviet America. In December, 1933, the party issued a special newspaper for army men. It was called the *Soldiers' Voice*. Later, in May, 1934, it issued a similar newspaper called the *Shipmates' Voice*, the masthead of which proclaimed that it was "issued by and for sailors and marines." Both were eight page papers in tabloid form. Comparison reveals that much of the material published in both came from the same source. Many items were duplicated verbatim, with only the word "sailor" substituted for "soldier." Both papers featured the military pay cuts, the threat of war, the "failure" of the New Deal, attacks on the President and members of his staff. They also printed articles making extremely favorable comparisons of life in the soviet formed forces, and describing the mutinies in the English, Dutch and Chilean fleets.

Conspiratorial methods were employed by the American communists in making arrangements for printing the *Shipmates' Voice:* "We made sure that we didn't have it printed anywhere in any of the communist printing places. We went to a Mexican place that put out newspapers for supermarkets, and the reason we picked this Mexican place was because we decided the owner was not too well versed in the English language. He put out this newspaper. After it was finished, we destroyed the type, and we turned this—turned over this newspaper to a legal—or open member of the communist Party.[187]

The *Shipmates' Voice* was priced at two cents a copy, but was actually distributed free. Dissemination of the *Shipmates' Voice* was accomplished through the young communist leagues. Female league members mingled with the crowds that went aboard the battleships on visiting days. Copies of the *Shipmates' Voice* together with other communist propaganda, were handed surreptitiously to the sailors or were dropped in the passageways and storage areas where they would be found later. In this manner, as many as five thousand copies of the *Shipmates' Voice* were disseminated throughout the naval installations and ships on the west coast in a single day. When fleet units moved to the east coast, the American communists arranged for publication of a special edition of the *Shipmates' Voice* to be published in Cuba. The Young Communist League of Cuba distributed it inside the American naval base at Guantanamo Bay and aboard the vessels of the fleet during their stopover there. When the fleet reached New York, still another edition of the paper, printed on the presses of a local communist front organization was distributed on the docks by the female members of the local young communist league.[188] The communists also reached inside the naval establishments with special publications like the *Navy Yard Worker* which had dissemination in Washington, D.C., and *The Yard Voice* distributed in the Brooklyn Navy Yard.

Work was carried out among the soldiers, but primary emphasis was concentrated on winning adherents and establishing communist nuclei in the navy. Communist calls were organized in naval units at San Diego, San Pedro and Long Beach, California. Party and league members went abroad various warships every visiting day to make contact with the cell leaders, and to furnish them with propaganda and agitational literature. One pamphlet which was widely disseminated was a detailed account of the Invergordon mutiny.[189]

In June, 1934, the *Party Organizer*, a special organ published by the central committee of the Communist Party of the United States, for party functionaries featured a revealing article on "Work in the Armed Forces." The article was signed "I.Y., a communist soldier." "With the rapidly developing preparations for war by the United States," the article began, "it is of the utmost importance that we consider more seriously than ever before the task of work in the armed forces of the country, especially in the regular army." [190] There existed, the article continued, "great possibilities of creating a genuine revolutionary movement among the soldiers." [191] "Very concrete directives" for such work, it indicated, had been provided by the resolution of the sixth world congress of the Comintern on *The Struggle Against Imperialist War and the Tasks of the Communists*. The article listed several ways to carry on the work among the soldiers. It indicated direct contact with individual soldiers, mass distribution of party literature, formation of soldiers' clubs, and the organization of soldiers' nights in workers' clubs located near the army posts. Of these, it stated, the most important method was through direct contact with individual soldiers.[192] Study the living conditions of the soldiers, the *Party Organizer* advised its readers in order to be able to discuss intelligently their problems. Most soldiers, it noted, were willing to talk about "inside" conditions and were eager for information as to what was goin on "outside" as well. If a soldier showed any interest, his name and address was to be obtained so that party literature could be sent to him. Each communist district organization, the article recommended, should send a few "reliable, developed comrades" to enlist in the army, as "one good contact on the 'inside' can lead to any number of others." [193]

The Communist Party of the United States also issued a special discussion guide under the title "Work in the Armed Forces" for use by members assigned to antimilitarist work. The guide described the relationship of

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the armed forces to the working classes, the potential revolutionary role of armed forces, how governments used armed forces in suppressing uprisings and strikes, and factual information concerning the organizational structure of the various branches of service.[194] A separate pamphlet was prepared by the party to assist its members in penetrating the National Guard. The pamphlet contained detailed instructions on how to get into the National Guard and what to do after joining. Among the instructions provided were details on how to exploit grievances, what issue to raise, how to carry on legal and illegal agitation, how to gain the confidence of the enlisted men, and how to recruit for communist mass organizations. The pamphlet related work in the Guard with that of the young communist league, and explained how factions could be formed within the National Guard.[195]

Communists in the United States and abroad also used a special pamphlet sponsored by the Young Communist International to assist local young communist leagues in expanding their antimilitarist campaign among the socialist youth groups. This pamphlet, *Youth in the World War*, was published simultaneously in at least three different foreign language editions, i.e., English, French and German.[196] It described the antimilitarist role which youth in various countries had played during the war years of 1914–1918. Although military authorities possessed detailed knowledge of communist antimilitarist activities, they were extremely limited in what they could do to combat their demoralizing influences because in the United States communism was considered to be a "political" issue.[197] The American authorities adopted a defensive posture, but they lacked legislation which would have permitted them to institute really adequate safeguards.

Spanish October

In October, 1934, the communist parties of South and Caribbean America held its third conference in Uruguay. At the conference, the mutinies and uprisings which had occurred in the armies and fleets of Chile, Peru and Cuba since the first conference in 1929 were discussed. The conference concluded that with few exceptions, the antiwar work of the Spanish-speaking communist parties had "not yet taken on a systematic character."[198] One of the exceptions was the work which was being carried on in Cuba. The propaganda machine of the Communist Party of Cuba devoted considerable energy and attention to rendering systematic support to the antimilitarist work in the armed forces. Hardly a single manifesto of the Cuban communist party appeared which did not contain some type of appeal addressed to the soldiers and sailors. "Soldiers and sailors," the typical communist manifesto stated, "you are being used by the exploiting classes of Cuba against the toiling people and the communist party. You are being poisoned with vilest patriotism and are being sent to to shoot down workers' demonstrations. Refuse to disperse workers' demonstrations and meetings! Fraternize with the workers and peasants! Form committees of soldiers and sailors! Join the communist party! Form party cells in the barracks and on board ships![199] During the general strike in October, 1934, Cuban communists issued manifestos calling on the soldiers to join the soviets which had been set in in Realengo and Guantanamo.[200] The communists did not restrict themselves to sending manifestos to the Cuban armed forces. They carried on daily organizational work inside various military units, forming party cells and sailors' ship committees. The party also renewed publication of an illegal organ for communist soldier and sailor cells, *Centinalla roja (Red Guard)*, which popularized communism in the Soviet Union and emphasized the tasks of the communists in the armed forces.[201] But all efforts to bring the proletarian revolution to Cuba ended in failure.

At the thirteenth plenum of the Comintern, it was reported that a revolutionary situation existed in Spain. In October, 1934, the Communist Party of Spain had a membership of less than ten thousand; a year later it numbered its followers at more than one hundred thousand persons.[202] From a "sectarian group, consisting principally of emigree living abroad"[203] assisted by "an insignificant group of communist propagandists,"[204] at the time of the sixth world congress in 1928, the Spanish party became one of the ten most important sections of the Comintern by 1935. Its sudden growth into a compact mass party and a "powerful political factor" in Spain resulted from the dominant role it displayed in the October revolution of 1934. The October revolution began as a general strike called by the forces of the left against the Spanish Republic, but communist and socialist elements soon turned the general strike into open revolt. The revolt was accompanied by bloody fighting which spread rapidly over central and northern Spain even after the center of the revolt in Madrid, the capital city, had been crushed. On October 6, 1934, insurgents in Catolonia proclaimed an independent republic which lasted only two days before it was crushed by the government forces.

The October revolution of 1934 was not a total failure from the standpoint of the communists. It had failed because it lacked control leadership, but the communists made the most of the opportunity provided by defeat to drive home to the socialists and other Spanish leftist groups the need for greater cohesion and unity of action. The lesson from the teaching of Marx and Lenin on the art of insurrection that it was "not merely a question of dying like heroes at the barricades, but one of directing the struggle of the masses as a whole, of never losing the initiative and of being able to wrest the leadership from the hands of the wavering elements,"[205] had been learned well by the communists, for they survived the October revolution with their leaders, their program, and their arsenal of weapons intact. The October revolution also failed because the armed forces had been against the insurrectionists on the side of the government, which reinforced the requirement to win those elements to the side of the left if a revolution was ever to succeed in Spain. Efforts to undermine the loyalty of the military forces in Spain had never enjoyed any real widespread success because the communists, for all of their many legal and illegal propaganda organs, had been unable to put their program on a broad popular basis.

Some communist inspired revolutionary ferment in the naval forces of Spain occurred during the October revolution. In October 1934, seventeen sailors in the crew of the *Uruguay* lying off Barcelona failed in an attempted mutiny.[206] A small communist cell also existed aboard the cruiser *Liberdad*. During the fighting around Gijon, two marines from the *Liberdad* separated themselves from a landing party and made contact with the communist elements in the town. One of the marines who was a communist sympathizer, proposed an attempt to persuade the whole landing party of 70 marines to join the revolt. Instead, the communists directed him to return to his ship, form a sailors' committee, and then arrest the officers. After this had been accomplished, the red flag was to have been hoisted over the *Liberdad*. At this signal, communist representatives were then to go aboard the *Liberdad* with further instructions. If this were impossible, the marine was to attempt to stage a mutiny in order to divert as many marines as possible until help arrived. The attempt proved unsuccessful.[207]

But while the communists were growing in power in Spain, they were rapidly losing strength in Germany. Even after Hitler's decision to build a mass army provided greater opportunities for penetration into the armed forces, the communists made little headway with their antimilitarist program. Early in 1935, the central organ of the Comintern published an article discussing the tasks of the German communists. In it the German communists were told that they must "explain to the masses (who have occasionally a very unclear and schematic idea of what is meant by transforming the army as a weapon of the exploiters into a weapon of the revolution) that the decisive question is not that of arms, but of the organization of the army.[208]

Mass explanatory work among the workers and the recruits joining the army, it continued, had to be carried out to explain that "the question of their armament is not a question of building up, but one of destruction of the bourgeois-class army."[209] Workers must be made to realize, it stated, that they joined the army not only to learn how to use arms but as "organizers and agitators among the soldiers, consciously undermining the German army."[210] Their task, the article concluded, was "to undermine and destroy the organization and the ideology with the aid of which capitalists through the medium of the military barracks, transform the toilers into weapons directed against the toilers, i.e., against their own class."[211] How the German communists were to accomplish their task in the face of the conditions which existed in Germany, however, was not explained.

FOOTNOTES

[1] Otto Kuusinen, "Prepare for Power: the International Situation and the Tasks of the Sections of the Comintern," *Report of Comrade Kuusinen at the IIIth Plenum of the Executive Committee of the Communist International* (New York: Workers' Library Publishers, n.d.).

[2] M. James, "Yankee Imperialist Intervention Against the Chinese Revolution," *The Communist*, II, No. 7 (July, 1932), 621.

[3] *International Press Correspondence*, XII, No. 7 (February 18, 1932), 122.

[4] Sergio Fernandez Larrain, *Traición!* (Santiago, Chile: 1941), pp. 91–95.

[5] *Ibid.*

[6] Montenez, *loc. cit.*

[7] *International Press Correspondence*, XI, No. 64 (December 17, 1931), 1157.

[8] The stringent security precautions instituted by the Italian authorities stood in stark contrast to the disinterested official attitude which French authorities manifested during the same period. One result of these widely varying positions was the failure of communism to become more than an irritant to the Italian armed forces while at the same time in France it contributed in the ultimate downfall of the French republic.

[9] *Ibid.*

[10] *Ibid*, VIII, No. 64 (September 19, 1928), 1152.

[11] *Ibid.*

[12] *Ibid.*, XII, No. 6 (February 11, 1932), 104–105.

[13] *Ibid.*, No. 11 (March 10, 1932), 220.

[14] *Ibid.*, No. 17 (April 14, 1932), 322.

[15] *Ibid.*, No. 38 (August 25, 1932), 807; *Ibid.*, No. 45 (September 29, 1932), 909.

[16] Ehrt, *op. cit.*, p. 91.

[17] *Ibid.*, pp. 89–92.

[18] *International Press Correspondence*, XIV, No. 67, (September 7, 1934), 1239.

[19] *Ibid.*, XII, No. 5 (February 4, 1932), 79; *Ibid.*, No. 10 (March 3, 1932), 203.

[20] "Draft Programme of the C.P. of Egypt," *ibid.*, No. 23 (May 26, 1932), 476.

[21] The relationship of communist work in Egypt to the Indian revolution was revealed by Katayama, the veteran Japanese communist, in 1922. Speaking at the fourth congress of the Comintern, Katayama said: "A strong communist movement should be built up in Egypt in order to hold the key to the East and the Far East. In the case of revolt

in India, Egypt, by reason of the geographical position it occupies, would hold the key to the Indian revolution and could assist it by blockading the Suez Canal." (*Fourth Congress of the Communist International*, p. 287).

[22] Dallin. *op. cit.*, pp. 202–203.

[23] "Draft Platform of Action of the Young Communist League of India," *International Press Correspondence*, XII, No. 11 (March 10, 1932), 231.

[24] *Ibid.*, p. 229.

[25] *Ibid.*, p. 230.

[26] *Ibid.*, p. 231.

[27] Orgwald, *Tactical and Organizational questions of the Communist Parties of India and Indo-China* (United States: The Pan-Pacific Worker, n.d.), p. 61.

[28] *Ibid.*, p. 62.

[29] *Ibid.*, p. 88.

[30] *Ibid.*, p. 89.

[31] *Ibid.*

[32] *Ibid.*

[33] *Ibid.*

[34] *International Press Correspondence*, XII, No. 16 (April 7, 1932), 319.

[35] *Ibid.*, No. 6 (February 11, 1932), 99.

[36] *Ibid.*, p. 100.

[37] *Ibid.*

[38] Kumamoto, "The Revolutionary Example of the Japanese Toilers" *The Communist*, II, No. 7 (July 1932), 626.

[39] *Ibid.*, p. 630.

[40] "The War in the Far East and the Tasks of the Communists in the Struggle Against Imperialist War and Military Intervention," *Report of Comrade Okano* (New York: Workers' Library Publishers, 1932), p. 42.

[41] *Ibid.*, pp. 35–36.

[42] *International Press Correspondence*, XII, No. 23 (May 26, 1932), 470.

[43] Promulgated by the West European bureau of the Comintern in May, Japanese communists did not see these theses until July, 1932, when they were published in a special edition of *Sakki*. (*Ibid.*, No. 56 (December 15, 1932), 1206).

[44] *Ibid.*, No. 23 (May 26, 1932), 470.

[45] *Ibid.*

[46] The title of this publication has also been translated as *The Soldier's Friend*, but the communists themselves translated it as given, i.e., *The Friend of the Soldier*.

[47] *Ibid.*, No. 56 (December 15, 1932), 1216.

[48] "Examples of the Work of C.P. of Japan," *Communist International*, II, No. 1 (January 1, 1934), 32.

[49] This publication has also been referred to in communist publications under the title *The Main Mast*. It is identical to the publication which David Dallin refers to as *The High Mast* in his *Soviet Russia and the Far East* (New Haven: Yale University Press, 1948), p. 49.

[50] *Ibid.*, p. 50, *Communist International*, II No. 14 (July 20, 1934), 478.

[51] *Ibid.*, pp. 480–82.

[52] Valtin, *op. Cit.*, pp. 318–19.

[53] "On the question of Illegal Work," *The Communist International*, I, No. 23 (December 1, 1933), 853.

[54] *International Press Correspondence*, XII, No. 31 (July 14, 1932), 633.

[55] *Ibid.*, XII, No. 35 (August 11, 1932), 729.

[56] *Ibid.*, XIV, No. 42 (August 3, 1934) 1088.

[57] In 1933, at least 11 such pamphlets, totaling over 100,000 copies were distributed. (*Ibid*).

[58] *Ibid.*, p. 1087.

[59] *Ibid.*, No. 24 (April 20, 1934), 612.

[60] Kuusinen, *loc. cit.*

[61] *Ibid.*, p. 2.

[62] *Ibid.*, p. 5.

[63] *The Communist*, XI, No. 11 (November, 1932), 986.

[64] *Report of Comrade Okano*, p. 40.

[65] *Ibid.*, p. 42.

[66] *Ibid.*, p. 28.

[67] Between 1928 and the end of 1932, the number of communist party members arrested and held in temporary custody amounted to approximately forty thousand persons. (*Seventh Congress of the Communist International, Abridged Stenographic Report of Proceedings* (Moscow: Foreign Language Publishing House, 1939, p. 105).

[68] *International Press Correspondence*, III, No. 46 (October 20, 1932), 1006.

[69] *Ibid.*

[70] *Ibid.*

[71] *Ibid.*

[72] *Ibid.*

[73] *Ibid.*

[74] *Ibid.*

[75] U.S. Congress, House, Special Committee on Un-American Activities, *Investigation of Un-American Propaganda Activities in the United States*, Appendix—Part I, 76th Cong., 1st Sess., 1940, p. 505.

[76] *The Daily Worker* (New York), February 18, 1933, p. 1.

[77] *Ibid.*, February 8, 1933, p. 4.

[78] *Ibid.*, January 11, 1933, p. 3.

[79] (New York: Coward-McCann, Inc.).

[80] *Ibid.*, p. 228.

[81] *Ibid.*, p. 229.

[82] *The Times* (London), December 8, 1932, p. 7.

[83] *Ibid.*, February 11, 1933, p. 7.

[84] *The New York Times*, January 31, 1933, p. 10.

[85] *The Times* (London), January 31, 1933, p. 9.

[86] *Ibid.*, February 4, 1933, p. 9.

[87] *The New York Times*, December 7, 1933, p. 12; *Ibid.*, February 27, 1934, p. 29.

[88] *Ibid.*, February 6, 1933, p. 1.

[89] *Ibid.*, February 23, 1934, p. 3.

[90] Krebs' description of the events which transpired aboard the *De Zeven Provincion* lacks the ring of authenticity which his own personal observations possess. It was apparently reconstructed from contemporary newspaper accounts of the mutiny. (Valtin, *op. cit.*, p. 347).

[91] *Ibid.*, p. 346.

[92] *The New York Times*, February 6, 1933, p. 1.

[93] *Ibid.*, February 7, 1933, p. 1.

[94] *Ibid.*, February 9, 1933, p. 9; *The Daily Worker* (New York), February 11, 1933, p. 1.

[95] Valtin, *op. cit.*, p. 348.

[96] *The Daily Worker* (New York), February 18, 1933, p. 1.

[97] *The New York Times*, February 7, 1933, p. 1.

[98] *Ibid.*, February 8, 1933, p. 21.

[99] *Ibid.*, February 9, 1933, p. 9.

[100] *Ibid.*, February 10, 1933, p. 1; *Ibid.*, February 11, 1933, p. 9.

[101] *The Daily Worker* (New York), February 21, 1933, p. 2.

[102] *Ibid.*, February 15, 1933, p. 3.

[103] Valtin, *loc. cit.*

[104] *The New York Times*, February 8, 1933, p. 21.

[105] *Ibid.*, February 13, 1933, p. 31.

[106] *Ibid.*, February 8, 1933, p. 21.

[107] *Ibid.*, February 13, 1933, p. 12; *Ibid.*, February 27, 1933, p. 10; *The Daily Worker* (New York), February 14, 1933, p. 1.

[108] *International Press Correspondence*, XIV, No. 12 (February 26, 1934), 313.

[109] *Ibid.*, No. 25 (April 23, 1934), 638.

[110] *Ibid.*

[111] *Ibid.*, p. 639.

[112] *Ibid.*, No. 5 (January 30, 1934), 112.

[113] *The Daily Worker* (New York), February 11, 1933, p. 4.

[114] *Ibid.*, February 1, 1933, p. 1.

[115] F. O. Miksche, *Secret Forces* (London: Faber and Faber, Ltd., 1950), p. 114.

[116] Ehrt, *op. cit.*, pp. 53–54.

[117] *Ibid.*, pp. 79–81.

[118] *Ibid.*, p. 81.

[119] *Ibid.*, p. 133.

[120] *Ibid.*, p. 94.

[121] *Ibid.*, p. 76.

[122] *International Press Correspondence*, I, No. 2 (February 1, 1933), 53.

[123] *Ibid.*, XIV, No. 42 (August 3, 1934), 1087.

[124] *Ibid.*, XI, No. 1 (January 8, 1931), 19.

[125] *Ibid.*, XII, No. 56 (December 15, 1932), 1199.

[126] *Ibid.*, XIV, No. 42 (August 3, 1934), 1087–88.

[127] *Ibid.*, No. 25 (April 23, 1934), p. 647.

[128] Larrain, *op. cit.*, p. 108.

[129] *The New York Times*, February 28, 1933, p. 5.

[130] *Ibid.*, February 26, 1933, p. 17; *Ibid.*, April 8, 1933, p. 4.

[131] Argentina, Senate de la Nacion, *Represion del comunismo*, Vol. II. "Proyecto de ley, informe y antecedentes per el Senador Matias G. Sanchez Sorondo," (Buenos Aires, 1938), pp. 279–89, reproduced the full Spanish text of this pamphlet.

[132] *Ibid.*, p. 283.

[133] *Ibid.*, p. 281.

[134] *Ibid.*, p. 286.

[135] *Ibid.*, p. 281.

[136] *Ibid.*, p. 285.

[137] This was a deviation from Yaroslavsky's position that separate officers' associations should not be formed. (*Ibid.*, p. 282).

[138] *Ibid.*, p. 283.

[139] *Ibid.*, p. 284.

[140] *Ibid.*, p. 287.

[141] *Ibid.*, p. 284.

[142] *Ibid.*, p. 286.

[143] Even as late as April, 1934, one of the key issues at the second congress of the Cuban communist party was its failure to make only the "barest" beginning in an antimilitarist program. (*International Press Correspondence*, XIV, No. 34 (June 15, 1934), 910.)

[144] "Revolutionary Events in Cuba and the Tasks of the Communist Party," *The Communist International*, X, No. 18 (September 15, 1933), 626.

[145] *Ibid.*, p. 627. Italics in original.

[146] *Ibid.*

[147] *Ibid.*, p. 626.

[148] "A New Phase in the Revolutionary Events in Cuba," *ibid.*, X, No. 20 (October 15, 1933), 702.

[149] "The Revolutionary Battles in Cuba," *ibid.*, XI, No. 2 (January 2, 1934), 59.

[150] *Ibid.* Italics in original.

[151] *Ibid.*

[152] *International Press Correspondence*, XIV, No. 1 (January 5, 1934), 12–16.

[153] *Ibid.*, No. 5 (January 30, 1934), 107.

[154] *Ibid.*, No. 1 (January 5, 1934), 15. Italics in original.

[155] *Ibid.* Italics in original.

[156] *Ibid.* Italics in original.

[157] *Ibid.*, No. 5 (January 30, 1934), 107.

[158] *Ibid.*, p. 108. Italics in original.

[159] *Ibid.*, No. 25 (April 23, 1934), 628.

[160] Ibid.

[161] *Ibid.*, No. 15 (March 5, 1934), 380.

[162] *Ibid.*, p. 381.

[163] *Seventh Congress of the Communist International*, p. 105.

[164] *International Press Correspondence*, XIV, No. 28 (May 7, 1934), 731.

[165] *Ibid.*, No. 42 (August 3, 1934), 1088.

[166] *Ibid.*, No. 8 (February 9, 1934), 219 *Ibid.*, No. 12 (February 26, 1934), 318.

[167] *Ibid.*, No. 24 (April 20, 1934), 606, 617.

[168] *Ibid.*, No. 4 (January 26, 1934), 96.

[169] *Ibid.*, No. 42 (August 3, 1934), 1088.

[170] "Capitalist Stabilization Has Ended: Thesis of the Twelfth Plenum of the E.C.C.I. on the Report of Comrade Kuusinen," *The Communist*, XI, No. 11 (November 1932), 985.

[171] "The Black Sea Revolt," *ibid.*, XI, Nos. 9–10 (May 20, 1934), 342.

[172] *International Press Correspondence*, XIV, No. 42 (August 3, 1934), 1088.

[173] *Ibid.*, No. 16 (March 9, 1934), 417.

[174] *Ibid.*, No. 12 (February 26, 1934), 313.

[175] U.S., Congress, House, Special Committee on Un-American Activities, *Investigation of Un-American Propaganda Activities in the United States*, Appendix, Part I, 76th Cong., 1st Sess., 1940, p. 557.

[176] *Ibid.*, p. 741.

[177] *Ibid.*

[178] *Ibid.*, p. 742.

[179] *Ibid.*

[180] *Ibid.*
[181] *Ibid.* Italics in original.
[182] *Ibid.*, p. 615. Italics in original.
[183] *Ibid.*
[184] *Ibid.*
[185] *Ibid.*, pp. 937–38.
[186] *Ibid.*
[187] U.S. Congress, House, Committee on Un-American Activities, *Investigation of Communist Activities in the New York City Area*, Part 3, 83rd Cong., 1st Sess., May 6, 1953, p. 1386.
[188] *Ibid.*
[189] *International Press Correspondence*, XIV, No. 42 (August 3, 1934), 1088.
[190] *Party Organizer*, VII, No. 4 (June, 1934), 26.
[191] *Ibid.*
[192] *Ibid.*, p. 27.
[193] *Ibid.*, p. 28.
[194] U.S., Congress, House, Committee on Military Affairs, *To Make Better Provision for the Government of the Military and Naval Forces of the United States by the Suppression of Attempts to Incite the Members Thereof to Disobedience*, 74th Cong., 1st Sess., 1935, pp. 79–80, 86–87.
[195] Possony, *op. cit.*, p. 174.
[196] T. Motylewa, *Die Jugend in Weltkrieg* (Moscow: Verlagsgenossenschaft Auslandischer Arbeiter in der USSR, 1934); T. Motylva, *Les jeunes dans la guerre mondiale* (Paris: Bureau d'editions, 1934); V. Motyleva, *Youth in the World War* (New York: Youth Publishers, 1934).
[197] U.S., Congress, House, Special Committee on Communist Activities in the United States, *Investigation of Communist Propaganda*, 71st Cong., 3rd Sess., January 17, 1931, pp. 34–35.
[198] "Struggles of the Communist Parties of South and Caribbean America," *The Communist International*, XII, No. 10 (May 20, 1935), 569.
[199] Bijowsky, "Weaknesses and Mistakes of the Communist Press in Cuba," *International Press Correspondence*, XI, No. 7 (April 5, 1934), 261.
[200] *Ibid.*, XIV, No. 59 (November 24, 1934), 1572.
[201] *Ibid.*, No. 27 (May 4, 1934), 707.
[202] *The Daily Worker* (New York), July 22, 1936, p. 1. Manuilsky, speaking at the Seventeenth Party Congress of the Soviet Union early in 1934 claimed that membership in the Communist Party of Spain numbered 30,000, with some 15,000 members in the communist youth leagues. He also boasted that communist influence in the Spanish army was growing. (*International Press Correspondence*, XIV, No. 12 (February 26, 1934), 313). The real membership of the Spanish party was probably somewhere in between the two sets of figures.
[203] *Seventh Congress of the Communist International*, p. 59.
[204] *Ibid.*, p. 53.
[205] *Ibid.*, p. 449.
[206] *International Press Correspondence*, XIV, No. 54 (October 19, 1934), 1428.
[207] *Ibid.*, No. 60 (December 1, 1934), 1604.
[208] Rudolph Gerber, "Our Fight Against German Chauvinism," *The Communist International*, XII, No. 10 (May 20, 1935), 561–63.
[209] *Ibid.*
[210] *Ibid.*
[211] *Ibid.*

SOUTHERN BAPTIST SUPPORT FOR PRAYER

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. WYLIE. Mr. Speaker, the impression has been left that because of the Southern Baptist Convention opposition to House Joint Resolution 191, all Baptists are against it.

I respectfully suggest that not all Baptists feel as Dr. Carl E. Bates. I have received considerable correspondence to this effect. I call attention to a letter from Rev. Claud Logan Asbury of the Gibson Avenue Baptist Church, Wilmington, N.C.

GIBSON AVENUE BAPTIST CHURCH,
Wilmington, N.C., October 26, 1971.

DEAR CONGRESSMAN: As you know the requisite 218 signatures on Discharge Petition Number 1 concerning the proposed Prayer Amendment to the Constitution has been achieved in the U.S. House of Representatives. How grateful all Americans must be for this Victory.

It is my understanding that H.J. Res. 191 has been scheduled for consideration by the House of Representatives on November 8th. I am very hopeful that it will receive the two-thirds vote required for the passage of a Constitutional Amendment.

I believe the spiritual direction *Upward*, which Our Beloved Nation must take in the future depends, to a great extent upon the approval of A Prayer Amendment to our U.S. Constitution—this action in the U.S. House of Representatives can be the necessary *First Step*.

As you probably know, I am Sponsor of "The Asbury Resolution on Voluntary Prayer in The Public Schools", which has already been adopted by *two* Baptist State Conventions of The Southern Baptist Convention (consisting of all 50 states): the Baptist State Convention of North Carolina (which comprises 3,449 churches with a total membership of 1,023,147 people—this is the *second* largest Southern Baptist Convention State regarding churches and total membership—Texas being the largest), and the present home of Southern Baptist Convention President, Dr. Carl E. Bates, who is also pastor of the First Baptist Church, Charlotte, North Carolina—the resolution was adopted last year (1970) in the War Memorial Auditorium, Greensboro, North Carolina; and the Baptist State Convention of South Carolina (which comprises 1,599 churches with a total membership of 587,304 people)—it was adopted in 1964 in the First Baptist Church, Columbia, South Carolina, the State Capitol.

On behalf of the Baptist State Conventions of North and South Carolina (of the Southern Baptist Convention), which have adopted "The Asbury Resolution of Voluntary Prayer in the Public Schools", I deeply appreciate your vote for this Prayer Amendment to the Constitution.

With kindest regards and appreciation, I am

Very truly yours,
REV. CLAUD LOGAN ASBURY.

WORKMEN'S COMPENSATION PROTECTION FOR FARM LABOR

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. O'HARA. Mr. Speaker, the Subcommittee on Agricultural Labor of the Education and Labor Committee is currently holding hearings on a bill that would extend the provisions of the Longshoremen's and Harbor Workers' Compensation Act to farm workers. One of the witnesses in last Thursday's hearing was Mr. James O'Brien, the very able and knowledgeable assistant director of the AFL–CIO Department of Social Security. Mr. O'Brien's recognized expertise in the field of workmen's compensation was reflected in his being appointed earlier this year to the National Commission on State Workmen's Compensation Laws that was created by the Daniels Occupational Safety and Health Act of 1970.

In a recent radio news conference, Mr. O'Brien responded to reporters' questions on a broad range of workmen's compensation matters. He made the point in the course of the interview that agricultural workers have been excluded traditionally under workmen's compensation as well as other social insurance programs, notwithstanding that theirs is one of the most hazardous occupations in the Nation. Mr. O'Brien pointed out, too, that progress in most State legislative bodies has been extremely slow in extending to farm workers the same workmen's compensation protection that the State programs have afforded to workers in other industries for decades.

Mr. O'Brien discussed several other deficiencies in workmen's compensation programs that must be corrected to provide adequate, uniform protection for all of the Nation's workers. He feels that the key to bringing workmen's compensation up to realistic current needs is minimum Federal standards for both the amount and duration of benefits for disabled workers and the survivors of workers killed in job-related accidents. The laws of only two States achieve the originally intended goal of supporters of workmen's compensation legislation to replace two-thirds of a worker's normal wage during his recovery period. Mr. O'Brien added that in many instances, benefits under State laws are so inadequate that disabled workers are forced to seek welfare and other forms of public assistance in order for them and their families to survive.

I insert the entire transcript of the interview along with the text of the AFL–CIO statement prepared for the hearing on H.R. 11007, the Farm Workers' Compensation Act, at this point in the RECORD:

LABOR NEWS CONFERENCE—MUTUAL BROADCASTING SYSTEM

Subject: Up-dating Workmen's Compensation
Guest: James O'Brien, an assistant director of the AFL–CIO's Department of Social Security
Reporters: Murray Seeger, Washington correspondent for the Los Angeles Times; Donald Finley, labor correspondent for United Press International
Moderator: Frank Harden

MUTUAL ANNOUNCER. The following time is presented as a public service by this station and the Mutual Broadcasting System.

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is James O'Brien, an assistant director of the AFL–CIO's Department of Social Security.

Passage of the new federal Occupational Safety and Health Act reinforced this country's commitment to the right of every American worker to a safe and healthful work environment. But, while full and effective enforcement of the job safety law will cut the

rate of work-related death, injury and illness, it cannot completely eliminate them. Workmen's compensation is the financial protection against wage losses stemming from job-related injuries. But, in the view of the AFL–CIO, the nation's workmen's compensation system, is badly outdated. Mr. O'Brien is a member of the National Commission on State Workmen's Compensation Laws established to investigate the shortcomings of various state workmen's compensation laws and recommend to Congress how that vital worker-protection can be brought into line with realistic needs. Here to question him about the progress and direction of the Commission's findings to date are Murray Seeger, Washington correspondent for the Los Angeles Times, and Donald Finley, labor correspondent for United Press International. Your moderator, Frank Harden.

And now, Mr. Finley, I believe you have the the first question?

FINLEY. Mr. O'Brien, just what benefits does workmen's compensation provide?

O'BRIEN. Mr. Finley, workmen's compensation is the oldest form of social insurance that we have in the United States today—it is an insurance program.

Basically, it provides wage-replacement benefits to workers who suffer injury or disease arising in the course of their employment. In addition to wage-replacement benefits, it also is intended to provide medical care. As important as these two—certainly very important—it also provides, under many state programs, rehabilitation services, or benefits to help injured workers—speed their recovery and quick return to gainful employment.

These are the basic benefits provided under the Workmen's Compensation program of this nation.

FINLEY. These programs are administered by the states. Do any of the states provide what you consider adequate benefits?

O'BRIEN. During the past 30 years, workmen's compensation programs and the benefits provided under the various state programs have deteriorated noticeably.

Today, with the exception of the Federal Employees Compensation Act—and this is a program that provides protection for federal employees—most of the state laws are deficient—they are extremely deficient or inadequate, in terms of the wage-replacement benefits provided to injured workers.

SEEGER. Are there any federal standards, Mr. O'Brien, for the state workmen's compensation laws to meet?

O'BRIEN. Mr. Seeger, workmen's compensation, since its inception, has been administered at the state level.

There are 50 state programs and two federal programs.

There is little, if any, federal involvement in workmen's compensation. When I say "little, if any," I am thinking of longshoremen, who are covered under Longshoremen and Harbor Workers Act. That is a federal program. Longshoremen, for instance, who work in the Port of New York, would be covered by that federal program. But, that is the only relationship that the federal government has to workmen's compensation.

SEEGER. Is it possible then that, say, a steelworker can be injured in a plant in Ohio—suffer a certain kind of injury—and a steelworker in Illinois and suffer the same kind of injury, and yet, they would get considerably different benefits?

O'BRIEN. Not only is it possible, this is exactly what would happen.

For instance, take the example of a steelworker who might suffer a work-related injury in Pennsylvania. He would receive, as his protection, those benefits provided under the Pennsylvania law. On the other hand, for a steelworker in Texas, protection is whatever is provided by the program in Texas.

And among the states, the protection provided varies. We have 50 states—we have 50 variations.

FINLEY. Let's take the specific example of a man making $150 a week—normally—he is injured and off the job for six months. What can he expect to receive in the way of benefits under workmen's compensation—in the average state?

O'BRIEN. Mr. Finley, in the average state, an injured worker earning in the neighborhood of $150 a week would be fortunate if the benefits he received, in terms of wage-replacement, were equal to 40% of his former average weekly wage.

Under many state programs, he would be entitled to full medical care. In many states, he would also have rehabilitation services, if they were necessary.

However, for the temporary disability—short-term disability—workmen's compensation is far from its originally intended goal of providing the worker, who is off during this period of healing, a benefit equal to 66⅔% of his average weekly wage.

In the case of a worker earning $150 a week, the benefit would have to be $100 a week, to replace two-thirds of his average weekly wage. There are today, perhaps one or two states that have a benefit structure that would provide this type of benefit to an injured worker.

FINLEY. What about cases of permanent disability or death?

O'BRIEN. In cases of permanent disability or death—and let's talk about permanent disability first, Mr. Finley—separate the two types of injuries—many state programs today provide an inadequate weekly benefit amount for a certain period—let's say 400 or 500 weeks. This will be provided in the law.

Not only is the weekly benefit amount inadequate, but at the end of the period specified in the law, a permanently and totally disabled worker just might be thrown on the shoulders of the community. His only source of income, after this specified period of time expires, would be his relatives, his savings—if he had any—or public welfare.

In terms of fatal cases, the problem is somewhat similar, in that many states provide an aggregate amount of workmen's compensation that's payable to the widow and dependent children. When the end is reached, either in terms of time or money—the limits set in the program—this family—perhaps a young mother with two or three small children—this family's protection under the workmen's compensation program ends.

The only appeal then is to the widow's family, or her husband's family, if the families do not have the resources, to public assistance.

SEEGER. Where does the money that pays those workmen's compensation benefits come from?

O'BRIEN. Basic and fundamental to workmen's compensation is the concept that the consumer pays for the protection of this program in the price of the goods and services he purchases.

It's true that the money does flow through the hands of the employer, but the cost of workmen's compensation was originally—and is now—expected to be reflected in price of the goods or services produced.

SEEGER. Is this in the form of an insurance premium that the employer pays?

O'BRIEN. The employer may secure protection against his liability through the purchase of insurance from a private carrier, or he may self-insure. Some large employers do self-insure, rather than purchase insurance protection from a private carrier.

SEEGER. And in some instances, the states operate an insurance pool, don't they?

O'BRIEN. In six states, at the present time, the States operate what we call an "exclusive state fund"—they insure all workmen's compensation risks.

In 12 other states, there is a "competitive state fund"—which means that private carriers and a state fund compete for the insurance business in workmen's compensation.

SEEGER. The benefit levels are the same though, aren't they?

O'BRIEN. Yes, the insurance mechanism really can be separated from the benefits structure of the program.

An insurance carrier functions as an insurance carrier, whether it's a state fund or a private company. The benefits are set through legislative action.

FINLEY. Is a worker eligible for benefits, Mr. O'Brien, even if he is injured through his own negligence—eligible, regardless of who is at fault?

O'BRIEN. Another basic concept of workmen's compensation is that it is a no-fault system, in the sense that when workmen's compensation programs were first enacted, workers surrendered—gave up—their right to sue their employers for injuries—whether or not the employer was negligent—and the employer accepted a limited liability.

FINLEY. In other words, the worker could not go to court later and collect further damages?

O'BRIEN. That's right—it's an exclusive remedy.

SEEGER. When workmen's compensation was first initiated, it was considered a great reform—a great social break-through. Why have the benefit levels fallen so far behind, as you say?

O'BRIEN. There are, I suppose, many, many reasons why the benefit levels and the other aspects of workmen's compensation have fallen so far behind.

But, if one wants to be objective, we must think about the load that state legislators face every legislative session.

Workmen's compensation is one of only many issues that are before state legislators. In some states—quite a few—the legislators simply do not have the time to devote to workmen's compensation—the time it properly deserves. As a result, workmen's compensation has deteriorated.

Then, there are, at the state level, people who are hostile to the entire concept of workmen's compensation—hostile, in the sense that inadequate benefits, slowness in payment and other deficiencies in the system, work to their advantage. They are not anxious—and they're certainly not aggressive in their efforts to improve the programs.

SEEGER. In other words, it takes the vote of a state legislature to determine how much a worker is going to be paid for an injury, or for his lost time?

O'BRIEN. Well, Mr. Seeger, every element of workmen's compensation is established through state legislative action.

SEEGER. Is that a good idea?

O'BRIEN. We feel, in the AFL–CIO, Mr. Seeger, that without a greater federal voice in this program, we feel, at the very minimum, we need minimum federal standards, to modernize and improve workmen's compensation, and to make sure that in the future, the state legislatures will give workmen's compensation the attention it deserves during their sessions.

FINLEY. Has Congress ever had the chance to vote on whether or not to have federal standards? What's being done right now about that?

O'BRIEN. There was a bill in the last session of Congress that would have provided minimum federal standards for state workmen's compensation—the bill was introduced by Congressman Perkins (D) from Kentucky.

It would have required the states to meet the standards of the Longshoremen and Harbor Workers Compensation Act. If the state programs did not meet the standards of that Act, employers would have had to provide this protection at the level of the Longshoremen and Harbor Workers Act, through private insurance arrangements.

FINLEY. What happened to that bill?

O'BRIEN. Hearings were never held on the bill.

And, in response to your previous question, Congress hasn't voted on this particular issue, as yet.

However, Mr. Finley, there are a number of pieces of legislation I could call to your attention that indicate congressional interest in this matter.

First, is the establishment of the National Commission on Workmen's Compensation laws that was provided under Section 27 of the Occupational Safety and Health Act of 1970. Prior to that, we had the Coal Mine Health and Safety Act. It provided a type of workmen's compensation benefits for miners suffering from "black lung."

Even earlier, legislation was passed that extends the protection of the Federal Employees Compensation Act to local law enforcement officers—a piece of legislation that many people are not aware of. It was in 1969, I believe, that Congress enacted that legislation.

So, we have local police officers, who, under some circumstances, are covered under the Federal Employees Compensation Act.

SEEGER. You mentioned a few minutes ago that there are certain elements in the country, or certain groups, who are hostile to workmen's compensation laws—and who have opposed improvements. Who are these groups? And, what is their hostility?

O'BRIEN. Mr. Seeger, I used the expression "hostile," because I work with the various state AFL–CIO organizations, on a continuing basis, to try to upgrade and improve state workmen's compensation laws and see it.

Spokesmen for national organizations will appear before committees of Congress, and before state legislatures and indicate that they have an interest in the program—are interested in improving it.

However, at the state level, the affiliates of these organizations and their spokesmen consistently and regularly oppose improvements in workmen's compensation.

Employer spokesmen, for the most part, oppose our efforts to improve state workmen's compensation laws.

Some insurance carrier representatives oppose our efforts to improve state workmen's compensation laws. Now, I do not want to say that in recent months, some national spokesmen for insurance carriers have been showing an interest—in fact, have taken a definite position—toward improving some areas of workmen's compensation.

In some states, we also have a situation—it's an unfortunate situation, but we should recognize it—in which the state agency that's responsible for administering the workmen's compensation program, does little, if anything, to guide the legislature, in terms of proposals that would modernize and improve the state program.

SEEGER. In my own experience, Mr. O'Brien, it seems a lot of people confuse unemployment compensation with workmen's compensation. Yet, these are two distinctively separate programs, aren't they?

O'BRIEN. Mr. Seeger, I'd like to mention a recent incident that was called to the attention of the National Commission on State Workmen's Compensation laws' hearing here in Washington, D.C.

A witness before the Commission, who is responsible for the direction of the program in one of the states here on the East Coast, indicated to the Commission members that many state legislators do not know the difference between these two programs.

But, again, it may be that the press of their legislative work simply does not permit the time to treat these programs in detail.

In most state legislatures, the committee members who deal with labor problems certainly know the differences between these two programs—and the purposes that each program is supposed to serve.

FINLEY. Mr. O'Brien, just who is covered by workmen's compensation laws? Are all workers, or, are some excluded?

O'BRIEN. Reliable estimates—and these are estimates that have been made by the Department of Health, Education and Welfare—indicate that perhaps 75% of the American work force is covered by workmen's compensation.

The ideal situation would be to have 100% or universal—coverage. However, 20% of the labor force is not covered, at the present time.

And, unfortunately, some of the most hazardous occupations are excluded from the program. For instance, agricultural workers have been excluded, traditionally, under workmen's compensation and other social insurance programs.

But although agriculture is one of the most hazardous occupations in this country little progress has been made toward extending workmen's compensation coverage to these workers.

I do want to say that there's a bill pending in Congress now—introduced by Congressman O'Hara (D-Mich.) that would extend workmen's compensation protection to agricultural workers.

FINLEY. Well, are workmen's compensation benefits nullified, if the union worker has private insurance that provides other benefiits?

O'BRIEN. Most private insurance policies or contracts exclude the payment of benefits, if the injury or disease is covered by workmen's compensation—so there is no overlap or double-recovery.

SEEGER. Is it permissible for the recipient of workmen's compensation to get other public help? Can he go on welfare, if his workmen's compensation isn't generous enough?

O'BRIEN. Unfortunately, he may have to go on welfare, if the benefit is not adequate.

The point is, the system was designed and intended to take this burden from the shoulders of society, and place it—the cost of these injuries—into the goods or services that are produced.

It was never contemplated that an injured workman would have to appeal to public relief or public assistance, during a healing period needed to get him back to work.

SEEGER. Does the new federal safety and health law have any effect on the workmen's compensation laws?

O'BRIEN. Immediately, it does not—but it certainly will in the future.

The record-keeping—the safety provisions of the Act—the inspections required—all of these strong safety elements provided under the Occupational Health and Safety Act, will certainly have an impact on workmen's compensation, in the sense that they will reduce accidents.

Certainly, they should lower insurance premiums—the cost of workmen's compensation.

And they should make employers and also workers conscious—more conscious, let's say—of safety in the plant.

FINLEY. Well, now that the Congress has passed the Occupational Safety and Health bill, what are the prospects of getting improvements in workmen's compensation?

O'BRIEN. The AFL-CIO has, for many years, advocated greater federal participation in the program.

We intend to encourage Congress to take a look at workmen's compensation, and, to enact minimum federal standards for workmen's compensation—that would require the states to maintain a modern workmen's compensation program.

HARDEN. Thank you, gentlemen. Today's Labor News Conference guest was James O'Brien, an assistant director of the AFL–CIO's Department of Social Security. Representing the press were Donald Finley, labor correspondent for United Press International, and Murray Seeger, Washington correspondent for the Los Angeles Times. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL-CIO, produced in cooperation with the Mutual Broadcasting System.

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STATEMENT OF ANDREW J. BIEMILLER, DIRECTOR, DEPARTMENT OF LEGISLATION, AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS, OCTOBER 28, 1971

Mr. Chairman, on behalf of the AFL–CIO, I wish to thank you for the opportunity to present the views of organized labor on H.R. 11007. This bill is designed to furnish agricultural workers and their families with workmen's compensation protection in the event of work injury or disease. In addition it provides agricultural workers with workmen's compensation protection if they incur an occupational injury or illness arising out of an unsafe, defective or unhealthful condition or inadequate sanitation facility or housing provided as an incident to their employment.

H.R. 11007 would also provide victims of economic poisoning—illness or injury stemming from the use of toxic pesticides—with benefits under the Federal Employees' Compensation Act. However, the farm employer would not be required to finance this protection.

H.R. 11007 also modifies the exclusive remedy concept of workmen's compensation. The bill would permit a worker to sue his employer if his disability or illness arises out of the gross negligence of his employer. Gross negligence is defined as the failure of the employer to comply with a provision of federal, state, or local law concerning occupational health and safety or applicable to housing provided the worker.

Mr. Chairman, the AFL–CIO is convinced, through bitter experience at the state level, passage of this legislation is essential if agricultural workers are to receive the protection of our oldest form of social insurance. The AFL–CIO as a matter of policy has advocated the extension of workmen's compensation protection to agricultural workers for many years. A copy of organized labor's 1967 resolution on workmen's compensation is attached.

In our opinion, workmen's compensation coverage for agricultural workers has been shamefully ignored at the state level despite the recognized hazardous nature of employment in agriculture.

During the month of August 1971, the Occupational Safety and Health Administration (OSHA) announced its intention to focus its safety and health efforts on five target industries. This program has been referred to, in terms of work injuries, as the "worst first program." Agriculture was not one of the target industries, but a review of National Safety Council data indicates agriculture belongs in this classification.

Table I reveals the injury frequency rate in agriculture to be higher than one of the target industries and well above the all industry injury rate. However, accident frequency reflects only a part of the problem. The severity rate, or the seriousness of the injury in terms of lost productive manpower, in agriculture is one of the highest in any industry. As compared with the target industries, the severity rate in agriculture is exceeded only by the lumber industry.

The victims of these work injuries, farm workers and their families, are, for the most part effectively, denied workmen's compensation protection under the provisions of existing state programs. One of the major reasons for the denial of workmen's compensation coverage to farm workers is their lack of representation in the state legislatures. Agricultural employers, on the other hand,

are usually well represented in the state legislatures.

Agricultural employers have, unfortunately for many years, encouraged great numbers of people to maintain a sentimental but false image of the traditional family farm worked by one man and a team of mules. In this day of factory farms and vast agricultural holdings by corporations, of combines, automatic loaders, mechanical seeders, and power-driver corn pickers, agricultural work has become one of the nation's most hazardous occupations.

Table II indicates the extent to which the hazardous nature of agricultural work has changed as the nature of agricultural business has changed. Approximately 5 percent of the nation's work force is engaged in agricultural work, but this element of the work force accounts for approximately 10 percent of work related disabling injuries.

This situation can be expected to continue as long as agricultural workers are denied the basic protection of workmen's compensation. Agricultural employers under existing arrangements have no incentive to minimize work hazards or reduce accidents. Workmen's compensation protection would help to remedy this situation. However, unless the federal government takes firm steps to provide workmen's compensation protection to agricultural workers this remedy will remain unused.

The states have had over one-half century of experience with workmen's compensation programs. The states can, and a handful of states—a total of 17 states—have, as indicated in Table III extended workmen's compensation protection to agricultural workers and their families. However, as long as agricultural employers, similar to those discussed in the attached article oppose extension of workmen's compensation to agricultural workers at the state level, the great majority of these workers will continue to be denied the protection of state programs. The strength of this opposition is shown in the article I have attached to my testimony from the October 3, 1971, issue, of the "Washington Post." I respectfully request that this article be included in the record.

Mr. Chairman, many responsible organizations interested in workmen's compensation matters have taken a public position in favor of extending workmen's compensation protection to agricultural workers. These organizations include: the United States Department of Labor, the Council of State Governments, the organization representing state workmen's compensation administrators, the International Association of Industrial Accident Boards and Commissions (the IAIABC), and the AFL–CIO. In addition to these organizations the 1967 *Report of the National Advisory Commission on Food and Fiber* recommended extending workmen's compensation protection to agricultural workers in the following language:

"There seems to be no justification for treating farm labor differently than other workers in the labor force. Therefore, the Commission recommends that farmworkers should not, by Federal or State exemption, be denied the benefits of policies and standards that are deemed to be in the interest of other wage earners.

"Rural workers should have protection equal to that of urban workers in such important areas as workmen's and unemployment compensation . . ."

Any objective review of the state's legislative response to repeated urging to extend the protection of state workmen's compensation programs to agricultural workers must, we think, recognize the response has been negative.

Mr. Chairman, fifty years is long enough to wait, this nation has a national economy in which some existing problems can only be solved by national action. The Congress of the United States declared in Section 27 of the Occupational Safety and Health Act of 1970 that:

"the vast majority of American workers, and their families are dependent on workmen's compensation for their basic economic security in the event such workers suffer disabling injury or death in the course of their employment; and that the full protection of American workers from job-related injury or death requires an adequate, prompt, and equitable system of workmen's compensation as well as an effective program of occupational health and safety regulation; . . ."

Past experience should make it apparent that agricultural workers will only achieve the basic protection of workmen's compensation and an effective program of occupational health and safety if the Congress furnishes it. The inability or unwillingness of the states to provide these basic protections demonstrate the need for much greater federal participation in workmen's compensation matters. An agricultural worker injured in Texas with no coverage for farm workers has the same need for workmen's compensation as an agricultural worker in California, Hawaii, Pureto Rico, or Alaska which are among the few states that do cover farm workers. There is no valid reason, in our opinion, why injured agricultural workers should be protected by the workmen's compensation program in one state and forced on the public assistance rolls in another. This is not only inequitable, as to the worker and his family; it places an unjust burden upon the general public. Lack of workmen's compensation protection for agricultural workers shifts a recognized industry cost of production and an employer responsibility onto the shoulders of the general public.

Enactment of H.R. 11007 would remedy this situation by extending basic workmen's compensation and occupational health and safety protection for agricultural workers. At the same time, it recognizes the state's responsibility in this area. It permits those states that have met their workmen's compensation responsibilities toward agricultural workers to retain their jurisdiction in these matters. It permits other states to assert their jurisdiction if they wish to do so, and it provides federal workmen's compensation protection for agricultural workers in those states that are unwilling or unable to extend protection under their own state program.

The AFL–CIO has long urged Congress to assert a larger federal role in workmen's compensation matters. H.R. 11007 is a step in this direction for agricultural workers. We hope this Committee will report favorably on this bill and the Congress will enact this much needed legislation at a very early date.

TABLE I.—*3-year injury rates,*[1] *1967–69*

Frequency	*Severity*
All industries:	
7.56	659
Lumber:	
16.44	2054
Meat Packing:	
24.66	504
Sheet Metal Products:	
5.60	494
Wood Product:	
13.39	913
Agriculture:	
11.38	1876

[1] Reporters to National Safety Council.

Source: *Accident Facts,* 1970 Edition, National Safety Council, Chicago, Illinois.

Frequency Rate: number of disabling work injuries per 1,000,000 employee-hours exposure.

Severity Rate: total days charged for work injuries per 1,000,000 employee-hours exposure.

TABLE II.—WORK ACCIDENTS, 1969

Industry group	Number of workers	Disabling injuries, 1969	Percent of total: Agricultural workers	Percent of total: Agricultural injuries
All industries	79,000,000	2,200,000		
Agriculture	3,800,000	210,000	4.8	9.5

Source: Accident facts, 1970 ed., National Safety Council, Chicago, Ill.

Table III.—Coverage of agricultural workers

Some steps toward specific inclusion of agriculture under workmen's compensation laws have been taken as shown by the following table. Twenty-four States and Puerto Rico now have some coverage of agricultural workers. Only seventeen of these laws (those of Alaska, California, Colorado, Connecticut, Hawaii, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Oregon, Vermont, Washington, Wisconsin and Puerto Rico) cover agricultural workers in approximately the same way as other workers.

Some of these laws carry limitations not applicable to other covered employees.

The New York law applies to farm laborers if the employer's total cash wage payments during the preceding calendar year amounted to $1,200 or more. In Michigan, regularly employed farmworkers are covered if their employer employs 3 or more regular employees 35 hours a week for a period of 13 or more weeks during the preceding 52 weeks. Maryland extends coverage to farm employees if the farm employer has three or more full-time employees or a yearly payroll for full-time employees of $15,000; non-machine operating migratory farm laborers and office workers are exempt.

The New Hampshire law applies to farmworkers working for an employer who employs more than 2 employees. (There is no numerical exemption for other covered employment.) In Wisconsin, a farm employer becomes subject to the act 10 days after he has employed six or more employees on 20 or more days during the calendar year; any employee he hires after that is immediately covered. In Colorado farm and ranch workers are covered if they are employed more than 6 months during any 12 month period by an employer who employs 4 or more such workers. Maine exempts seasonal or casual farmworkers and those whose employers carry employers' liability insurance with specified limits.

Florida exempts "agricultural labor performed on a farm in the employ of a bona fide farmer or association of farmers who employs 9 or less regular employees and who employs less than 20 other employees at one time for seasonal agricultural labor that is completed in less than thirty (30) days, provided such seasonal employment does not exceed sixty (60) days in the same calendar year." All other farmworkers are covered on the same basis as other workers, including those employed by commercial grove caretaking organizations; fruitpickers employed by packinghouse operators who purchase fruit on the trees, fruit or vegetable harvest workers employed by labor contractors, and the like.

In the remaining six States, Arizona, Kentucky, Louisiana, Minnesota, South Dakota, and Wyoming, only agricultural workers engaged in certain mechanized or power occupations are covered.

In the 27 jurisdictions not specifically providing for compulsory or elective coverage of agricultural workers, the employer may nevertheless choose "voluntary" coverage in at least 24. The Alabama and District of Columbia laws expressly prohibit voluntary coverage, while the Tennessee law is silent on this subject. Of the States permitting voluntary coverage, it must be by the joint action of both the employer and employee in Georgia; in the remaining 23 coverage may be accepted by the farmer employer.

JURISDICTIONS IN WHICH WORKMEN'S COMPENSATION LAWS APPLY TO FARMWORKERS [1]

State	Farmworkers covered	Type of coverage	Workers exempted if employers have fewer employees than number indicated. (However, such workers may be brought under the act voluntarily.)
Alaska	Agricultural employees, except those employed on a part-time basis	Compulsory	No numerical exemption.
Arizona	Workers employed in the use of machinery	do	3 employees.
California	No express provision exempting farmworkers; therefore, all farmworkers are covered in the same manner as other workers.	do	No numerical exemption.
Colorado	Farm and ranch workers employed more than 6 months during any 12 month period	Elective	4 employees.
Connecticut	No express provision exempting farmworkers; therefore, all farmworkers are covered in the same manner as other workers.	Compulsory	No numerical exemption.
Florida	All agricultural workers except those performing agricultural labor on a farm in the employ of a bona fide farmer or association of farmers, employing 9 or less regular employees and who employs less than 20 other employees at one time for seasonal employment as defined.	do	See col. 2.
Hawaii	No express provision exempting farmworkers; therefore, all farmworkers are covered in the same manner as other workers.	do	No numerical exemption.
Kentucky	Workers engaged in the operation of threshing machines used in threshing or hulling grain or seeds	Elective	3 employees.
Louisiana	Workers engaged in the operation of harvesting machinery and threshing machinery	do	No numerical exemption.
Maine	Agricultural workers, except seasonal or casual	do	4 employees.
Maryland	Agricultural employees covered if the farm employer has 3 or more full-time employees or a yearly payroll for his full-time employees of $15,000. Nonmachine-operating migratory laborers and office workers exempt from coverage.	Compulsory	See col. 2.
Massachusetts	No express provision exempting farmworkers; therefore, farmworkers are covered in the same manner as other workers.	do	No numerical exemption.
Michigan	Farmworkers working for an employer who employs 3 or more regular employees 35 or more hours a week for a period of 13 or more weeks during the preceding 52 weeks. Coverage applies only to such regularly employed employees.	do	See col. 2.
Minnesota	Workers engaged as commercial threshermen and commercial balers	do	No numerical exemption.
New Hampshire	Farmworkers working for an employer who employs more than 2 employees	do	See col. 2.
New Jersey	No express provision exempting farmworkers; therefore, all farmworkers are covered in the same manner as other workers.	Elective	No numerical exemption.
New York	Requires workmen's compensation coverage of farm laborers for 12 months from Apr. 1, if the farmer's total cash wage payments during the preceding calendar year amounts to $1,200 or more; farmworkers supplied to farmer by a farm labor contractor would be deemed to be employees of the farmer.	Compulsory	Do.
Ohio	No express provision exempting farmworkers; therefore, all farmworkers are covered in the same manner as other workers.	do	3 employees.
Oregon	do	do	No numerical exemption.
Puerto Rico	Farmworkers are covered specifically in the same manner as other workers	do	Do.
South Dakota	Workers engaged commercially in the operation of threshing machines, grain combines, corn shellers, corn-huskers, shredders, silage cutters, and seed hullers for profit.	do	Do.
Vermont	No express provision exempting farmworkers; therefore, all farmworkers are covered in the same manner as other workers.	Elective	3 employees.
Washington	All agricultural employees except those who earn less than $150 per calendar year from one employer	Compulsory	No numerical exemption.
Wisconsin	Farmworkers working for an employer, who become subject to the act 10 days after he has employed 6 or more employees, whether in one or more locations on 20 or more days during the calendar year.	do	See column 2.
Wyoming	Workers engaged in power farming when 1 or more are employed for an average of 6 months each year. "Power farming" means work on a farm, livestock ranch, or poultry farm, which uses in connection with its operation any power-driven equipment, such as a pickup truck, feed grinder, stacking machinery, tractor, mower, baler, or road grader.	Elective	No numerical exemption.

[1] The remaining jurisdictions do not have compulsory or elective coverage of agricultural workers, but in most of them employers of farmworkers may bring such workers under the act voluntarily.

Source: U.S. Department of Labor, Employment Standards Administration.

Workmen's Compensation

Resolution No. 251—Adopted by the Seventh Constitutional Convention, AFL–CIO, Bal Harbour, Fla., December 1967

Workmen's compensation, our oldest form of social insurance, is now approaching its 60th anniversary. Our system is based on the principle that since accidents are attributable to production, their costs should be borne by the society that benefits from the production. Our workmen's compensation system is also based on the principle that by providing prompt monetary and medical benefits to injured workers, it will not only benefit them and their families but the cost to society is less, because it reduces to a minimum the loss of the injured worker's productive services and the burden of supporting the workers and his family.

Defects were recognized in the early laws, right from the start, but future legislative action was expected to correct many of these deficiencies. We regret that, in the main, these hopes have not been realized in state legislation.

The United States Congress took steps to correct deficiencies in the Federal Employees Compensation Act in 1966. The Congress passed a number of amendments to this Act that substantially improved the workmen's compensation protection provided for federal workers and their families.

The President, at the time he signed the amendments into law, urged the other jurisdictions to examine their laws in the light of the amendments to the Federal Act. At the same time, he urged them to take the action necessary to assure all American workers and their families adequate workmen's compensation protection. Congress is now giving consideration to the President's recommendation in pending legislation which would substantially improve the Longshoremen's and Harbor Workers' Act. The proposed amendments would enhance workmen's compensation protection for longshoremen, workers in the District of Columbia, and other workers covered by this Act.

Unfortunately, despite the persistent efforts of the AFL–CIO state labor bodies, few state legislatures have demonstrated a similar concern for injured workmen.

Compulsory coverage, without numerical exemptions, is still the exception rather than the rule. Coverage for agricultural workers has been shamefully ignored despite the recognized hazardous nature of employment in agriculture.

The original goal of workmen's compensation legislation was to restore to injured workers at least two-thirds of their wage losses due to industrial injuries. The gap between this objective and what the law actually provides for injured workers reflects one of the most serious inadequacies of our present system. In cases of temporary total disability, maximum benefit amounts in the majority of states deny many workers a benefit equal to two-thirds of their average weekly wage.

In many states the statutory maximum weekly benefit level is less than 50 percent of the statewide average weekly wage. The inadequacy of benefits for more serious injuries resulting in permanent disability is even worse, since these inadequate benefits can result in a lifetime of deprivation for workers and their families.

Only 20 states provide cash benefits to a widow until her death or remarriage, and for children until they reach 18 years of age. Only a very few states continue benefits to dependent children continuing their education beyond the age of 18.

One-third of our states fail to cover all occupational diseases. In addition, workers are frequently denied compensation under existing occupational disease coverage because of restrictive time limits within which they must file a claim.

Because 22 states still fail to provide full medical benefits, a worker in any one of these states may have to bear a portion of the medical cost for occupational injury or disease.

Rehabilitation programs are provided in only about one-half of our workmen's compensation laws and even many of these are not fully satisfactory.

The poor administration of some laws is another burden the present system has placed upon injured workers. Greater attention should be given to the collection and distribution of information concerning the operation of the system, investigation and enforcement of coverage, closer supervision of claims settlements, adjudication of contested claims, supervision of rehabilitation and medical care, safety promotion, and statistical analysis of the work of the state agencies.

These glaring inadequacies are but a few of the many problems that exist within our present system of workmen's compensation. They reflect the need for greater federal participation in the system and the need for minimum federal standards if injured workers and their families are to receive adequate workmen's compensation protection. Despite valiant efforts by AFL–CIO state central bodies which have for years been leaders in the struggle to improve existing laws, the results have been all too meager. We are convinced that lasting improvement in workmen's compensation can be achieved only by a determined effort at the federal level including the establishment of federal minimum standards respecting the main features of state laws. Therefore, be it

Resolved: That the AFL–CIO continues to recognize that our workmen's compensation laws must be overhauled if they are to ful-

fill the needs for which they were originally designed, and to meet the challenges of our rapidly changing industrial society; and calls upon all of our affiliated unions to give increased support to state central bodies in their efforts to obtain the following minimum standards in state laws:

1. Compulsory coverage with no numerical exemptions.
2. Coverage of agricultural workers in the same manner as other employes.
3. Benefit levels sufficient to maintain a decent standard of living for injured workers and their dependents, with weekly benefits of not less than two-thirds of the injured worker's average weekly wage.
4. Reciprocity of benefit rights between jurisdictions.
5. Time limits within which an employe must file a claim for occupational disease should be at least one year after the date when employe has knowledge of the nature of his disability and its relation to his job and until after disablement.
6. Full statutory coverage of all occupational diseases.
7. Coverage of diseases caused by ionizing radiation.
8. Full medical benefits for job-incurred personal injuries and occupation diseases.
9. Full compensation protection under second injury funds.
10. Free choice of qualified physician by injured workers.
11. The workmen's compensation agency to have the authority to supervise and control medical care of injured workers.
12. The workmen's compensation agency to include a rehabilitation division which should promote full utilization and development of rehabilitation facilities for the benefit of injured workers.
13. Maintenance benefits during rehabilitation.
14. Administration under a state agency rather than by the courts.
15. An exclusive state compensation fund.
16. Benefits for the totally disabled for the period of disability.
17. In case of death, benefits to be paid to the widow until her death or remarriage, and to children at least during their minority, and to other dependents during the period of their inability of self-support.
18. Minors under 18 who are injured on the job if employed in violation of any state law to be paid benefits double those otherwise payable.
19. Prohibition of special contracts with employers whereby a worker with a specific physical defect waives his right to compensation in the event of a subsequent injury.
20. Prohibition of lump-sum settlements and compromise of rights to full medical care under compromise and release settlements unless the workmen's compensation agency approves such a settlement on the advice of the appropriate state rehabilitation unit or agency.
21. Judicial review to be limited to consideration of the record of the workmen's compensation agency on questions of law only without trial de novo. In addition, there should be an appeals board which has no administrative responsibilities and from which appeal on matters of law only can be made to the highest court in the state (this standard is based on the assumptions that the administration of the state law is of a quality that assures adequate protection to injured workmen, and that jury trials and trials de novo will continue until administration of state laws reaches a level that fully protects the rights of all injured workers and their families).

Resolved: That the AFL–CIO urge the Congress to enact without delay the pending amendments to the Longshoremen's and Harbor Workers' Act.

Resolved: That we reaffirm our request to the Department of Labor to upgrade its efforts to improve workmen's compensation laws by developing and sponsoring legislation establishing minimum federal standards for workmen's compensation.

Resolved: That this convention renews its pledge to support the enactment of a Federal Workmen's Compensation Act. But, short of this, we urge the Congerss of the United States to enact legislation establishing federal minimum standards that will provide meaningful protection to injured workers and their families.

[From the Washington Post, Oct. 3, 1971]

Conglomerates Reshape Food Supply

(By Nick Kotz)

The name "Tenneco" is not yet a household word to American consumers, but it weighs heavily on the minds of the nation's embattled farmers and of government officials who worry about the cost of food and the fate of rural America.

For Tenneco, Inc., the 34th largest U.S. corporation and fastest-growing conglomerate, has become a farmer.

Its new activities symbolize an agricultural revolution that may reshape beyond recognition the nation's food supply system. Dozens of the largest corporations with such unfarm-like names as Standard Oil. Kaiser Aluminum and Southern Pacific have diversified into agriculture.

What concerns farmers, processors and wholesalers is that the new breed of conglomerate farmers does not just grow crops or raise cattle. The corporate executives think in terms of "food supply systems," in which they own or control production, processing and marketing of food.

"Tenneco's goal in agriculture is integration from seedling to supermarket," the conglomerate reported to its stockholders. Its resources to achieve that goal include 1970 sales of $2.3 billion, profits of $324 million and assets of $4.3 billion in such fields as oil production, shipbuilding and manufacturing.

The conglomerate invasion of agriculture comes at a time when millions of farmers and farm workers have already been displaced, contributing to the problems of rural wastelands and congested cities. More than 100,000 farmers a year are quitting the land, and more than 1.5 million of those who remain are earning less than poverty-level farm incomes. Their plight is severe.

Although the U.S. census still counts 2.9 million farmers, 50,000 grow one-third of the country's food supply and 200,000 produce more than one-half of all food. The concentration of production is especially pronounced in such crops as fruit, vegetables and cotton.

In 1965, 3,400 cotton growers accounted for 34 per cent of sales, 2,500 fruit growers had 46 per cent of sales and, 1,600 vegetable growers had 61 per cent of the market.

The medium to large-size "family farms"—annual sales of $20,000 to $500,000—survived earlier industrial and scientific revolutions in agriculture. They now face a financial revolution in which traditional functions of the food supply system are being reshuffled, combined and coordinated by corporate giants.

"Farming is moving with full speed toward becoming part of an integrated, market-production system," says Eric Thor, an outspoken farm economist and director of the Agriculture Department's Farmer Cooperative Service. "This system, once it is developed, will be the same as industrialized systems in other U.S. industries."

Efforts to bar large corporations from farming have come too late, says Thor: "The battle for bigness in the food industry was fought and settled 35 years ago—chain stores versus 'Ma and Pa stores.'" Corporate farming has not lowered prices, the question is whether large-scale industrial food systems provide cheaper food for consumers. Corporate takeover of the poultry industry did result in lower consumer prices. But for numerous food products, corporate farming has not lowered grocery costs, because the price of raw food materials is not a significant factor in determining final retail prices. For example, the cost of a food container is sometimes more than the farmer receives for the food packaged in it.

The new corporate farmers account for only 7 per cent of total food production, but they have made significant inroads in certain areas. Twenty large corporations now control poultry production. A dozen oil companies have invested in cattle feeding, helping shift the balance of production from small Midwestern feed lots to 100,000-head lots in the High Plains of Texas. Just three corporations—United Brands, Purex and Bud Antle, a company partly owned by Dow Chemical—dominate California lettuce porduction. The family farmer still rules supreme only in growing corn, wheat and other grains, and even here constantly larger acreage, machinery, credit and higher prices are needed for the family farmer to stay profitably in business.

Tenneco hopes that its new brand name, "Sun Giant," will one day become for fresh fruits and vegetables what "Del Monte" now means for canned foods. It hopes housewives will pay premium prices to buy its nationally advertised specially packaged fresh produce.

Tenneco, which started out as Tennessee Gas Transmission Co., says it made "giant strides" in 1970 toward its agriculture goals.

Resources rapidly accumulated by the giant conglomerate include: Kern County Land Co., which control 1.8 million acres of land in California and other states. J. I. Case Co., a manufacturer of farm machinery. Packaging Corp. of America which makes food containers; Tenneco Chemicals, a producer of pesticides, and Heggblade-Margoleas, the nation's largest processor-marketer of fresh fruits and vegetables.

Even the largest independent California farmers question how they can compete with a corporation which can, at least in theory, own or control virtually every phase of a food supply system. Tenneco can plant its own vast acreage. It can plow those fields with its own tractors, which can be fueled with its own oil. It can spray its crops with its own pesticides and utilize its own food additives. It then can process its food products in its own plants, package them in its own containers and distribute them to grocery stores through its own marketing system.

Financing the entire operation are the resources of a conglomerate with billions in assets, hundreds of millions in tax-free oil income and interests in banking and insurance companies. Tenneco, according to reports filed with the Securities and Exchange Commission, had 1969 gross income of $464 million and taxable income of $88.7 million. Yet due to federal tax breaks, Tenneco not only paid no taxes on that income, but had a tax credit of $13.3 million.

Tenneco officials—who don's want to be named—acknowledge they are building a vertically integrated food delivery system, but they deny any plans for coordinated use of the conglomerate's total resources. Each company must compete and earn a profit separately, they say. Nevertheless the Federal Trade Commission is actively scrutinizing the corporation's agricultural activities for possible antitrust violations.

Tenneco is reluctant to discuss details of its finances in agriculture, but available information indicates the scope of its present agricultural interests.

In 1970, Tenneco reported agricultural and land development sales of $107 million and profits of $22 million. It farmed 35,000 acres directly and 95,000 acres through 324 tenant farmers. It produced 2 million boxes of grapes, 1.5 million boxes of strawberries and large amounts of other fruits and vegetables. But that is only the beginning.

Marketing firm

Heggblade-Margoleas, Tenneco's processing and marketing firm, sold its own products

and those of about 2,000 other farmers. Heggblade-Margoleas is the nation's largest marketer of fresh fruits and vegetables and the world's largest marketer of table grapes. Its processing facilities include a new 8-acre plant and the world's largest date processing plant. Tenneco even has its own farm lobbyist in Washington.

Tenneco agricultural operations employ 1,100 full-time workers and 3,000 at the peak of harvest. Faced with a boycott of its other products, Tenneco last year signed a contract with Cesar Chavez's United Farm Workers Organizing Committee.

The 1970 contract signed with Tenneco and other grape growers raises basic wages to $1.75 to $1.80 an hour and provides a piece-work bonus that can add another $1 an hour during harvest season. Before Chavez's union began its grape strike, wages averaged between $1 and $1.25 an hour. The contract also established a medical care fund, an economic development fund and safety precautions to protect workers from pesticide poisoning.

Tenneco's future plans include development of its Sun Giant brand produce and putting into production 30,000 newly irrigated acres.

FARMERS OVERPOWERED

The type of food system being put together by Tenneco and other conglomerates frustrates and frightens independent farmers. They see every element of the food business acquiring market power but themselves. On one side, they confront the buying power of giant food chains. Now they must compete with conglomerates that can take either from production, processing, or marketing. The individual farmer usually does not have such options. The giant competitors also benefit most from a variety of government subsidies on water, crops and income taxes.

Contrary to popular notion and most galling to the efficient, large, independent farmer, the corporate giants generally do not grow food cheaper than they do. Numerous USDA and university studies show that enormous acreage is not needed to farm efficiently.

For example, maximum cost-saving production efficiency is generally reached at about 1,500 acres for cotton, less than 1,000 acres for corn and wheat, and 110 acres for peaches. Thousands of independent family farmers possess such needed acreage, and farm it with the same machinery and techniques used by their new rivals.

In fact, studies show that the largest growers incur higher farm production costs as they employ more workers and layers of administrators.

A fullscale economic battle between the conglomerates and independent farmers is now unfolding in the nation's single most important farm area, the rich central valleys of California, which far outdistances Iowa as the first-ranked state in farm sales. California farms grow 40 per cent of the nation's vegetables, fruits and nuts. The state produces at least 90 per cent of the country's supply of 15 crops and leads the nation in 25 others.

"If the Tenneco operation is allowed to go unchecked, it can change the whole complexion of farming in the valley," says Fresno attorney Donald Thuesen. "They have the marketing power to make or break the market. They can sell below cost, as a loss leader, to get other business, and sustain losses that no farmer can afford."

Thuesen represents a large grape grower who claims Tenneco forced him into bankruptcy by selling the growers' grapes below the market price. A former Tenneco tenant farmer makes similar claims involving the marketing of his potatoes. Tenneco denies these charges.

"Tenneco sells their produce first and you get what's left over," contends John Giacone, who grows cantaloupes in the San Joaquin Valley.

In an effort to market his own cantaloupes, Giacone built a plant to box and market his produce. But now he finds supermarket chains will not buy his cantaloupes unless he uses a different kind of container. The chains have changed their container specifications deciding that another kind of box is more convenient for their retail operations.

Remodeling his shed for the newly required packing process would cost $500,000, says Giacone, and that "will take the family jewels and then some."

At a time when they are confronted with overproduction in numerous crops, California's independent farmers are disturbed to see the conglomerates, with taxpayer's help, each bringing into production 5,000 to 100,000 newly irrigated acres.

A California state water project will irrigate 450,000 new acres for crops. A Ralph Nader task force calls the water project an unwarranted, $1,000-an-acre "welfare scheme" for a few big landowners. Tenneco plans to grow fruits and vegetables on 30,000 of these acres. Other major beneficiaries include Southern Pacific, Standard Oil of California and Belridge Oil Co.

INEFFICIENT FARMING

"Belridge Oil Co. is spending $185 million to develop 20,000 acres of fruit and vegetables," says Jack Bowen, a peach grower in Modesto. "They grew 640 acres of peaches last year just to see whether they wanted to grow them. If corporations like that get serious, we've had it. We can produce more efficiently than these corporations but we may not be around long enough to prove it."

Bowen is not a small peach grower. A sign outside his spacious 350-acre orchard proudly proclaims "A Family Business for Four Generations." His annual sales exceed $300,000. He replaced the jobs of several hundred non-union migrant workers with a giant machine, which clutches peach trees by their trunks, then shakes off the peaches into a conveyor and onto trucks.

As a practical matter, Bowen and other California peach growers have become too efficient for their own good. Faced with ruinous prices last year, they destroyed 40 per cent of their harvest.

"We only have 53,000 acres of peaches in production," says Ugo Caviani, president of the California Peach Canning Association. "One big corporate grower like Tenneco could wipe us all out."

Caviani says the number of California cling peach growers has declined from 2,200 to 1,700 in only three years, while the number of canners has dropped from 40 to 14.

The nation's fruit and vegetable growers are not strangers of the tough competition of agribusiness. For many years, they have wrestled with the market power of chain stores and major food processors. They sell to canners such as Del Monte, Libby-McNeil & Libby, Green Giant Co., H. J. Heinz Co. and Minute Maid Corp. (a subsidiary of Coca Cola). Each of these canners also competes with the independent farmer by growing large amounts of its own food supply.

But the new conglomerate represents a different kind of competition. The older agribusiness corporations are primarily food companies and must make money somewhere in the food distribution system. Such is not necessarily the case with the new conglomerate farmers, for whom millions of dollars of agribusiness investment may represent only a fraction of their total holdings. Only 4 per cent of Tenneco's sales are from agriculture.

In fact, the conglomerates may find their food investments profitable even without earning anything from them. The profits may come from land speculation, federal crop subsidies, or generous federal tax laws. Tenneco received almost $1 million in 1970 cotton and sugar farm subsidies.

The new conglomerates utilize a variety of federal tax provisions that permit them to benefit from tax-loss farming and then profit again by taking capital gains from land sales. Tenneco, for example is now developing six new California suburban communities on former farm land.

Tenneco officials insist they are farming to make money, to serve the consumer quality products and to help strengthen American agriculture.

LAND AS INVENTORY

However, Simon Askin, Tenneco's executive vice president for agriculture and land development, recently told the Los Angeles Times: "We consider land as an inventory, but we're all for growing things on it while we wait for price appreciation or development. Agriculture pays the taxes plus a little."

The federal government has been hesistant to bring antitrust actions against conglomerates that move into farming. So farmers and corporations are watching closely a key test case that is developing in California's Salinas Valley, the lettuce and celery capital of the country.

The Federal Trade Commission has charged both United Brands, the 81st largest U.S. corporation, and Purex Corp., the 316th largest, with seeking to monopolize the production and supply of fresh vegetables.

The FTC is negotiating a settlement with Purex but the United Brands case is in federal court. The government charges that United Brands is transforming the lettuce and celery business from a competitive one of small, profitable, independent growers into a non-competitive industry dominated by large conglomerates. The FTC will seek to prove that United Brands cannot grow lettuce more cheaply and that it provides no price benefits to consumers.

In its reply to the FTC complaint, United Brands contends that the country needs large corporations in the farming business. United Brands, represented by President Nixon's former law firm, states:

"Although there may be some nostalgic desire to see a market composed of many small growers, that structure cannot survive against a market buyer (chain stores) that is composed of fewer and fewer companies with larger and larger market shares."

SMALL FARMERS

United Brands contends there is no economic justification for "a lettuce market composed of many small farmers who all are at the mercy of the buyers."

The FTC case illustrates dramatically the vastly different concepts by which industry and farmers measure bigness in agriculture. Most of the "small farmers" referred to by United Brands are, by present farm standards, among the largest independent farmers in the country. Their annual sales range from more than $100,000 to several million dollars.

Although admitting the increasing concentration of corporate power in fruit and vegetable production and the corporate takeover of poultry farming, USDA officials generally contend that this phenomenon will not spread to other farm products.

Many Midwestern cattle, hog and grain farmers disagree.

The fear that the cattle and hog feeding businesses, their best source of income, may follow the pattern in which independent poultry growers were wiped out.

About 20 corporations including Allied Mills, Ralston Purina and Pillsbury Co., originally went into poultry production as a means of developing markets for their feed. Farmers were signed up to grow the corporations' poultry, using their feed.

According to USDA studies, the poor but once independent poultry farmers are still poor as contract workers, earning about 54 cents an hour. A Ralph Nader task force on agriculture called this corporate farm system "poultry peonage."

The corporations, however, contend that they have benefited small farmers with a

steady, if small, source of income. And, they say, they have given consumers lower priced chicken and turkey.

The farmer sees everyone he must deal with in the food production system acquiring more power except him. The supermarket chains, the grocery manufacturers and the new conglomerate farmers all have economic clout in the market place and political influence in Washington. Even migrant farm workers, still the lowest paid laborers in the country, have made some progress, signing contracts with the new conglomerate farmers, who are vulnerable to boycott of their brand products.

Only the individual farmer, with the exception of powerful cooperatives in a few crops, remains unorganized in the marketplace.

A battle to achieve market power now pits rival farm producer groups against each other, farmers against processors and farmers against migrant farm workers.

The battle has produced some strange new alliances and has strained old ones. It is now being fought with strikes and boycotts and in the halls of Congress.

NUCLEAR PERSPECTIVE

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. HANSEN of Idaho. Mr. Speaker, on October 21 the Casper, Wyo., Star-Tribune took editorial account of the excellent safety and health record of the nuclear industry. The Star-Tribune deplored the "black superstition exhibited in much of the unreasoning opposition to nuclear power development." The editorial is based largely on comments made by our colleague from California (Mr. HOSMER) who is the ranking minority member of the Joint Committee on Atomic Energy. The editorial follows:

THE NUCLEAR WITCH HUNT

Astounding tales of primitive superstition, from witch burning in New England to Indian folklore of the West, are usually received by the sophisticated of today with a sort of "it couldn't have happened" disbelief. Yet, in recent years, the same sort of black superstition has been exhibited in much of the unreasoning opposition to nuclear power development.

Craig Hosmer, U.S. Representative from California and a member of the Congressional Joint Committee on Atomic Energy has spiked the guns of the atomic witchcraft cult with facts that will make sense to most people.

1. The Atomic Energy Commission, the Joint Committee, and the nuclear industry have demanded and achieved a level of public safety never before attained in any industry, at anytime, at anyplace.

2. The procedures and protections developed and enforced by the AEC are such that atomic energy is recognized by the National Safety Council as one of the safest fields in American industry.

3. We have been designing, building, and operating commercial nuclear power plants in this country for 17 years, and no member of the public has ever been killed or even injured as a result.

4. Malfunctions and breakdowns have occurred in nuclear plants—just as they occur in any industrial operation—but built-in, in-depth safety features have prevented harm from happening either to the public or to atomic industrial workers.

5. In its radiation control systems, AEC has developed the world's first comprehensive and effective environmental protection program. As a result, there is more detailed scientific knowledge about radiation than any other environmental pollutant.

In the opinion of Congressman Hosmer, 25 years of experience with atomic energy has shown that it is ". . . safer than going to church, particularly if you drive your car."

DID PROTECTIONISM CREATE HITLER?

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. GIBBONS. Mr. Speaker, we are today facing trade and employment problems which are indeed serious and must be dealth with effectively if we are to survive as a Nation and a community of nations.

However, as we seek solutions to these problems it should be apparent to us from our disastrous experience of the 1920's and 1930's that unnecessarily protectionist measures which bring retaliation from the rest of the world can ony serve to hurt all of us and provide only cruel and illusionary solutions to these problems.

Numerous expressions of concern have been heard in recent months about the protectionism which has begun to pervade this country and spread to the rest of the world. As just one example of the warnings on this issue which are emanating from reputable sources, I would like to insert in the RECORD a recent editorial from the Wall Street Journal.

In the coming weeks I intend to join with a number of concerned Members of Congress in bringing to the attention of the House information which will lead to a much more constructive solution to our international trade and monetary problems than the dangerous protectionist schemes which have been proposed as an overreaction to these problems.

The editorial follows:

DID PROTECTIONISM CREATE HITLER?

The quick answer to that question is obviously no. Yet protectionism helped; it watered the soil that could nurture a Hitler—and other disasters. It is more than a little disheartening that so many in Washington and in the country's executive suites seem to have such short memories.

Granted, the roots of the Hitler phenomenon are gnarled and stretch far back, directly to World War I and even farther into the past of a Germany with little experience in democracy. On the economic side, the hideous post-World War I German inflation was followed by bitter depression, facilitating the rise of a dictator. And of course depression was a general condition in those days, in the U.S. as elsewhere.

The stock-market crash of 1929 heralded the onset of depression in the U.S., but it was less its cause than the result of previous profligacy. Certainly one tangible cause of the protracted nature of the great depression was the Smoot-Hawley tariff legislation of 1930, the very symbol of extreme protectionism. It set in motion a series of international moves that seriously inhibited the movement of trade and money.

As Lewis Douglas, former ambassador to Great Britain, recently recalled in a letter to The New York Times: "Foreign trade withered, prices fell precipitately, all values plummeted; (U.S.) unemployment rose from approximately 5.5 million to 11 million in the short span of about six months. The world was plunged into the deepest depression of which there is any known record.

"These events identify the cause of the economic anguish through which the United States and the entire Western world passed during the Thirties and which was not alleviated until World War II."

The abiding vice was economic nationalism, and it is not at all difficult to fathom why it should have had such dire results. Have our officials and too many of our executives forgotten the meaning of the word autarky, the notion that a country could be economically self-sufficient? In Nazi Germany it was personified in Hitler's financer Hjalmar Schacht.

The policy is almost by definition regressive. It portends the diminution of healthy relations among nations. Hence, apart from its direct economic consequences, it breeds suspicion and hatred and can become a cause of war.

After World War II the statesmen of the Western world read the record aright. With the U.S. far in the lead, they set about freeing the international movement of men, capital and commerce from the abnormal restrictions of the past. Undoubtedly they could have done more, but they accomplished much. It is no coincidence that the post-war years by and large, for Americans and their counterparts in the other advanced nations, have witnessed mass prosperity unparalleled in history.

For just as economic nationalism—protectionism—is a divisive and depressive influence, so the liberalization of international economic relationships is a powerfully uplifting, broadening and wholesome force. Men do want to be free; it is innate, and a large part of that sense is the freedom to cross borders with one's person, investment and goods as little as possible bothered by the pesky functionaries of economic nationalism.

Why, then, should the U.S. and other nations want to turn back down that dismal road? The U.S. government has taken steps in that direction, and even more ominous is the impression that protectionist sentiment generally is probably stronger today than at any time since before World War II.

Well, as far as the U.S. is concerned, it is true that other countries have been taking advantage of it in recent years. Some more than others, they have imposed a variety of trade restrictions that have the effect of making the U.S. a freer market for their goods than their markets are for America's. This circumstance has enabled the hard-line protectionists, who have never given up, to rehearse their dreary pleas with more impact than heretofore.

But the U.S. ought to be sufficiently grown up to avoid the petty path of trade retaliation, which naturally prompts retaliation against it. We believe Washington had far from exhausted the resources of negotiation to get its trading partners to dismantle their impediments to American exports. Even failing that, the fact remains that protectionism is simply not a viable course.

We do not necessarily contend that unbridled protectionism would bring on political and economic horrors similar to those of the Thirties (although if it is indeed unbridled we would not bet that it wouldn't). We merely say that the liberating history of freer trade is as clear as are the demonstrated dangers of protectionism.

FOREST PRODUCTS WEEK

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. BEGICH. Mr. Speaker, as I am sure you know, our Nation's forests, and the products they produce, are a major

factor in the progress and growth of our Nation's economy. This is especially true in the State of Alaska. Forest products are a major part of the State's economy and the continuing development of the forest products industry in Alaska is essential to the growth of the State.

The Nation as well as Alaska could not survive without a strong forest industry. To illustrate this industry's importance, Governor William A. Egan proclaimed the week of October 17, 1971 Forest Products Week. I join with him in paying tribute to those Alaskans connected with the forest industry.

The Governor's tribute follows:

PROCLAMATION: FOREST PRODUCTS WEEK

Alaska's development, present and future, depends to a great extent upon development of our forest products. The forest products industry in Alaska is a major sector of our economy. Alaska's bountiful forest resources will be an important aspect in our future by providing a means of livelihood, as well as recreation and enjoyment through wise management.

Wood products have played a significant part in our economic growth. The timber industry has made substantial contributions to the well-being of our great Nation. Our own state of Alaska has a great and growing potential for the production of fine wood products for the local, national, and international markets.

The Nation has depended on the forest products industry for supplying the materials to build our homes, schools, churches, farms, towns, and cities through more than three centuries of our history. Lumber is our oldest manufacturing industry, dating back to 1608 when the first shipment of clapboards came from Jamestown, Virginia Colony. The Nation could not live without a continuous supply of lumber, pulp, paper and thousands of other products made from wood.

Therefore, I, WILLIAM A. EGAN, Governor of Alaska, do hereby proclaim the week of October 17 to 23, 1971, as Forest Products Week in Alaska and urge all citizens to participate in appropriate ceremonies and observances as a tribute to our growing and important wood products industry.

Dated this 13th day of October, 1971.

WILLIAM A. EGAN, *Governor.*

THE DEATH—AND BURIAL—OF PRIVACY

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. GALLAGHER. Mr. Speaker, a very interesting dispatch from Reuters caught my eye over this weekend and I would like to share it with my colleagues. As you know, I have long been concerned with the invasion of privacy and the ability of the new technology to penetrate everywhere and to disclose personal and business details to anyone.

The Reuters dispatch of October 26 tells the story of a French undertaker who found her business sharply curtailed. I insert the dispatch at this point in my remarks:

PERPIGNAN, FRANCE, October 26.—Undertaker Marie Brison couldn't understand why business was so bad. Then she discovered a rival funeral director had been "body-snatching" with a phone-tap.

Mrs. Brison became suspicious when the number of burials handled by her funeral parlor in this southern French town suddenly dropped by two-thirds last summer.

But it was only last week that she tracked down the root of the problem—a combined microphone and phone-tap hidden in the ceiling.

By listening in and even redirecting calls to his own number, a rival had been beating Mrs. Brison to bereaved families telephoning for her services by rushing his assistants around ahead of her.

Mrs. Brison has lodged an official complaint with the public prosecutor.

Mr. Speaker, it appears that we will not even be able to have privacy rest in peace and we all certainly face a grave threat from the new technology. This cradle to the grave surveillance is assisted by the rigor mortis setting into our Bill of Rights, and we may someday look at the skeleton of our Constitution and paraphrase Hamlet: "Alas, poor privacy, I knew you well."

Mr. Speaker, invasion of privacy is obviously no laughing matter because if it dies, it will mean the funeral of America's cherished freedoms. I hope my colleagues and those who read the RECORD will understand the deep seriousness of the issue which faced Mrs. Brison and which, in a very magnified version, faces American society.

SOME FACTUAL FIGURES ON FARMER COST-PRICE SQUEEZE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. ZWACH. Mr. Speaker, I have talked at such length about the wisdom of increasing prices to our producers as the only avenue of restoring economic equality to our countryside that many of my colleagues call me "Mr. Parity."

I am proud of that title because I am convinced that there is no other way to lift our rural producers out of the depression in which they find themselves today.

Many of our Minnesota newspapers have been printing a comparison of prices and costs put together by former Minnesota Gov. Elmer A. Benson of Appleton in our Sixth Congressional District.

Our former Governor points out that in 1948, when corn sold for $2.63 per bushel, the producer could buy a TD tractor for $4,500.

Today, corn is bringing .90 cents a bushel but the producer must pay $17,500 for his TD tractor.

His corn brings him only two fifths of what it did in 1948 but he pays almost four times as much for his tractor. These relative prices carry through a long list.

Here, in a nutshell, is the problem of our countryside; here is what is taking our producers off the farmers in unprecedented numbers; here is the trend we must stop if we are to save our countryside and urban America.

Mr. Speaker, for the information of all of those who read the CONGRESSIONAL RECORD, I insert these cost-price squeeze figures which were printed in the Willmar Daily Tribune. The figures follow:

SOME ACTUAL FIGURES ON FARMER COST-PRICE SQUEEZE

To the Editor:

Political leaders are again suggesting plans to help agriculture and most of these plans suggest that more credit be made available to farmers. I should think by this time, even politicians would know that it is not more credit that is needed but a better price for the things the farmer produces.

For more than twenty years the price of everything the farmer buys has gone up 300 or 400 per cent while what he produces has gone down 300 per cent.

The following table should be interesting:

	1948	1968	1971
Flax	$6.95	$3.05	$2.72
Soybeans	4.16	2.55	2.79
Rye	2.63	.98	.78
Corn	2.63	1.00	1.00
Oats	1.29	.67	.53
Eggs A	.41	.18	.18
Cream L	.92	.72	.68
Tractor TD	4,500.00	16,000.00	17,500.00
Tractor MD	2,600.00	6,000.00	7,500.00
5 bottom plow	650.00	1,200.00	1,800.00
Drill	600.00	1,500.00	2,200.00
Truck 1½ ton	1,800.00	3,000.00	5,500.00
Truck 2½ ton	2,225.00	5,000.00	6,500.00
Combine	3,400.00	7,000.00	13,000.00
Jeep	1,400.00	3,500.00	4,200.00
Digger 17 ft	400.00	900.00	1,500.00
Taxes R. E	179.68	448.50	629.84

For the past twenty years we have had a Federal Law making it possible for the Secretary of Agriculture to set support prices at 90 per cent of parity or more but not no time have they been set at more than 70 per of parity. Furthermore, during most of the same twenty year period the government's policy has been to sell farm commodities in order to keep farm prices depressed and this policy has been so stated by the Secretary of Agriculture.

Sincerely,

ELMER A. BENSON,
Appleton, Minn.

COURANT CLUB OF THE YEAR AWARDS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mrs. GRASSO. Mr. Speaker, the dedicated volunteer work performed by community clubs is a truly worthwhile endeavor. It serves as an inspiration for direct citizen participation which marks the growth and spirit of all communities. Community volunteer clubs engage in a wide array of activities—such as projects to save the Salmon River, to teach youngsters bicycle safety, to provide enrichment programs for preschoolers, or to detect learning disabilities in children. Each contributes immensely to town development in its own way. Club members quietly donate much time and effort to help meet the rigorous challenges facing their communities now and in the future—with dedication and commitment which deserves recognition.

With great pleasure, I read of the Hartford Courant's second annual Courant Club of the Year Awards. By so honoring many of the most active and enterprising of community clubs, the Courant has brought to the public's attention the unselfish achievements of concerned citizens throughout Connecticut. I am especially proud to note that five of the

14 clubs so honored are in the Sixth District.

For the interest of my colleagues, information on these award-winning clubs and their activities as it appeared in the Courant follows:

CHILDREN SEE PUPPETS AND BALLET

A Cultural Enrichment Series for preschoolers and elementary school children, sponsored by the Greater Vernon Jaycee Wives Inc., won second prize in Category A of the Courant Club of the Year Awards.

In September 1970, the Greater Vernon Jaycee Wives voted to bring two cultural events to the Vernon area. They chose a puppet show for the fall and a ballet for the spring.

Thirty-five Jaycee Wives divided into two committees to organize the puppet show and the ballet. They contracted the Ragamuffin Marionettes for the fall show and the Hartford Junior Ballet Company for the spring event.

The women contacted local P.T.A.'s and women's groups to avoid a conflict in date and to ask for support. They reserved the school for performances, hired custodians and policemen, printed and sold tickets and began publicity via radio and television public service announcements, newspaper articles, posters in local stores and by distributing flyers to local elementary schools.

The membership voted that any profit realized from the puppet show would be donated to provide gym equipment at the Talcottville School, the regional school for the mentally retarded.

Benefits from the Hartford Junior Ballet Company's two performances of "Snow White" provided camperships for needy children in the tri-town area. Twenty-five tickets for each performance were set aside to be given away to needy children by means of the school social worker, and the Jaycee Wives provided these children with transportation to and from the ballet.

The cultural enrichment series was totally new and had not been previously attempted by any groups in the area. The main objective was not to raise money, but to provide a cultural program and any money that was raised was in turn donated to benefit children.

The Greater Vernon Jaycee Wives accomplished much for children of the area and plan to continue the series on a yearly basis.

WETHERSFIELD JUNIORS TEST CHILDREN

Many members of the Wethersfield Junior Woman's Club Inc. have pre-school children and the members were therefore enthusiastic in their assistance to the director of special education for Wethersfield when they volunteered their services to help with testing of pre-school children.

In an attempt to significantly change the lives of children by early detection of learning disabilities, 25 club members attended a training session of three hours to learn how to give the tests and how to handle the children and problems which may have arisen.

The project has won the Wethersfield Junior Women first prize in the second annual Courant Club of the Year Awards, B-Category, clubs with 100 or more members.

A pilot project in four schools to test preschool children in the spring before they were to enter kindergarten was approved by the Board of Education and eventually expanded to include the whole town. The reason for early testing was to enable the teachers and special personnel to give immediate help at the start of school to any child who was found to have a learning disability. Formerly kindergarten children were tested by the teacher and testing was not completed for several months.

In the two weeks of actual testing the Juniors supplied the Town of Wethersfield with approximately 200 hours of volunteer time. The members were assigned to help with testing at various schools according to a plan drawn up by Henry Ferri, director of pupil personnel and special services for Wethersfield.

After the testing was completed several of the Club's members corrected the entire group of tests and put them in proper order so that the final evaluations could be done. Because this was a daytime project, other members assisted by baby-sitting for the testing mothers.

Three hundred fifty children were tested and 60 children have been receiving special help since they entered school this September.

The club will continue the project this next spring and hope to do so for many years to come.

PONEMAH CLUB PRESERVES SALMON RIVER

The Preservation of Salmon River, a favorite of thousands of Connecticut hikers, campers, fishermen, bathers and naturalists for many years, was the project of the Ponemah Club of Westchester, first prize winner in the Second Annual Courant Club Awards Contest A-category (clubs with up to 99 members).

The 35 members of the Ponemah Club of Westchester organized a meeting with qualified participants to answer any questions residents of Westchester had concerning the proposed sewage treatment plant the Borough of Colchester planned to build on the banks of the Salmon River. Club members delivered notices and followed up with telephone calls to ensure public knowledge about the meeting.

All members of the Club wrote and telephoned senators and representatives who were members of the Environmental Committee. A re-hearing on Bill 796, an act concerning the maintaining of the water quality standard of Salmon River, all of its tributary streams and their respective watershed areas, was scheduled at the Capitol.

Schools, Fish and Game associations and all concerned people were notified of the hearing, and the Club worked for many weeks gathering 5000 signatures for a petition which they turned over to legislators.

On March 31, the club provided transportation for people interested in attending the hearing by hiring a bus and driving cars. Because of the large turnout, the hearing was moved to the Hall of the House. There were representatives from the National Wild Life Federation, the Institute of Environmental Sciences, the Appalachian Mountain Club, from Fish and Game Associations, as well as clergymen, scientists, housewives and students who testified at the hearing.

Although the Club preferred that there be no sewage treatment plant on the Salmon River banks, the legislature passed a bill which allowed the building of a tertiary treatment plant. A tertiary plant is one which breaks down effluents in three steps of cleansing processes.

Since the March re-hearing, the Ponemah Club has learned that there is a variety of tertiary treatment plants ranging from good to not too efficient. The Club is still actively trying to discourage the building of the plant, but if it becomes inevitable, the Ponemah Club hopes to ensure that the best tertiary treatment plant possible is built.

PRESCHOOLERS LEARN SAFETY RULES

Continuing efforts in safety programs in the town of Vernon has won the Vernon Junior Women's Club Inc., second prize in B-Category of the Club of the Year Award Contest sponsored by The Courant. The Club won an honorable mention last year for their bicycle safety project, and this year they sponsored a "Safety Town" program.

With full cooperation from the mayor, police department, bus company, fire department and recreation commission, the Junior Women made posters, road signs, donated peddle cars and art supplies for diplomas.

Designed to help pre-school age children gain a safety education, the program included a special demonstration for each day of the week for the 35 accepted pre-schoolers. To ensure success and enthusiasm, the group was kept small with hope of expansion in the future.

In May the special "Safety Town" was built and the children came from 9:30 to noon for one week. The first day was a lesson in pedestrian safety, the second in fire safety with fire department assistance, the third day the police came and the children walked and rode peddle cars through Safety Town observing the safety rules they had learned; stop signs, railroad crossing, sidewalks etc. set up throughout the town.

The fourth day the bus company participated and safety was put into motion as the children rode a bus. On the fifth day testing was held followed by a graduation ceremony with parents in attendance and diplomas given out. All 35 children passed the course.

A phone check with mothers after the program revealed that the children were using what they had learned and were even reminding parents of safety rules.

HONORABLE MENTION B-CATEGORY: CLUB MEMBERS DONATE TIME AND EFFORT

Fifty-eight club fashion benefit

The Simsbury Ambulance Association and the Social Worker Contingency Fund were the beneficiaries of a "Sew Yourself Into Spring" fashion show sponsored by the 58 Club of Simsbury. The club has won an honorable mention in the second annual Courant Club of the Year Awards Contest.

The project, which was a creative one and one which involved 100 of the club members in various capacities, centered around 36 members or their daughters who made and modeled their own clothes from bathing suits to cocktail gowns for the show.

Fifty women baked cakes to be served as dessert the night of the show and the remaining club members bought and sold tickets.

A profit of $900 was realized and distributed to the Social Worker's Contingency Fund which provides aid to health and welfare families in the town of Simsbury, and to the Simsbury Ambulance Association which supplies free ambulance service to Simsbury residents and which is staffed by volunteers on call 24 hours each day.

Glastonbury history told

"From Settlement to Suburb" by Marjorie Grant McNulty, a readable, comprehensive history of Glastonbury, was financed in part and assembled by the Woman's Club of Glastonbury.

By discussing the project with various groups within the town, the Club found that this civic effort would truly benefit Glastonbury. For this book, the Woman's Club of Glastonbury has won Honorable Mention in the Courant Club of the Year Awards Contest.

Members of the organization collated pages, punched and inserted plastic binders for the book. Illustrations and the cover design were done by members who donated their time as professional artists to the project.

School received help

Children at tht Talcottville School have more learning and play equipment as a result of the efforts of the Suburban Women's Club of Vernon, Ellington and Tolland, Inc.

This organization has been awarded an Honorable Mention in the second annual Courant Club of the Year Contest for their fund raising and volunteered time to benefit the Talcottville School.

In August, 1970, the project chairman of the club was told by the director of the Talcottville School for mentally retarded

children that due to a new wing and strict budgeting, many items, were needed for the 100 students.

During the club season, the organization's newsletter carried a list of items that members could donate. Members donated plastic fruits, doll clothing, toy dishes, ice cream sticks, good grooming tools, stencils and slate boards in addition to numerous other articles.

Members compiled scrapbooks for the children, and at Easter gave the children a party.

To raise funds for the School, a "Clown Town" Fair was held in May, 1971. From these proceeds, the club was able to present a check to the school's director at their annual banquet.

In addition to this primary project to help the Talcottville School, the club served other youths in the community by donating to the scholarship funds of Big Brother, Vernon Hockey Association and Indian Valley YMCA.

Booklet describes town

The League of Women Voters of Farmington and Avon has been awarded an Honorable Mention in the second annual Courant Club of the Year Awards.

As stated by Mrs. W. Bruce Ashworth, president of the League, "It is the hope of the organization that the booklet will aid the citizen in becoming more informed about his community and thereby stimulate his interest in town affairs."

A booklet describing Farmington's government, town services, voting regulations and history was prepared by the women for distribution to the whole town.

In October, 1970, following two years of studying the town's various specs, editing the material and having the booklet published, 3500 copies were passed out by League members, Girl and Boy Scouts and members of the Farmington Junior League.

Booklets have also been passed out in Farmington schools and are given to each new resident via the town's Welcome Wagon.

The booklet follows in the League's tradition of providing pamphlets to the citizens to better help them know their community.

COURANT CLUB AWARDS HONOR OUTSTANDING EFFORTS

Wallingford Thrift Shop

A Community Thrift Shop, opened and operated by the Wallingford Junior Woman's Club Inc., has won an Honorable Mention in the second annual Courant Club of the Year Awards.

"Ye Olde Thrift Shoppe" was opened to meet a community need for low-priced clothing and household articles. The project started with $96 from a cake sale and a $200 loan, repaid in one month, from the club treasury.

The Junior Women began by looking into rents, advertising for donations, informing the needy and by painting and refurbishing a run-down ski shop with help from husbands. The store's sales promotion effort was supplemented by signs placed in the VNA and welfare offices as well as the local day care center.

From March to June, "Ye Olde Thrift Shoppe" provided approximately 3,000 low income people with easy-to-afford clothing and small household articles. Proceeds from the Shoppe have been donated to the Meriden-Wallingford Hospital for purchase of medical equipment.

The success of the Thrift Shoppe is partly based on the degree of club participation. Over 80 percent of the members have worked in the store. Although the Thrift Shoppe is not an original idea with the Wallingford Junior Women's Club, originality is manifested in unusually creative window displays, in store merchandise arrangements and a 30-day stock turnover policy.

Any item of merchandise which is not sold within 30 days is donated to Good Will Industries. Although a charitable policy, it also assures the store's customers of a continuous supply of fresh merchandise, explaining why many of the customers come back again and again.

Juniors aid HARC

The Hartford Junior Woman's Club enthusiastically designated the National Association of Retarded Children (NARC), as their project of the year. All 60 club members donated their time and effort to the local organization, the Hartford Association of Retarded Children (HARC), as well.

Through the club Newsletter and the press, the Junior Women informed the public of activities and fund raising programs they had put into action, they mentioned areas where volunteers and monies would be appreciated and they tried to encourage good legislation for the handicapped.

Fund raising projects included a potato sale, potatoes were purchased at a farm, scrubbed, bagged and sold, a fashion show and the women provided refreshments for a dance to benefit HARC, given by Hartford College students.

Because the surroundings in which HARC functioned were lacking many necessities, the Hartford Junior Women solicited Betty Crocker coupons to purchase items for the HARC kitchen. They also entered into a joint venture with the Hartford Women's Club to take HARC for their Community Improvement Project, and when the senior women purchased furniture, the Juniors donated a color coordinated wall to wall carpet.

The women also covered huge factory windows with creative, decorative, educational, inserts using ribbon, yarn, glitter and picture cut-outs depicting the alphabet and numerals.

Windsor Juniors' FISH

Windsor Junior Women have received an honorable mention in the second annual Courant Club Awards of the Year for their efforts in organizing and supporting a program to benefit all people in Windsor.

FISH, Friends In Service Here, was begun by holding a fashion show and a dance to raise funds for the project. An open house was held to inform the town of the new emergency services being offered and to recruit volunteers from other organizations in town.

A steering committee was formed with two representatives from each church in town, and two representatives from the Windsor Juniors. A board of directors was elected from this committee, monthly meetings were established, by-laws adopted, insurance obtained, and a 24-hour phone service was established through the cooperation of the Windsor Police Department.

The members of the Windsor Junior Women's Club form the nucleus of volunteers. Every three months, a schedule is made of all volunteers and the service which they can provide. There are volunteers for phone duty, transportation, babysitting, preparation of meals, shopping and housecleaning. A log is kept of all calls and services rendered each day. If the Club is unable to assist the caller directly, the caller is referred to the proper agency for his particular problem. A volunteer legal advisor is also at the Club's disposal. FISH receives approximately 20 calls a month.

The procedure followed when FISH receives a call for emergency service is as follows: the phone officer of the day takes the caller's name, address, phone number and specific need requested; she then refers to her list of volunteers and makes all the necessary arrangements in assisting the caller.

The FISH program is financed by the Windsor Juniors. Monetary assistance has also been received from various church groups and from Combustion Engineering, Inc.

Enfield "Story Hour"

In a program which involved two teachers, a local dairy, the library, husbands and 33 members of the Enfield Junior Women's Club, children coming from economically deprived areas in Enfield were provided with an experience of warmth and joy at a "Story Hour" held twice weekly for two hours each session.

The project, which has won the Enfield Juniors an honorable mention in The Courant Club Awards Contest, was started when Mrs. Geri Gonzales, senior field director of the Neighborhood Center, informed the Club of the great need for a program for preschool aged children. The Neighborhood Center is a social agency located in the downtown economically depressed area of Enfield. Its purpose is to offer assistance to the people right there in their own neighborhood.

The "Story Hour" became a reality when two teachers organized the "curriculum," and each member of the club volunteered for a turn as teacher. Members donated books, crayons, scissors, paper and other supplies. Husbands made a long, low table, and a local dairy agreed to donate milk for snack time. The library offered the use of library books, films and audio visual equipment.

Three club members were present at each "Story Hour," and time was included for playing, story reading, coloring, singing, eating and cleaning up. The children made special projects to bring home planted seeds, and visited a fire station. The sessions were concluded at the end of May for summer vacation, but the Enfield Juniors have continued the program for another year as of September.

Plymouth Youth Club

Last year the Junior Woman's Club of Terryville won first prize for its efforts in establishing the Plymouth Community Boys and Girls Club and this year the Club has won an honorable mention in the second annual Courant Club Award of the Year by ensuring that the club would function as a recreation center should.

The Junior Women were elected as representatives on the board of directors of the Youth Center. The board then formed a community Improvement Committee designed to extend recreation facilities, as swimming, dancing and basket weaving were the only activities available.

The first step taken was a public meeting where sub-committees were established to work on boys and girls activities. Letters were sent to 40 local organizations and individuals asking for volunteer service and support of the Club's programs. The Junior Women offered to reorganize the entire club operation and help the Center financially.

Classes were organized and began in April. They included cooking, arts and crafts, crocheting, sewing and baton. Although it was difficult to get male volunteers during the week, Saturdays were spent in sports or activities of the boys' choice.

As a result of the program, membership at the Center increased from 45 mostly inactive members to 115 active girls and boys.

The Junior Women also hired a director to carry out a successful summer program of outdoor cooking, summer sewing, self-improvement, and beauty care and a club newspaper as well as several field trips.

Working with retarded

"Our projects were many and great, but our personal satisfaction was even greater," is the summary given to the project of the Junior Women's Club of Berlin who worked with the mentally retarded and handicapped of all ages.

This is the second year the Junior Women have received an honorable mention for their project of the year. In the first annual Club of the Year Contest sponsored by The Courant, they won the award for their efforts in a drug education program for Berlin.

This year, enlisting 100 per cent club participation in their many projects to aid both young and old in the field of mentally handicapped or retarded, the Junior Women of Berlin engaged speakers on local and state levels to financially help the local Day Care center for mentally retarded youngsters. They visited regional centers and the Day Care center to learn all phases of operation and they compiled facts about retarded and

handicapped centers and sent them to the 66 Junior Women's Clubs in Connecticut urging them to make the public more aware of the retarded child, encouraging them to participate in volunteer services, monetary donations, rubella vaccines and legislation benefitting the retarded child.

The Junior Women sponsored Christmas and birthday parties for their local association and donated monetary gifts, toys and books to them. They raised additional money to ensure Berlin children's attendance at the special Olympics for retarded children.

The women also volunteer one night a week throughout the summer months to aid the young and older adults in recreational activities. They participate in operation Deep Freeze, collecting cake mixes and frostings so patients at Connecticut Valley Hospital may bake their own birthday cakes, thus giving them a sense of achievement. They have also adopted ward 94 at the Hospital, visiting them once a month and entertaining them with Bingo, Valentine party, cards or just company and conversation, and by bringing them to Berlin or bowling, fondue demonstrations and parties.

JEWISH SUPPORT FOR PRAYER AMENDMENT

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. WYLIE. Mr. Speaker, the following letter, with excerpts of a letter by the Lubavitcher rabbi, Rabbi Menachem Mendel Schneerson, was received in my office on October 29 and is related to the upcoming vote of House Joint Resolution 191, an amendment to permit nondenominational prayers in public schools and buildings.

This letter was forwarded to me by Rabbi J. N. Kranz of the Lubavitcher Center, Oak Park, Mich.

Rabbi Schneerson points out the need for a nondenominational prayer in public schools. He also addresses himself to the principle of the separation of church and state and the need for safeguards. I would urge all Members to read Rabbi Schneerson's letter prior to casting their vote on November 8 on this vital issue:

LUBAVITCHER CENTER,
Oak Park, Mich., October 10, 1971.

HONORED CONGRESSMAN: H.J. Res. 191, the amendment concerning non-denominational prayer in the public schools, has been discharged from the Judiciary Committee through petition, and will come before the House for a vote.

We respectfully bring to your attention the views on this matter of Rabbi Menachem M. Schneerson (the *Lubavitcher Rabbi*), world Jewish leader.

Sincerely yours,

J. N. KRANZ,
Rabbi.

Y. M. KAGAN,
Associate Rabbi.

EXCERPTS OF A LETTER BY THE LUBAVITCHER RABBI, RABBI MENACHEM MENDEL SCHNEERSON

On the contrary, if there could have been any change at all (in my views), it was to reinforce my conviction of the vital need that the children in the public schools should be allowed to begin their day at school with the recitation of a *non-denominational* prayer, acknowledging the existence of a Creator and Master of the Universe, and our dependence upon Him. In my opinion, this acknowledgment is absolutely necessary in order to impress upon the minds of our growing-up generation that the world in which they live is not a jungle, where brute force, cunning and unbridled passion rule supreme, but that it has a Master Who is not an abstraction, but a personal G–d; that this Supreme Being takes a "personal interest: in the affairs of each and every individual, and to Him everyone is accountable for one's daily conduct.

Juvenile delinquency, the tragic symptom of the disillusionment, insecurity and confusion of the young generation, has not abated; rather the reverse is the case. Obviously, it is hard to believe that the police and law-enforcing agencies will succeed in deterring delinquency and crime, not to mention completely eliminating them at the *root*, even if there were enough police officers to keep an eye on every recalcitrant child. Besides, this would not be the right way to remedy the situation. The remedy lies in removing the cause, not in merely treating the symptoms. It will not suffice to tell the juvenile delinquent that crime does not pay, and that he will eventually land in jail (if he is not smart enough). Nor will he be particularly impressed if he is admonished that lawbreaking is an offense against society. It is necessary to engrave upon the child's mind the idea that any wrongdoing is an offense against the Divine authority and order.

At first glance this seems to be the essential function of a house of prayer and of the spiritual leaders. However, anyone who does not wish to delude himself about the facts of house of prayer attendance, both in regard to the number of worshippers and the frequency of their visits, etc., etc., must admit that shifting the responsibility to the house of prayer will not correct the situation. Nor can we wait until the house of prayer will attain its fitting place in our society, and in the life of our youth in particular, for the young generation will not wait with its growing-up process.

Children have to be "trained" from their earliest youth to be constantly aware of "the Eye that seeth and the Ear that heareth". We cannot leave it to the law-*enforcing* agencies to be the keepers of the ethics and morals of our young generation. The boy or girl who has embarked upon a course of truancy will not be intimidated by the policeman, teacher or parent, whom he or she thinks fair game to "outsmart". Furthermore, the crux of the problem lies in the success or failure of bringing up the children to an awareness of a Supreme Authority, Who is not only to be feared, but also loved. Under existing conditions in this country, a daily prayer in the public schools is for a *vast* number of boys and girls the only opportunity of cultivating such an awareness.

On the other hand, as I have emphasized on more than one occasion, only a *strictly non-denominational* prayer, and no other, should be introduced into the public schools. Any denominational prayer or religious exercise in the public schools must be resoluting opposed on various grounds, including also the fact that this would create divisiveness and ill-feeling. Likewise must Bible reading in the public schools be resolutely opposed for various reasons, including the obvious reason that the reading of Koran and the New Testament will arouse dissention and strife. Moreover, the essential objective is a religious expression that would cultivate reverence and love for G–d, and this can best be accomplished by prayer, while Bible reading is not so important in this instance.

1. It has been argued that the child attending public school is in the category of a "captive", since his refusal to participate in a prayer would "stigmatize" him. His participation would therefore be involuntary and an encroachment on his freedom.

In my opinion, the notion of "captivity" as applied in this case should lead to a conclusion which is quite the reverse, for the following reasons:

The child attending public school knows that his attendance is compulsory, because his parents and the government consider his education of the utmost importance. Together with this comes the recognition that what is really important and essential to his education is taken care of in the school. The child's instinctive feeling and inference from this is that anything that is not included in the school curriculum is of secondary importance if, indeed, of any importance at all. Hence, if religion (prayer) is excluded from the school, the child would inevitably regard it in the same category as an extra foreign language, or dancing, or music lessons, which are not required by the school but are left to the parents' free choice, and which the child, not illogically, considers a burden or even a nuisance. In other words, the present system of the public schoool education is such that it *impresses* upon the pupil the belief that everything connected with religion, such as knowledge of G–d's existence, etc., is of little consequence, or of no importance whatever.

It will neither interest nor impress the child if he were told that the exclusion of prayer from the school is due to the principle of the separation of State and Church, or to a constitutional technicality. These reasons or explanations, even if they be actually conveyed to the child from time to time will not nearly impress him as much as the plain fact itself, which reasserts itself each and every day, that nothing can be very important to his education if it is not included in the school program. Such a situation can only reinforce the child's attitude of indifference, or even disdain, to any religious beliefs.

The above would be true even in the case of a child who comes from a religious home and background. How much more so in the case of children whose parents and homes are not permeated with the religious spirit, or where religion is something which is practiced once a week, on the day of rest, or only on holidays and special occasions. This, after all, is the kind of home from which the vast majority of the public school children come, inasmuch as the truly religious parents make every sacrifice in order to provide their children with the religious education and environment of a parochial school.

2. To oppose non-denominational prayer "on constitutional grounds" is, in my opinion, altogether a misunderstanding or misrepresentation of the problem.

The issue is: Whether a non-denominational prayer wherewith to inaugurate the school day is, or is not, in the best interests of the children. If the answer is "yes", then obviously it should be made constitutional, for there can be no difference of opinion as to the fact that the Constitution has been created to serve the people, not vice versa.

It may be pertinent to add here that the approach that the Constitution of the U.S.A. must not be touched or amended under any circumstances, is in itself a flagrant violation of the letter and spirit of the Constitution, which has its own built-in machinery for future amendments that may be required in the public interest; machinery which has been used in the past to incorporate into the Constitution a number of amendments.

3. It is argued that the principle of separation of Church and State is the only safeguard for freedom of religion, equal rights for minorities, etc.

Without going into the question whether there actually exists a strict separation between State and Church in this country (for there are undeniable facts to the contrary, e.g. the institution of Chaplaincy in the armed forces; the opening of Congress with a prayer; the motto "In G-d we trust" on American currency, the emphasis on Divine Providence in the Declaration of Independence; etc., etc.), I submit that the validity of the argument is contingent upon the ques-

tion who is behind this principle, and how is it to be interpreted and applied? Suffice it to cite an illustration from the representative States now in existence, in one of which the said principle is in full operational force, while in the other it is not. In the first, as the daily press reports, there is a calculated war on religion and religious practices, with the suppression of all religious freedom, etc. Incidentally (and perhaps it is quite relevant to our discussion), it all started there with a ban on religious instruction to young children. In other countries, for example England, there is no separation of Church and State, there is religious instruction in the public schools, yet you find there complete religious freedom for all religious denominations.

4. Some argue further that the principle of separation of State and Church must be maintained at all costs, in order to prevent a resurgence of religious persecution so prevalent in the Middle Ages, when an established state-religion denied equal or any, rights to other religions, etc.

The fallacy of this argument should be quite obvious. By way of illustration: Suppose a person was ill at one time and doctors prescribed certain medication and treatment. Suppose that years later the same person became ill again, but with an entirely different, in fact quite contrary, malady. Would it be reasonable to recommend the same medication and treatment as formerly?

In Medieval times the world suffered from an "excess" of religious zeal and intolerance. In our day the world is suffering from an excessive indifference to religion, or even from a growing materialism and atheism. Even where religion is practiced, it often lacks depth and inspiration. (The subject is too painful to discuss in detail). Thus, if separation of Church and State was necessary, it is not at all the answer to the problems of our contemporary youth. Besides, the preservation of the principle is not at stake here, and the introduction of a non-denominational prayer in the public school will not endanger it in the least. Moreover a special clause to this effect can be included in the amendment.

5. It has also been argued that if a non-denominational prayer were permitted and left to the discretion of every school board in the country, this practice would lead to abuse.

I do not consider this a valid argument. Firstly, we are talking here about a strictly non-denominational prayer, and agreement should not be difficult on this point. Nor could there be room for any undercover abuse, since prayer would be recited openly in the school. Besides, a proviso could be made which would require the unanimous approval by the representatives of religious denominations before the particular non-denominational prayer is introduced into the school. Moreover, there is no need to compose new non-denominational prayers, as there are already such.

6. The argument that a short non-denominational prayer would have no effect on the child reciting it, could not be considered as a serious argument by anyone who has knowledge or experience in child education. On the contrary, the fact that prayer will be recited in the school and classroom, and day after day, will inevitably become an integral part of the child's thinking and is bound to be a factor which could be further cultivated to the child's advantage in terms of spiritual and psychological development.

Summarizing the above-said, my standpoint indicates the following course:

(a) All efforts, petitions, etc., should be brought to bear towards the introduction of a constitutional amendment which would permit the recitation of a strictly non-denominational prayer in all public schools.

(b) At the same time it should be clearly emphasized that any other kind of prayer or religious exercise, including Bible reading, is not desirable in the public schools because of the friction and divisiveness which such a practice would inevitably entail. It would surely be detrimental to introduce an amendment which would do just that.

(c) I am gratified to see that there are representatives in Congress who expressed their support for an amendment that would permit a non-denominational prayer in the public schools, while opposing sectarian prayer and Bible reading.

(d) The whole controversy as to the constitutionality of such a non-denominational prayer is of little, if any consequence to the problem itself. The crucial problem is how to build the ethical and moral fibre of the young generation which is educated in the public school system: Is the American child to grow up under an educational system which excludes all mention of the Divine Name, so that he (or she) will inevitably regard the world around him (or her) as a G-dless jungle; or is he (or she) to be encouraged to think that there is a Supreme Being, the Creator and Master of the World, Who ordains justice and liberty for all, and Who is the source of true blessing.

Certainly a non-denominational prayer in the public schools will not, in itself, provide an adequate basis for the right and complete world-outlook, but it is an indispensable first step in this direction, considering the state of our society as it is at present, and as it is likely to remain for quite a long time, insofar as it can be judged from the prevailing conditions and factors.

RENT PROVISIONS HELD UNCONSTITUTIONAL

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. FAUNTROY. Mr. Speaker, the House Committee on the District of Columbia has approved H.R. 11341, as amended, the District of Columbia Revenue Act of 1971. The bill, as approved, contains a provision authorizing the Mayor to pay welfare payments directly to the landlord when a welfare recipient fails to pay rent. I was deeply concerned about the possible constitutional problems raised by this provision. I asked the highly respected law firm of Covington & Burling to research and analyze this question for me. The have concluded that "there is a substantial likelihood that [such a provision] would be held unconstitutional." I should point out that Covington & Burling's analysis was of an earlier version of the provision. In my judgment, the basic argument advanced by the firm would apply with equal force to the provision ultimately approved by the committee. Because this item is likely to be discussed in connection with the District of Columbia revenue bill next week, I would like to share this excellent legal memorandum with my colleagues:

COVINGTON & BURLING,
Washington, D.C., October 6, 1971.

Hon. WALTER FAUNTROY,
Delegate for the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR DELEGATE FAUNTROY: You have requested our opinion as to the validity under the United States Constitution of a proposed rider to the pending District of Columbia appropriations bill that is now being considered by the Committee on the District of Columbia of the House of Representatives. It is our understanding that, while the provisions of the proposed rider have not yet been drafted, it would provide, in effect, that whenever a person who is receiving public welfare payments in the District of Columbia defaults on a monthly rental payment (regardless of the reason), the District of Columbia Welfare Department, upon notification of the default, must thereafter deduct monthly rental payments from the welfare recipient's check and pay them directly to the welfare recipient's landlord. The purpose of the proposed rider, as stated in the momorandum which you sent us, is to:

"Reduce vandalism of public and private rental property and foreclose the incentive to rent strikes by persons on public assistance and relieve the government of dual payments where the recipient of aid is in public housing."

We have concluded that, if a rider containing such provisions were enacted and subjected to a challenge in court, there is a very substantial likelihood that it would be held unconstitutional. In our opinion, the proposed rider would be vulnerable to constitutional attack on either of the following grounds:

(a) it deprives the affected welfare recipients of property without the opportunity for a hearing, in violation of the due process clause of the Fifth Amendment to the Constitution; and

(b) it denies to District of Columbia welfare recipients the equal protection of the laws, in violation of the due process clause of the Fifth Amendment to the Constitution.

In view of your need for prompt advice, we state below the reasons that lead us to these conclusions in rather summary fashion. We would be glad to expand the analysis at a later date, if you should so desire.

I. THE CONSTITUTIONALITY OF THE PROPOSED RIDER IS SUBJECT TO SERIOUS QUESTION ON DUE PROCESS GROUNDS

The due process clause of the Fifth Amendment to the United States Constitution, which operates as a constraint upon the powers of the federal government (including Congress' power to legislate for the District of Columbia), states that no person shall be deprived of life, liberty or property without due process of law. In *Sniadach* v. *Family Finance Corp.*, 395 U.S. 337 (1969), the Supreme Court held invalid, under the substantially identical due process clause of the Fourteenth Amendment applicable to the states, a Wisconsin statute that required an employer to hold back or "freeze" a part of his employee's wages whenever an alleged creditor served the employer with a summons and complaint alleging that the employee was indebted to the alleged creditor. This pre-judgment garnishment procedure was described by the Court in *Sniadach* as follows:

"What happens in Wisconsin is that the clerk of the court issues the summons at the request of the creditor's lawyer; and it is the latter who by serving the garnishee sets in motion the machinery whereby the wages are frozen. They may, it is true, be unfrozen if the trial of the main suit is ever had and the wage earner wins on the merits. But in the interim the wage earner is deprived of his enjoyment of earned wages without any opportunity to be heard and to tender any defense he may have, whether it be fraud or otherwise." *Id.* at 338–339.

The Court, pointing out that wages are "a specialized type of property presenting distinct problems in our economic system," held that because the Wisconsin statute failed to provide the employee with notice and an opportunity for a prior hearing on the question of his liability to the alleged creditor, it violated "the fundamental principles of due process." *Id.* at 340, 343.

We believe that the requirement in the proposed rider that the D.C. Welfare Department must deduct rental payments from the check of any welfare recipient who is alleg-

edly in default in his rental payments and remit them to the landlord would be held violative of the due process clause for reasons altogether comparable to those stated by the Court in holding the Wisconsin garnishment statute unconstitutional.

In the first place, it is clear that the welfare recipient's entitlement to benefits is "property" protected by the due process clause. That proposition is well established. The requirements of procedural due process are no less applicable in cases involving alleged deprivation of governmental "benefits" than they are in cases involving alleged deprivation of wages or other more traditional forms of property. As the Supreme Court pointed out in *Goldberg* v. *Kelly*, 397 U.S. 254, 261–262 (1970):

"Appellant does not contend that procedural due process is not applicable to the termination of welfare benefits. Such benefits are a matter of statutory entitlement for persons qualified to receive them. Their termination involved state action that adjudicates important rights. The constitutional challenge cannot be answered by an argument that public assistance benefits are a 'privilege' and not a 'right.' *Shapiro* v. *Thompson*, 394 U.S. 618, 627 n.6 (1969). Relevant constitutional restraints apply as much to the withdrawal of public assistance benefits as to disqualification for unemployment compensation, *Sherbert* v. *Verner*, 374 U.S. 398 (1963); or to denial of a tax exemption, *Speiser* v. *Randall*, 357 U.S. 513 (1958); or to discharge from public employment, *Slochower* v. *Board of Higher Education*, 350 U.S. 551 (1956)."

Indeed, as we point out below, the very principle of the *Sniadach* decision was applied in *Goldberg* to invalidate the termination, without a hearing, of welfare benefits.

We can anticipate only one argument of any substance for distinguishing the proposed appropriations bill rider from Wisconsin's garnishment statute. It could be argued that the impact on welfare recipients of the procedure contemplated by the rider would be less drastic than the impact of the garnishment statute on employees because the Wisconsin statute requires a significant reduction, pending trial, of the income from which an employee must pay all his living expenses, including housing, whereas the proposed rider would only partially reduce the welfare recipient's income and would at the same time eliminate housing as one of the expenses he would have to pay out of his income.

On analysis, however, we do not believe that this argument would be found persuasive. It is now well established in the District of Columbia, both under the case law and the District of Columbia Housing Regulations, that if the landlord has failed to maintain a housing unit in compliance with the minimum standards required by the Housing Regulations, the tenant may not be legally obligated to pay him all, or even any, of the rent otherwise due for the period during which such violations of the Housing Code existed, depending on the nature and number of the violations in question. *Brown* v. *Southall Realty Co.*, 237 A.2d 834 (D.C.C.A. 1968); *Javins* v. *First National Realty Corp.*, 428 F.2d 1071 (D.C. Cir. 1970), *cert. denied*, 400 U.S. 925 (1970); Housing Regulations of the District of Columbia, § 2902. Thus, a tenant living in housing which his landlord has failed to maintain in accordance with the Housing Regulations may withhold his rent and when he is sued for nonpayment the court must decide, after receiving evidence as to the nature of the Housing Code violations in question, how much, if any, of the rent the landlord is entitled to recover. *Javins* v. *First National Realty Corp.*, *supra* at 1082–1083. The landlord therefore has nothing more than the putative creditor in the *Sniadach* case, a chose in action by which he may be able to compel payment through the judicial process of the rent purportedly due him.

The proposed rider would deprive the welfare recipient of the only realistic means he has to bring before a court of law the question of his landlord's legal obligation to make repairs and the question of how much rent, under the circumstances, he is legally required to pay. Since the landlord would be receiving rent from the Welfare Department, he would have no such reason to sue the tenant and considerably less incentive to abate any existing Housing Code violations. The rider would thus shift the burden to the tenant to bring an affirmative action against the landlord to recover all or a part of the rent paid. In our view, the courts would recognize that indigent welfare tenants would rarely be able to bring affirmative actions against their landlords for back rent, especially in view of the regulations that in most cases prohibit legal services attorneys from representing clients in affirmative suits for damages.

In this regard, we note that in his concurring opinion in the *Sniadach* case Mr. Justice Harlan said that in his view the precise "property" of which the employee was deprived without hearing was the *use* of the withheld part of his wages between the time of the garnishment and the time of judgment on the creditor's claim. 395 U.S. at 342. Since the proposed rider to the D.C. appropriations bill would place upon the welfare tenant the burden of bringing before the courts the question whether he in fact owes the rent paid, he stands realistically not only to lose the use of his rent money pending a judgment as to whether he or the landlord is entitled to it, but to lose the money forever. It would therefore appear that the deprivation under the proposed rider to the D.C. appropriations bill is even more severe than the deprivation under the Wisconsin garnishment statute, which at least left the burden of bringing the action for money owed on the alleged creditor, thus ensuring that he could not recover from the employee unless there had been a trial on the merits of his claim.

In addition, we would point out that by withholding their rent, welfare tenants are able to use the rental money to make emergency repairs which the landlord has failed to make. Under the terms of the proposed rider, the tenant would be unable to use his housing allotment to make even the most fundamental repairs necessary to keep his dwelling unit in habitable condition or, for that matter, to use the money for any other emergency needs which he might have. Thus, even the temporary loss of rent allotments might have at least as severe an impact on the welfare tenant as the impact of the Wisconsin garnishment statute on the employee in *Sniadach*.

We recognize that the Court placed some emphasis in *Sniadach* on the "specialized" nature of wages. Cases decided since *Sniadach*, however, both by the lower courts and by the Supreme Court, indicate that the rationale of *Sniadach* will be applied to situations involving deprivations of many different kinds of property rights, even though the impact on the deprived party may not be as drastic as the impact which prejudgment garnishment of wages may have on an employee. See, *e.g.*, *Hall* v. *Garson*, 430 F.2d 430 (5th Cir. 1970) (landlord's peremptory seizure of a television set under a statutory landlord's lien); *Klim* v. *Jones*, 315 F. Supp. 109 (N.D. Cal. 1970) (innkeeper's seizure of personal belongings under statutory innkeeper's lien): *Laprease* v. *Raymours Furniture Co.*, 315 F. Supp. 716 (N.D.N.Y. 1970) (conditional vendor's seizure of furniture); *Larson* v. *Fetherston*, 172 N.W.2d 20 (Wis. Sup. Ct. 1969) (garnishment of bank accounts); *Mihans* v. *Municipal Court*, 87 Cal. Rptr. 17 (Cal. App. 1970) (landlord's prejudgment possession of premises if tenant is insolvent or lacks sufficient property to satisfy landlord's claim for damages); *contra*, *Fuentes* v. *Faircloth*, 317 F. Supp. 954 (S.D. Fla. 1970) (conditional vendor's seizure of furniture), *prob. juris. noted*, 401 U.S. 906 (1971). *See also* Note, *Some Implications of Sniadach*, 70 Colum. L. Rev. 942, 949 (1970).

In *Hall* v. *Garson*, *supra* at 441, the Court of Appeals for the Fifth Circuit pointed out that:

"[T]he same kind of deep personal hardship can result from the seizure of personal and household goods as resulted from the garnishment of wages under the Wisconsin statute in *Sniadach*."

The only post-*Sniadach* case of which we are aware in which a court has considered the question whether a tenant who has withheld rental payments may be required to pay rent to the landlord prior to trial on the question of his legal obligation to pay such rent is an unreported decision by the United States Court of Appeals for the District of Columbia Circuit in *Winston* v. *Shapiro*, Case No. 24,503 (D.C. Cir. Aug. 5, 1970). The question was before the court on a motion to stay lower court orders which required "the payment of prejudgment rent directly to the landlord provided the landlord files an appropriate bond with the Clerk." *Id.* at 2. While declining to decide the issue on a motion for a stay, the Court nevertheless noted that:

"This provision in the orders raises constitutional questions under *Sniadach* v. *Family Finance Corp.*, 395 U.S. 337 (1969)." *Id.*

The *Shapiro* case was subsequently settled before it reached the Court of Appeals on the merits. However, we understand that the same issue is raised in another case now pending before the Court of Appeals. *See Blanks* v. *Fowler*, Case No. 24,548, United States Court of Appeals for the District of Columbia Circuit. In any event, we would point out that if the provisions of the lower court orders in the *Winston* case raise constitutional questions under *Sniadach*, then it follows *a fortiori* that the provisions of the proposed rider do also. The lower court orders in *Winston* required rental payments to the landlord for a specifically limited period, namely, until the pending trial on the issue of the landlord's right to such payments had been completed. The provisions of the proposed rider, however, are completely open-ended, requiring rental payments to the landlord that not only are not limited to a period prior to a trial on the merits of the tenant's justification for nonpayment but that, as we have said, probably would have the effect of ensuring that such a trial would never take place.

Two Supreme Court decisions subsequent to *Sniadach* likewise suggest that the rationale of that decision is not confined to situations involving a prehearing deprivation of "traditional" or "specialized" property such as wages. In *Goldberg* v. *Kelly*, 397 U.S. 254, 255 (1970), the Court was presented with the question "whether a State that terminates public assistance payments to a particular recipient without affording him the opportunity for an evidentiary hearing prior to termination denies the recipient procedural due process in violation of the Due Process Clause . . ." The Court answered the question in the affirmative, citing *Sniadach* in support of its decision:

. . .[W]e agree with the District Court that when welfare is discontinued, only a pre-termination evidentiary hearing provides the recipient with procedural due process. *Cf. Sniadach* v. *Family Finance Corporation*, 395 U.S. 337 (1969)." *Id.* at 264.

Similarly, in *Bell* v. *Burson*, 402 U.S. 535 (1971), the Court was faced with a due process challenge to the provisions of Georgia's Motor Vehicle Safety Responsibility Act which required that the motor vehicle registration and driver's license of an uninsured motorist involved in an accident shall be suspended unless he posts security to cover the amount of damages claimed by aggrieved parties in required reports of the accident. The Court held that "before the

State may deprive petitioner of his driver's license and vehicle registration it must provide a forum for the determination of the question whether there is a reasonable possibility of a judgment being rendered against him as a result of the accident." *Id.* at 542. In so holding, the Court emphasized that a person's right to a driver's license is the kind of property right of which a person may not be deprived without a hearing, in accordance with the principles set forth in *Sniadach;*

". . . Once licenses are issued, as in petitioner's case, their continued possession may become essential in the pursuit of a livelihood. Suspension of issued licenses thus involves state action that adjudicates important interests of the licensees. In such cases the licenses are not to be taken away without that procedural due process required by the Fourteenth Amendment. *Sniadach* v. *Family Financial Corp.*, 395 U.S. 337 (1969); *Goldberg* v. *Kelly*, 397 U.S. 254 (1970). This is but an application of the general proposition that relevant constitutional restraints limit state power to terminate an entitlement whether the entitlement is denominated a 'right' or a 'privilege.' "

". . . [I]t is fundamental that except in emergency situations (and this is not one) due process requires that when a State seeks to terminate an interest such as that here involved, it must afford 'notice and opportunity for hearing appropriate to the nature of the case' before the termination becomes effective. *Ibid. Opp. Cotton Mills, Inc.* v. *Administrator*, 312 U.S. at 152–156 (1941); *Sniadach* v. *Family Finance Corp., supra; Goldberg* v. *Kelly, supra; Wisconsin* v. *Constantineau*, 400 U.S. 433 (1971)." *Id.* at 539, 542.

It would appear to follow that a procedure which requires rental payments to be deducted from a welfare recipient's check and to be paid directly to his landlord, without providing any opportunity for a hearing on the question of the welfare recipient's liability for such payments, is also at odds with the requirements of due process.

In view of the cases and considerations discussed above, we conclude that there is a very substantial likelihood that the proposed rider to the District of Columbia appropriations bill would be held to violate the due process clause of the Fifth Amendment.

II. THE CONSTITUTIONALITY OF THE PROPOSED RIDER IS SUBJECT TO SERIOUS QUESTION ON EQUAL PROTECTION GROUNDS

Unlike the Fourteenth Amendment to the Constitution, which is applicable only to the states and not to acts of Congress, the Fifth Amendment, by which Congress is bound, contains no explicit prohibition against denial of the "equal protection of the laws." However, the Supreme Court has held on several occasions that "[w]hile the Fifth Amendment contains no equal protection clause, it does forbid discrimination that is 'so unjustifiable as to be violative of due process.' " *Shapiro* v. *Thompson*, 394 U.S. 618, 642 (1969); *Schneider* v. *Rusk*, 377 U.S. 163, 168 (1964); *Bolling* v. *Sharpe*, 347 U.S. 497, 499 (1954). Although the Supreme Court has never decided whether the "equal protection" principles thus incorporated in the due process clause of the Fifth Amendment are coextensive with those of the Fourteenth Amendment, it has been assumed by some lower courts that they are. In *Von Stauffenberg* v. *District Unemployment Compensation Board*, 269 A.2d 110 (1970), for example, the District of Columbia Court of Appeals stated flatly that:

"The Due Process Clause, which is applicable to the District of Columbia, encompasses equal protection of the laws." *Id.* at 110 n.2.

We have proceeded upon the assumption that the concept of equal protection is governed by the same general principles under both the Fifth and Fourteenth Amendments. We base this upon the solidity of the notion that the due process clause of the Fifth Amendment incorporates equal protection concepts and the difficulty of distinguishing discrimination "so unjustifiable as to violate due process" from discrimination that cannot be justified by reference to usual equal protection standards.

In our view, the proposed rider would create at least two discriminatory classifications that could be challenged on equal protection grounds. First, it would discriminate against all tenants who are on welfare in the District of Columbia, as opposed to all other tenants in the District of Columbia. Second, it would discriminate against all welfare recipients in the District of Columbia, as opposed to all other welfare recipients in the United States. In our opinion, the first classification mentioned raises a very substantial equal protection question—the second, a real though probably less substantial one. Our analysis of the equal protection arguments that could be made against the proposed rider will consider each of the discriminatory classifications separately and will deal with the first in greater detail.

A. The classification of welfare tenants in the District of Columbia, as opposed to all other tenants in the District of Columbia

By requiring the D.C. Welfare Department to make direct rental payments to the landlord of any welfare recipient who is in default in at least one month's rent, the proposed rider would deprive such welfare tenants of many of the rights which other tenants in the District of Columbia enjoy, most significantly, the right to a prior judicial hearing on the question of their legal liability to pay the rent claimed. As we mentioned at pp. 4–5 above, the law in the District of Columbia provides that if a landlord fails to maintain a housing unit in compliance with the standards of the District of Columbia Housing Regulations, the tenant may not be liable for all, or even any, of the rent otherwise due for the period during which violations of the Regulations existed, depending on the severity of the violations involved. *Brown* v. *Southall Realty Co.*, 237 A.2d 834 (D.C.C.A. 1968); *Javins* v. *First National Realty Corp.*, 428 F.2d 1071 (D.C. Cir. 1970), *cert. denied*, 400 U.S. 925 (1970); Housing Regulations of the District of Columbia, § 2902. As a result, if a tenant withholds his rent because of alleged Housing Code violations and is sued by the landlord, the tenant is entitled to a trial on the question whether, in view of the alleged violations of the Housing Regulations, he owes the landlord all of the rent otherwise due, only a part of it or none of it.

District of Columbia law further provides that, if the landlord is concerned that the tenant may squander the rent money pending trial, he may make a motion for a protective order requiring that rental payments be paid into the registry of the court pending trial. *Bell* v. *Tsintolas Realty Co.*, 430 F.2d 474 (D.C. Cir. 1970). However, prepayment of rent into the registry of the court is not favored and such an order may be entered only after notice and opportunity for a hearing:

". . . We conclude that, although the court may, in the exercise of its equitable jurisdiction, order that future rent be paid into the registry of the court as it becomes due during the pendency of the litigation, such prepayment is not favored and should be ordered only in limited circumstances, only on motion of the landlord, and only after notice and opportunity for a hearing on such a motion." *Id.* at 479.

At the hearing on such a motion, the court is required to hear evidence not only as to the landlord's need for a protective order but also as to the existence and severity of the Housing Code violations claimed by the tenant, and the court may order payment into the registry of the court of less than the full monthly rent:

"Even if the landlord has adequately demonstrated his need for a protective order, the trial judge must compare that need with the apparent merits of the defense based on housing code violations. Relevant considerations would be whether the housing code violations alleged are *de minimis* or substantial, whether the landlord has been notified of the existence of the defects and, if so, his response to that notice, and the date, if known, of the last repair or renovation relating to the alleged defect.

"We express the view that, in the ordinary course of events, if prepayment of rent is required, the tenant will be called upon to pay into the court registry each month the amount which he originally contracted to pay as rent. However, there are circumstances likely to arise which, in our judgment, require that the trial court consider imposition of a lesser amount. Certainly a lesser amount would be desirable when the tenant makes a very strong showing that the condition of the dwelling is in violation of Housing Regulations norms. For example, he may adduce in support of his defense a finding of violation of an order to repair which the District of Columbia issued to the landlord and which the landlord has not acted upon within a reasonable time. Similarly, he may demonstrate that some portion of his potential payment of rent was instead expended on repairs to the premises." *Id.* at 484.

It is well settled in the District of Columbia, moreover, that pretrial payments of rent directly to the landlord generally may not be ordered, although the courts have so far left open the possibility that such an order might be appropriate after a hearing in which the landlord made an extraordinary showing of need and likelihood of success on the merits. *Dorfmann* v. *Boozer*, 134 U.S. App. D.C. 272, 414 F. 2d 1168 (1969); *Cooks* v. *Fowler*, 437 F.2d 669 (D.C. Cir. 1970). *Cf. Winston* v. *Shapiro*, Case No. 24,503 (D.C. Cir. Aug. 5, 1970), discussed at p. 7 above.

District of Columbia law thus provides every tenant who denies that he owes rent claimed the right to a trial (or at least a pre-trial hearing) on the issue of his liability for such rent *before* he can be forced to pay it over to the landlord. The law also provides that every tenant who denies he owes rent on the ground of the landlord's failure to maintain the premises in accordance with the Housing Regulations has a right to a pre-trial hearing on his claim before he can even be required to pay rent into the registry of the court pending trial.

The proposed rider would deprive tenant welfare recipients of these rights. It would thus discriminate against tenants who are welfare recipients, as opposed to all other tenants in the District of Columbia. The question is whether the discriminatory classification thus drawn by the rider is such as to violate the tenant welfare recipient's right to equal protection of the laws.

Under the "traditional" equal protection test, a discriminatory classification will not be invalid if there is shown to be a rational relationship between the classification and the purpose of the statute under which it is drawn. *See Rinaldi* v. *Yeager*, 384 U.S. 305, 309 (1966); *McLaughlin* v. *Florida*, 379 U.S. 184, 191 (1964); *F. S. Royster Guano Co.* v. *Virginia*, 253 U.S. 412, 415 (1920); *Gulf, Colorado & Santa Fe Ry.* v. *Ellis*, 165 U.S. 150, 155 (1897); Tussman & ten Broek, *The Equal Protection of the Laws*, 37 Calif. L. Rev. 341, 346 (1949). Given the stated purposes of the proposed rider—to discourage vandalism and rent strikes—it is difficult to discern how the classification effected by the rider between welfare recipients and other tenants bears any rational relationship to such purposes, particularly since in the District of Columbia Congress has the power, subject to the limitations imposed by the Constitution, to alter the existing landlord-tenant law by substantive enactment without making any such discriminatory classifications among tenants.

In any event, however, it has long been the law that there are certain discriminatory classifications that are inherently invidious and therefore either cannot be justified by any considerations or will be held invalid on equal protection grounds unless it can be demonstrated that they are necessitated by a compelling governmental interest. Foremost among the "suspect" classifications are those which discriminate against persons of a particular race. *See, e.g., Korematsu* v. *United States,* 323 U.S. 214, 216 (1944). Classifications that discriminate against persons on the basis of their economic status (*i.e.,* against the poor) likewise fall into the suspect category, although they have not always been deemed as invidious as discriminatory classifications based on race. *See, e.g., Griffin* v. *Illinois,* 351 U.S. 12 (1956); *Douglas* v. *California,* 372 U.S. 353 (1963); *Harper* v. *Virginia Bd. of Elections,* 383 U.S. 663 (1966); *But see James* v. *Valtierra,* 402 U.S. 137 (1971).

It is common knowledge that the vast majority of persons receiving welfare in the District of Columbia are black. Statistics indicate, for example, that for many years well over 90 percent of all AFDC recipients in the District of Columbia have been members of the black race. *See, e.g., Characteristics of Families Receiving Aid to Families with Dependent Children,* U.S. Dept. of Health, Education and Welfare, April, 1963. It could thus be argued that the discriminatory classification which the proposed rider would create is, in effect, a classification based on race. As such, it would be inherently invalid or, in any event, subject to the requirement that it be supported by a compelling governmental interest.

Even if such an argument did not prevail, it is clear that the classification which the rider would create is on its face based on economic status, since its provisions would apply only to welfare recipients, who are, by definition, poor. It would accordingly be "closely scrutinized" by the courts, for "lines drawn on the basis of wealth or property, like those of race . . . are traditionally disfavored." *Harper* v. *Virginia Bd. of Elections,* 383 U.S. 663, 668, 640 (1966).

Moreover, since the practical effect of the rider would be to make it virtually impossible for a tenant welfare recipient to bring before the courts a legitimate claim that the landlord had not fulfilled his legal obligations under the Housing Code and thus was not entitled to recover the rent claimed (see pp. 5–6 of this letter), it would be particularly difficult to justify. Both the Supreme Court and the United States Court of Appeals for the District of Columbia have repeatedly struck down on equal protection grounds classifications based on economic status which have the effect of erecting impediments to full access to the judicial process by indigent persons. *See, e.g., Griffin* v. *Illinois,* 351 U.S. 12 (1956); *Douglas* v. *California,* 372 U.S. 353 (1963); *Lee* v. *Habib,* 137 U.S. App. D.C. 403, 424 F.2d 891 (1970); *McKelton* v. *Bruno,* 138 U.S. App. D.C. 366, 428 F.2d 718 (1970). Thus, after reviewing its decisions in the latter two cases, the Court of Appeals in *Bell* v. *Tsintolas Realty Company,* 430 F.2d 474, 480 (1970), stated:

"The thrust of these cases has been to protect, under a variety of circumstances, the extent to which an indigent may have access to and participate in the judicial system. The requirement that an indigent tenant meet current rental payments in order to maintain his defense, . . . has the effect of restricting access to and participation in the judicial system. We have good reason for concern when a meritorious defense cannot be litigated because a monetary barrier has been erected; not only does the individual defendant lose, but the purposes of the adversary system as a whole are frustrated."

In view of the cases and considerations discussed above, we conclude that there is a very substantial likelihood that the proposed rider to the District of Columbia appropriations bill would be held to violate the welfare recipient's Fifth Amendment right to equal protection of the law.

B. The classification of welfare recipients in the District of Columbia, as opposed to all other welfare recipients in the United States

Section 406(b)(2) of the Social Security Act, 42 U.S.C.A. § 606(b)(2), which is applicable to all AFDC (aid to families with dependent children) programs in the various states and the District of Columbia and must be complied with if the states are to receive matching Federal funds, authorizes "vendor payments," *i.e.,* payments made "directly to a person [other than the relative with whom a dependent child is living] furnishing food, living accommodations, or other goods, services, or items to or for such child," *only* when the state program includes provision for a hearing and determination that "the relative . . . has such inability to manage funds that making payments to him would be contrary to the welfare of the child." It is thus apparent that the proposed rider, if enacted, would either be deemed an amendment to the above provisions of the Social Security Act or would render the District of Columbia program ineligible to receive matching Federal funds.

Assuming that the rider would be deemed an amendment to the Social Security Act, its effect would be to discriminate against welfare recipients in the District of Columbia, as opposed to all other welfare recipients in the United States, by denying D.C. welfare recipients the protection against direct payments to their landlords which the Social Security Act provides. The question, once again, is whether the discriminatory classification thus established would be such as to deprive District of Columbia welfare recipients of their right to equal protection of the laws.

Since the distinction between District of Columbia welfare recipients and other welfare recipients is not one which is based on race or wealth and would not appear to impinge upon any "fundamental" rights of the D.C. welfare recipients, *Shapiro* v. *Thompson,* 394 U.S. 618, 634 (1969), its validity must be measured by the "traditional" equal protection standard mentioned earlier, *i.e.,* whether there is any rational relationship between the classification and the purpose of the statute under which it is drawn:

"[L]egislation may impose special burdens upon defined classes in order to achieve permissible ends. But the Equal Protection Clause does require that, in defining a class subject to legislation, the distinctions that are drawn have 'some relevance to the purpose for which the classification is made.'" *Rinaldi* v. *Yeager,* 384 U.S. 305, 309 (1966).

While we recognize that Congress has traditionally been permitted to treat the District of Columbia differently from the states, an argument could nevertheless be made that it is arbitrary and irrational to single out District of Columbia welfare recipients in the manner contemplated by the proposed rider. Certainly it could hardly be contended that welfare recipients in the District of Columbia are the only welfare recipients who have withheld their rent or gone on "rent strikes." It is common knowledge that in recent years welfare recipients in many cities have withheld rent in protest against substandard housing conditions.

It could thus be argued that the discriminatory classification that the rider would create is at least as arbitrary as the classification created by the one-year residency statutes (including the one enacted by Congress for residents of the District of Columbia) which the Court struck down in *Shapiro* v. *Thompson,* 394 U.S. 618 (1969). Although the stricter "compelling governmental interest" standard was found applicable in *Shapiro,* the Court nevertheless stated that:

". . . even under traditional equal protection tests a classification of welfare applicants according to whether they have lived in the State for one year would seem irrational and unconstitutional." *Id.* at 638.

Very truly yours,

COVINGTON & BURLING.
By EDWIN M. ZIMMERMAN.

COVINGTON & BURLING,
Washington, D.C., October 13, 1971.

HON. WALTER FAUNTROY,
Delegate for the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR DELEGATE FAUNTROY: On October 7, 1971, the United States Court of Appeals for the District of Columbia Circuit decided a case with an opinion that is directly relevant to the issue discussed in part II B of our opinion letter of October 6, 1971, regarding a proposed rider to the District of Columbia appropriations bill. I am enclosing a Xerox copy of the opinion in the case, *United States* v. *Thompson,* No. 71–1182, for your information.

The Court of Appeals in *Thompson* was called upon to construe the bail provisions of the Court Reform Act of 1970, which apply only to the District of Columbia, with respect to their applicability to persons convicted in the District of offenses prosecuted under federal criminal statutes having nationwide application. The Court held that the bail provisions of the Court Reform Act did not apply to such offenses and that, as to them, the provisions of the Bail Reform Act of 1966, a generally applicable national statute, are still applicable in the District. Consequently, the defendant in the *Thompson* case was entitled to have his application for bail pending appeal considered according to the criteria established by the Bail Reform Act and not the stricter criteria embodied in the Court Reform Act.

In so holding, the Court emphasized that if, as the government contended, the bail provisions of the Court Reform Act did apply to federal offenses when committed in the District of Columbia, those provisions would be unconstitutional in that they would deny residents of the District of Columbia the equal protection of the laws, in violation of the due process clause of the Fifth Amendment to the Constitution.

There is a clear parallel between the statutory situation with which the Court was dealing in *Thompson* and the situation that would be created by enactment of a local provision for payment direct to landlords of District welfare recipients' rent while no such direct payments are permitted under the national Social Security Act elsewhere in the country.

In beginning the analysis that led it to the conclusion that a statute that sought to exclude the District of Columbia from the otherwise nationally applicable protections of the Bail Reform Act would violate the Fifth Amendment, the Court pointed out that "when Congress decides to enact national legislation . . . the passage of such a law implies a threshold decision to override regional differences in favor of a uniform standard that will govern the entire country." Slip Opinion, p. 9. Applying the "traditional" equal protection test to such a statute, the Court stated that "we are hard pressed to see even a rational relationship between the classification created by this statute and any legitimate governmental policy." By the same token, as we pointed out at page 18 of our opinion letter, since Congress has adopted in the Social Security Act a national policy regarding the disposition of federal funds for dependent children, it is difficult to perceive any rational relationship between any legitimate governmental policy and a statutory classification

which would authorize direct payments to landlords in the case of welfare recipients residing in the District of Columbia while continuing to prohibit such payments with respect to all other AFDC recipients.

The Courts of Appeals did not, however, rest its equal protection ruling in *Thompson* on the traditional "rational relationship" standard. It pointed out that because the discriminatory classification urged by the government would limit the right to bail pending appeal, it involved "fundamental personal liberties" and must accordingly be closely scrutinized. *Id.* at 12. The Court went on, moreover, to state that because of the "profoundly anomalous" position in the federal system occupied by residents of the District of Columbia any classification which discriminates against the residents of the District of Columbia is "particularly suspect" and can be upheld only if the justification for the classification is not merely "rational" or "plausible" but actually *"convincing"*:

"What is involved here is not just any arbitrary classification between two similarly situated groups. The residents of Washington occupy a profoundly anomalous position in the federal system, and any classification which discriminates against them is particularly suspect. Writing for the Court in *Reynolds* v. *Sims, supra,* Chief Justice Warren observed: 'The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.' But for residents of the District, the right to vote in congressional elections is not merely restricted—it is totally denied. This regrettable situation is a product of historical and legal forces over which this court has no control. See J. S. Young, the Washington Community 1800–1828 at 14–15 (1966). Until it is changed, however, the standard for review in equal protection cases involving the District may well be fundamentally affected. *See D.C. Federation of Civic Associations, Inc.* v. *Volpe, supra.*

"Although the courts have a vital role to play in preserving our constitutional rights, we normally depend upon the vote as 'preservative of other basic civil and political rights.' Minorities can usually protect themselves by playing their role in the political process and forming coalitions with other groups to secure a majority. But it is senseless to remit District residents to the political process, since for them there *is* no political process. The principle of majority rule loses its legitimacy when not all the votes are counted. *See Developments in the Law—Equal Protection,* 82 Harv. L. Rev. 1065, 1124-1126 & n.275 (1969). In this context, at least, the normal arguments for judicial restraint become no more than hollow shibboleths grotesquely detached from the logic which once supported them. There is no reason to pay deference to the views of a representative body which does not in fact represent those against whom it is discriminating. Therefore, discriminatory classifications affecting District residents must be subjected to the strictest possible review. *See Hobson* v. *Hansen,* D. D.C., 269 F. Supp 401, 508 & n.198 (1967), *affirmed, sub nom. Smuck* v *Hobson,* 132 U.S. App. D.C. 372, 408 F.2d 175 (1969) (*en banc*). It is not enough for such classifications to be merely rational or even plausible; the justification offered must actually be *convincing*. Otherwise, the danger of 'experimentation' with the rights of the voiceless residents of the District is too great to be tolerated." *Id.* at 13–14.

The opinion of the Court of Appeals in *Thompson* thus strengthens the argument summarized in part II B of our letter of October 6, 1971, that the proposed rider would be held unconstitutional even under the traditional equal protection standard and in addition indicates that, because of the "anomalous" position of District of Columbia residents, it would be "subjected to the strictest possible review" by the courts and could be justified only for "convincing" reasons. The *Thompson* opinion accordingly supports the conclusion that the proposed rider would be held unconstitutional on equal protection grounds.

Very truly yours,

COVINGTON & BURLING.
By EDWIN M. ZIMMERMAN.

CANADA: OUR FURIOUS FRIEND

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. FRASER. Mr. Speaker, I continue to be concerned about United States-Canadian relations. Sunday, October 24, the Washington Post published an article by Claude Lemelin, associate editor of the Canadian newspaper Le Devoir de Montreal. It is a thoughtful examination of this important matter.

The article follows:

[The Washington Post, Oct. 24, 1971]

CANADA: OUR FURIOUS FRIEND

(By Claude Lemelin)

MONTREAL.—Relations between Canada and the United States have become increasingly strained since Aug. 15, when President Nixon jolted the international community by imposing his 10 per cent import surcharge and floating the U.S. dollar.

During the two months since then, the tone of public and private communications across the celebrated "longest undefended border in the world" has been raised to a new and grating pitch. Relations between Ottawa and Washington, once cited to the international community as a paragon of harmony, have deteriorated to the point where mutual distrust delays the resumption of fruitful negotiations.

A watershed may have been reached in U.S.-Canada relations. Even if the two nations succeed in patching up their disagreements in the coming months, it may well be that they are destined to grow further apart. Certainly, the Nixon administration's unilateral disruption of trade across the 49th parallel—the most intensive in the world—has compelled the Trudeau government to grope for an alternative to North American integration for the Canadian economy.

Such an "agonizing reappraisal"—a borrowed phrase used by Canada's Minister for Trade and Industry, Jean-Luc Pepin, in a speech delivered in Houston earlier this month—would merely extend to economic policy a basic decision taken three years ago by the Trudeau government in the field of foreign policy. To dilute the pervasive American influence that grew out of Canada's special and privileged postwar relationship with the United States, Ottawa then decided to "diversify" its foreign policy by establishing diplomatic relations with China and developing closer links with the Soviet Union, as well as by tightening existing relations with Europe, Japan and other countries in the Pacific basin.

It is unlikely that an early removal of the American import surcharge would end the search in Canada for an economic alternative. Come what may, Ottawa is expected at the very least to pursue with a new urgency its drive for diversification of Canada's economic relations.

"What happened once can always happen again," a government official close to Prime Minister Trudeau remarks. "We can no longer afford to be without contingency plans in the face of future isolationist moves by the U.S. government."

Last week, Soviet Premier Alexis Kosygin's visit to Ottawa provided the Trudeau government with the opportunity to explore one such alternative: The expansion of trade and economic cooperation with the Soviet Union. A general exchange agreement was signed, provided for regular contacts and possibly joint scientific and cultural projects, and both the Canadian and Soviet leader expressed high hopes for future trade between the two countries. But despite Trudeau's use of Mr. Kosygin's visit to induce the Nixon administration into a more amenable posture on U.S.-Canada economic relations, the Canadians harbor no illusions about the significance of the Soviet "alternative." No matter how fast Soviet-Canadian trade expands in coming years, it could not possibly compensate for any substantial shortfall in Canada's exports to the United States.

THE AUGUST 19 MEETING

The relentless deterioration in U.S.-Canada relations began at a meeting in Washington on Aug. 19, during which Treasury Department officials questioned the long-term viability of Canadian manufacturing industries within the North American economy and raised doubts about the desirability of maintaining relatively free access to the U.S. market for those industries. The same officials also indicated that policies recently implemented by Canada to spur the development of technologically advanced industries north of the border were unacceptable to the United States and suggested that Canada specialize instead in the extracting and processing of raw materials for American industry.

During the meeting, held at the urging of the Canadians and attended by Finance Minister Edgar Benson and his colleague Jean-Luc Pepin, Treasury Secretary John Connally refused to exempt Canada from the 10 per cent import surcharge. But the Canadians were less disturbed by Connally's rejection of their one specific request, which they half-expected, than by his officials' open challenge to the continental assumptions that have guided Ottawa's economic policies for more than a quarter century.

Unlike Japan, Britain and the Common Market countries, Canada was not unduly disturbed by the monetary aspects of President Nixon's new economic program. But the import surcharge and the "buy American" clause attached to the 7 per cent investment credit now before Congress were quite another matter.

Canada's exports to the United States reached $10.2 billion last year—representing 68 per cent of Canada's total exports and almost 15 per cent of her gross national product. The surcharge would severely affect more than a quarter of Canada's exports to America—$2.5 billion of goods—while the "buy American" clause would jeopardize an additional $300 million of Canadian machinery exports southward.

Canadian officials claim that such drastic curtailment of foreign trade would destroy in a single year more than 100,000 jobs, thus raising Canada's already high unemployment rate—7.1 per cent last month—by two full percentage points at the very least. Given the fast growth of the labor force and the inevitable concentration of unemployment in Quebec, the French-speaking province where separatist sentiment has been growing steadily in recent years, this prospect horrifies the Trudeau government.

In addition, the substantial tax break the United States would grant to the Domestic International Sales Corporations (DISCs) proposed by President Nixon would significantly reduce business investment in Canada. The DISCs—which Canadian officials maintain would violate the General Agreement on Tariffs and Trade—would receive long-term

deferral of U.S. income taxes by acting as U.S. firms' domestic funnels for foreign sales, thereby encouraging the firms to substitute exports from American plants for production by overseas subsidiaries. About half of Canadian manufacturing industry and more than 60 per cent of resource industries are owned and controlled by American corporations. Consequently, any substantial disincentive to foreign investment enacted by Congress is bound to bring about economic stagnation in Canada.

For all those reasons, the Canadian cabinet decided on Aug. 16 to press at the earliest opportunity for an immediate and unconditional exemption of Canadian products from the import surcharge. Canadian embassy officials in Washington had strongly advised against the ministerial trek; U.S. Treasury officials had let them know that Secretary Connally had more pressing things to do than listen to Canadian grievances, and that the administration could not afford to take anything but a hard line.

But the Trudeau government could not afford to ignore internal political considerations: Not to go to Washington would have provided opposition parties with choice ammunition a few months away from the next federal elections. It was also felt in Ottawa that, even if an early exemption from the surcharge could not be expected, a top-level meeting would still be useful, if only to probe the Nixon administration's long-term views on U.S.-Canada relations and to remind it of the disastrous impact its new "game plan" would have on the Canadian economy.

After the rebuffs of the Aug. 19 meeting in Washington, the Canadian cabinet quietly began to draw up—almost from scratch—contingency plans to safeguard the country's economic interests. What shocked the Canadians into this fundamental economic review was not so much the U.S. Treasury's emphasis on the admittedly substantial bilateral balance-of-payments surplus from which Canada has benefited in the last two years—the first such surpluses since 1891. (Ottawa and Washington don't even agree on figures; according to Canadian statistics, the surplus was $1.1 billion in 1970, while U.S. statistics put it much higher, at $1.6 billion.) The Canadans were totally unprepared for a major onslaught against Canada's industrial development policies, an onslaught that could easily have been construed as an unwarranted American intrusion in the country's internal affairs.

REPORT OF THE U.S. VIEW

Canada's trade and development policies toward the United States are essentially mercantilist, U.S. Treasury officials are reported to have said. Not only do Canadians want to sell their natural resources, for which the United States has an urgent need, but they try to expand by all possible means—efficient or not—their output and exports of manufactured goods. Whenever the Canadian government agrees to import anything from the United States—be it automobiles, aircraft, military equipment or computers—it always tries to negotiate "Canadian content" and other offsetting clauses. In fact, the Nixon administration often has the impression that Canada would prefer not to import anything from the United States, it was further said. (Canada's imports from America totaled $9.2 billion in 1970, more than the total for Japan and Britain combined.)

In recent years, Treasury officials allegedly went on, Canada's industrial development has become distinctively more interventionist and more aggressive. Rather than let market forces freely determine the location of manufacturing plants within North America, Ottawa attracts U.S. firms to Canada with a wide range of subsidies. Branch plants recently established by Control Data and IBM are obvious examples.

Thus, concluded the American spokesmen, there are several aspects of Canadian economic policies that inevitably lead to dilemmas and contradictions with the United States. Many of Canada's secondary industries are inefficient and excessively dependent on the U.S. market, while their artificial expansion has put a ceiling on U.S. exports of manufactured goods to Canada. How, then, is the United States expected to get the foreign exchange it needs to buy Canadian raw materials? Canadians would clearly be better off if their secondary industries were based on the processing of natural resources. Continental economic integration could then proceed without conflicts of interest arising regularly between Canada and the United States.

Despite the near panic those blunt statements provoked within the Canadian government, politicians maintained a shocked silence in Ottawa for several weeks while officials probed further the Nixon administration's intentions toward the Canadian economy. When a second meeting in Washington between civil servants failed to dispel the ominous signs of a U.S. retreat into protectionism and economic nationalism, the Canadian cabinet feverishly began to draw up its contingency plans, both to counter the immediate threat of the U.S. import surcharge and to reassess Canada's long-term development strategy and trading pattern.

ACTIONS BY CANADA

On Sept. 7, Canada became the first country to take legislative action seeking to neutralize the impact of the import surcharge on its trade with the United States. For the remainder of the current fiscal year, which ends next March 31, $80 million has been allocated for so-called "employment maintenance grants"—a thinly disguised form of export subsidy that will enable firms exporting more than 20 per cent of their output to America to maintain at least in part their competitive position in the U.S. market. If the surcharge outlasts the current fiscal year, a further $200 million is expected to be allocated to the employment maintenance program. Ottawa also announced special government purchases of food exports that have been hurt by the U.S. surcharge. The resulting stocks will be donated to the world food program.

Also following the Washington meeting, Trudeau announced the indefinite postponement of talks with the United States on joint development and exploitation of energy resources on a continental basis. The Nixon administration is eager to negotiate with Canada a North American free trade agreement for energy resources, so Trudeau's curt announcement, justified by lack of ministerial time, given Canada's urgent economic problems, could be interpreted as a subtle reprisal against Secretary Connally's poker tactics.

Opposition parties in the House of Commons have repeatedly called for the imposition of a surcharge on Canadian exports of natural resources. Business lobbies in Canada have begun to press more and more forcefully for the imposition of a retaliatory surcharge on imports of manufactured goods from the United States.

On Oct. 15, Canada again became the first of the United States' trading partners to make substantial budgetary adjustments to neutralize the impact on her economy of the Nixon program. The $1 billion supplementary budget tabled by Finance Minister Benson included a 7 per cent cut in corporate income taxes, a 3 per cent cut in personal income taxes and new spending programs designed to boost employment this winter.

Since the abortive visit to Ottawa of Secretary of Commerce Maurice Stans on the last weekend of September, there have been no official communications between Ottawa and Washington, short of normal diplomatic contacts. During the IMF meeting at the end of September, however, John Petty, assistant secretary of the Treasury for international affairs, convoked the Canadian press corps in Washington for an unusual on-the-record briefing.

Though Canadian correspondents generally interpreted this move as a thinly disguised attempt at U.S. arm-twisting, Petty actually tried to dispel the ominous impressions gathered by Canadian ministers and civil servants during their August meetings with U.S. Treasury officials. He categorically denied that it was the Nixon administration's policy to reduce Canada to the role of raw material supplier for the United States; indeed, he expressed satisfaction at the recent expansion of Canadian output and exports of manufactured goods. To be sure, Petty reiterated Washington's criticism of several aspects of Canadian economic policies, but he emphasized that these disagreements could easily be resolved through bilateral negotiations.

UNOFFICIAL CHANNELS

Canadian officials were not displeased by Petty's somewhat irregular initiative, but wondered why the Nixon administration chose not to make its views known through official channels. Puzzlement verged on irritation when the Chicago Tribune, on Oct. 11, published an alleged Treasury document entitled "Grievances Against Canada." The document listed 17 U.S. demands (including unilateral tariff changes, amendments to Canada's tax reform bill, and revisions of her industrial development policies) as conditions for the exemption of Canadian goods from the import surcharge.

"We believe there is nothing wrong with communication (channels)," Prime Minister Trudeau told the House of Commons in answer to questions by opposition members. The problem, Trudeau said, is that "it is not American policy to put the proper stuff into the channels which would satisfy the Canadian people."

Ottawa's reaction to the Chicago Tribune article exemplifies the Trudeau government's tough, yet subdued stand toward what are literally considered in the country as "beggar-thy-neighbor" policies by the Nixon administration. Canadian officials first expressed skepticism about the authenticity of the document—at least on its status as a policy statement. The external affairs secretary, Mitchell Sharp, duly acknowledged a State Department denial that the list of grievances represented in any way official policy toward Canada. But at the same time, Sharp began to list Canada's own grievances against the United States, thereby implying that, in Ottawa's view, the Chicago Tribune leak had been deliberate and represented the U.S. Treasury's response to a tough speech in Toronto three days before by the national revenue minister, Herbert Grey.

Sharp mentioned the maintenance of the American Selling Price on chemicals, in violation of a commitment made during the Kennedy round of tariff cuts; the U.S. ban on the importing of uranium, of which Canada has the largest world reserves; the manufacturing clause in the U.S. copyright act, which prevents a Canadian author from selling in the United States more than 1,500 copies of a book published in Canada without forfeiting his copyrights; and restrictions on Canadian immigration into the United States. Why Canada should want to encourage the emigration of citizens is beyond comprehension, but no doubt the issue is a useful bargaining point since Canadian laws here are notably more liberal than America's and the country has recently received a substantial influx of U.S. immigrants—draft-dodgers, protesters against the Vietnam war, critics of the American way of life and whatnot.

"We have a long list," Sharp added, tongue-in-cheek, "but I think that these are matters that ought to be negotiated between our countries in the ordinary way and cer-

tainly ought not to be associated with the surcharge."

BARRAGE OF STATEMENTS

Quite obviously, then, the Trudeau government has been far from innocent of recourse to "unofficial" or "improper" channels. Indeed, Canadian ministers have mounted since mid-September a barrage of increasingly aggressive statements on the future of U.S.-Canada relations. Sharp fired the first shot in New York on Sept. 21; he was soon followed by Trudeau in Ottawa, Jean-Luc Pepin in Houston, Herbert Grey in Toronto and Edgar Benson all over the place.

"Suggestions from responsible authorities in the United States that Canada should reduce its secondary manufacturing industry and concentrate on the exploitation and processing of natural resources are as insensitive as they are misinformed," said Sharp. "We have the fastest-growing labor force in the world. Extractive and processing industries could not begin to absorb the labor force we have today, let alone provide the new jobs we need now and in the future.

"The enunciation of the Nixon Doctrine," continued the Canadian minister, "and more particularly the economic measures taken by the United States last month, has effectively, perhaps brutally, challenged some of our assumptions and led us to re-examine our position as an industrial and trading nation.

"Needless to say, we in Canada are asking some pretty fundamental questions about the future. We have proceeded in the post-war period on the assumption of freer trade and stable trading relationships between Canada and the United States, relationships which have been profitable to both countries. The announcement of Aug. 15 could not help but shake that assumption and, as a government responsible for the security and prosperity of more than 20 million Canadians, we have to look at the alternatives," Sharp said.

"A PROUD NATION"

Trudeau was even blunter on Sept. 23, during one of his infrequent television interviews. "When the Americans look at what they're doing they say: Well, you know, we're doing this to the Japanese and we're doing this to the Europeans." They don't seem to realize what they're doing to Canadians. If they do realize what they're doing and if it becomes apparent that they just want us to be sellers of natural resources to them and buyers of their manufactured products—all these 'ifs'—I repeat we will have to reassess fundamentally our relation with them, trading, political and otherwise.

"They will have to realize that Canadians are also a proud nation," the prime minister warned "and that if they are really trying to rearrange the North American continent so that we are just a supplier and that we won't be able to find jobs for our growing labor force and we won't be able to have an advanced technological society that we can manage ourselves, that is a very, very serious hypothesis. I don't think the Americans realize this or envisage it."

As part of Canada's reassessment of her economic relations with the United States, Sharp earlier this month submitted to the Canadian cabinet an External Affairs staff study outlining the various alternatives. None of the theoretical possibilities—which range from a trade war to a common market arrangement with the United States—has yet been excluded, Trudeau recently noted. But Sharp indicated earlier that, in practice, a common market arrangement was out of the question. This would provide not only for free trade between the two countries, but also for a common North American tariff against the rest of the world. It is felt in Ottawa that, given the relative size and political weight of the two economies, such an arrangement would virtually shift the responsibility for Canadian commercial and development policies from Ottawa to Washington, thereby drastically eroding Canada's sovereignty.

PRESIDENTS AND POT, OR WERE WASHINGTON AND JEFFERSON STONED?

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. CARTER. Mr. Speaker, before a public figure of the eminence of the Surgeon General of the United States speaks to the people, the content of his speech should be thoroughly researched and authenticated.

I regret very much the unfortunate misinformation that the Surgeon General of the United States, Dr. Jesse Steinfeld, foistered off onto the National Commission on Marihuana and Drug Abuse.

There has been an attempt by many to besmirch the character of men always held in highest esteem by the people of the United States.

I include for the perusal of the Members a recent article by Ronald G. Shafer which appeared in the Wall Street Journal.

The article follows:

PRESIDENTS AND POT, OR WERE WASHINGTON AND JEFFERSON STONED?

(By Ronald G. Shafer)

WASHINGTON.—Was George Washington high on marijuana as he crossed the Delaware? Was Thomas Jefferson puffing pot as he penned the Declaration of Independence?

Nobody has accused them of it yet, but the testimony in August from the government's top medical official was almost as startling. Tracing the historical use of pot, Dr. Jesse Steinfeld, Surgeon General of the United States, told the National Commission on Marijuana and Drug Abuse:

"Indeed, Dr. Burke, president of the American Historical Reference Society and consultant to the Smithsonian (Institution), reports that no less than seven U.S. Presidents smoked marijuana, including Washington, Jefferson, Madison, Monroe, Jackson, Taylor and Pierce."

This revelation prompted not one question from the commission at the time. Recently, however, some additional information has come to light.

There doesn't seem to be any Dr. Burke. There doesn't seem to be any American Historical Reference Society. There does seem to have been a hoax.

As a result, there is little euphoria today in the Surgeon General's office, where underlings are still trying to determine just how their boss got victimized. They now think the statement from the elusive "Dr. Burke" spread from the underground press to the establishment press, and then into testimony innocently prepared for Dr. Steinfeld by a researcher who noted the "fact" in three different publications.

DID THEY OR DIDN'T THEY?

The Smithsonian Institution, which says it never heard of Dr. Burke and doubts he even exists, traced one story quoting him to an underground newspaper, Chicago Seed. An official fired off an indignant letter to the editor, concluding: "In short, Dr. Burke is either an imposter or a figment of your imagination."

But the folks at the Seed don't know any more about the mysterious Dr. Burke than anybody else, insists a reporter there. "We just copied the story from another underground newspaper," he says.

It's doubtful that Dr. Steinfeld's office would have picked up the Burke story if it had seen it in its original context, the underground press. The Chicago Seed article, for example, told readers that "James Madison once remarked that had it not been for hemp, he would not have had the insights he had in the work of creating a new and democratic nation." The article went on to say that Presidents "Pierce, Taylor and Jackson, all military men, smoked pot with their troops," and concluded a few lines later: "Richard Milhous Nixon, on the other hand, really can't get into smoking. That's cause he's too busy shooting up." ("Shooting up" means using heroin.)

CHINESE REMEDY FOR GOUT

But if Dr. Burke proves nonexistent, does that mean the founding fathers kept off the grass? Not necessarily. As Dr. Steinfeld also stated in his testimony, citing recognized sources, marijuana has been used by man for "millennia," which is a pretty long time. He noted that the "first recorded reference to it dates back 4,708 years to 2737 B.C. Writings of the Chinese emperor Shen Nung recommended it for 'female weaknesses, gout, rheumatism, malaise, beriberi, constipation and absentmindedness.' "

Moreover, the hemp plant (marijuana is the dried flower clusters and leaves of the hemp plant) was cultivated in the early American colonies, according to Dr. Lester Grinspoon of Harvard in his book, Marijuana Reconsidered. Historians agree that Washington, and probably Jefferson and Madison, raised hemp, which was used to make rope. Indeed, a 1765 entry in Washington's Mount Vernon diary notes: "Sowed hemp at muddy hole by swamp."

BUT DID THEY OR DIDN'T THEY

"I doubt if the fact that people smoked hemp then can be denied," says a historian at the American Historical Association in Review. The question is whether the early Presidents may have sneaked some puffs on hemp, perhaps in pipes.

The evidence isn't clear. But "it is probably true that these men at one time or another used hemp byproducts (grass)," John J. Rumbarger, executive assistant secretary of the American Historical Association said in response to a student's inquiry about another Dr. Burke story more than a year ago. "But at the very most, these upper- and middle-class men had only a casual passing acquaintance with grass. In no sense can it be said they were regular or habitual pot-smokers."

And even if some of them were, the Mount Vernon Ladies Association, which maintains Mount Vernon, is convinced George wasn't. "As far as we know, Washington never smoked anything," a spokesman says. "He also grew corn. Do they say he smoked corn-silk, too?"

JUSTICE FOR THE POOR DURING ECONOMIC STABILIZATION

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. RYAN. Mr. Speaker, the administration's proposed amendments to the Economic Stabilization Act of 1970 are now before the House Banking and Currency Committee and, presumably, will be brought to the floor very soon. As Congress considers phase II of the Presi-

dent's New Economic Policy, it is crucial that the plight of the working poor be recognized.

I have introduced legislation—H.R. 11406 and House Concurrent Resolution 414 and companion resolutions with 24 cosponsors—which would exempt from the wage freeze any individual whose earnings are substandard or who is amongst the working poor or near-poor, until such time as his earnings are no longer substandard or he is no longer a member of the working poor or near-poor.

On Friday, October 29, I testified before the House Committee on Banking and Currency concerning economic stabilization. In that testimony I advocated that first, the wages of the working poor and near-poor be allowed to rise freely to the point where they are no longer substandard, second, the freeze on rents be continued, third, corporate profits be limited; and fourth, interest rates and dividends be controlled.

The full text of my testimony follows:

TESTIMONY OF CONGRESSMAN WILLIAM F. RYAN, BEFORE THE COMMITTEE ON BANKING AND CURRENCY, OCT. 29, 1971

I appreciate the opportunity to appear before the distinguished Committee on Banking and Currency to testify concerning economic stabilization legislation.

We are entering a period of serious economic adjustment in this country. The imposition of wage and price controls might be viewed as recognition of the Galbraithian notion that ours is an economy dominated by large and powerful economic organizations. Now the government is intervening directly to control these units to achieve stability. And these controls are not likely to be a short-run phenomenon.

The President's legislation before this committee contemplates wage and price control machinery which will last at least through April 30, 1973. This legislation can easily be extended beyond that date. The President has only told us that these restraints will continue until inflationary pressures are brought under control. In fact, it may well be that wage and price controls, in some form, will be a permanent part of the economic life in this country.

This fact only underscores the importance of the hearings before this committee. The more-or-less *ad hoc* self-enforced short-run freeze will soon be replaced with a system for administering long-term wage and price controls. The shape that this legislation takes now will have ramifications for the economy for years to come.

Thus I would like to address several critical issues with respect to the economic stabilization program. In particular, I advocate that, during this period of economic stabilization: 1) the wages of the working poor and near poor be freely allowed to rise to the point where they are no longer substandard; 2) the freeze on rents be continued; 3) corporate profits be limited; and 4) interest rates be controlled.

In addition, I urge that the President's request that the Administrative Procedure Act be suspended with respect to the workings of the Price Commission and the Pay Board be scrutinized very carefully.

1. WAGES OF THE WORKING POOR

There are millions of families and individuals in this country whose incomes, derived from decent, steady employment, fall below the most meager estimate of what is required for an acceptable standard of living.

According to figures released in May of this year, there are some 16 million families in this country who have incomes of less than $7,000. In addition, some 11 million individuals have incomes of less than $6,000. President Nixon when he announced to the Nation his family assistance plan, made a very significant statement when he said:

(The) government would recognize that it has no less of an obligation to the working poor than to the nonworking poor. . .

We in government certainly do have an obligation to these millions of individuals who work industriously to support themselves and their families, and yet are barely able to sustain themselves. And that obligation most specifically is not to condemn them to the shackles of poverty for the foreseeable future. As I have said, we are now entering an era in which the government is undertaking much greater control of the economy. With this greater control comes greater responsibility. We must not lock these millions of hard-working people into poverty for the forseeable future.

An example of this problem is the plight of the workers of District 65, Distributive Workers of America. (Some of whom are here today.) These workers earn salaries of from $91 to $110 a week. Before the freeze, they were scheduled by contract for automatic increases of from $7 to $10 a week. In addition, they were scheduled for a cost of living increase of $5 a week. Thus overall they were slated for about a 12% salary increase, which is much greater than the allowable rate being discussed by the Pay Board. Yet even with these increases these workers will still be only making about $5,800 a year. Yet the Bureau of Labor Statistics estimates that a minimum budget for a family of four in an urban area is $6,960 a year.

As David Livingston, President of District 65, Distributive Workers of America, pointed out in a cogent letter which appeared in the October 6 New York Times,

. . . If the President fails to meet the responsibility to those who don't make a living, then the Congress should. If both fail, it would be tantamount to a Government edict to condemn poorly paid American workers to permanent poverty.

Hence I have introduced several pieces of legislation relating to this matter, all of which are now before this committee. H. Con. Res. 414 (also H. Con. Res. 423 and H. Con. Res. 434 introduced with co-sponsors) expresses the sense of Congress that the Economic Stabilization Act of 1970, as amended and any successor amendments, shall be implemented in such a manner that wage increases to any individual whose earnings are substandard or who is amongst the working poors or near-poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor or near-poor.

My bill H.R. 11406 puts this concept in the form of a bill amending the Economic Stabilization Act of 1970. I urge the Committee on Banking and Currency to incorporate the language of H. Con. Res. 414 and H.R. 11406 in whatever bill the Committee finally reports out.

In addition to the arguments of equity in favor of this legislation, there is ample historical precedent for such Congressional action. Both the War Labor Board of World War II and the Wage Stabilization Board of the Korean War made provision for workers with substandard wages.

By an Executive Order, the War Labor Board of World War II was instructed not to authorize further increases in wages unless it was clearly necessary to correct substandards of living. The Board specifically exempted from any control any wage increases for workers whose earnings were at or below fifty cents an hour. At that time the Federal minimum wage was thirty cents an hour. Now the minimum wage is $1.60 an hour, and the legal minimum in New York is $1.85 an hour. Using a similar approach today would exempt from controls any union or non-union worker with hourly earnings of over $3.00 to $3.50 an hour.

Similarly, during the Korean War, Defense production workers were granted an exemption from wage controls if they were paid less than $1 an hour. At that time the minimum wage was 75 cents an hour.

Background of Wage Stabilization During World War II.

It is instructive to examine in detail the development of wage controls during World War II. This wage regulation was entered upon slowly, experimentally, until a durable, equitable system was finally achieved.

The initial step in wage regulation in World War II was the creation, in March 1941, ofthe National Defense Mediation Board (NDMB). This board had as its primary responsibility the prevention of work stoppages that would interfere with defense production.

In January of 1942, the NDMB was supplanted by the tri-partite War Labor Board, composed of representatives of labor, management and the public. The Board, as it was initially created, still had, like its predecessor, no power to fix wage rates. Thus the government again showed its reluctance to engage in direct wage controls. However, as the year wore on, it became clear that wage rates in critical industries were climbing rapidly.

In an effort to stem this rise, the NDMB in the summer of 1942 adopted a percentage formula for determining wage rises to which steel workers were entitled. This formula was based on the 15 percent rise in the cost of living which had occurred between January, 1941, and May, 1942. In October, recognizing that overall controls were necessary to check wage rises, Congress passed the Price Stabilization Act which for the first time gave the President the authority to control wages and salaries in all industries.

Pursuant to that act, the President issued an Executive Order instructing the War Labor Board not "to approve any increases in wage rates prevailing on September 15, 1942," unless it could be shown that an increase was necessary "to correct maladjustment or inequities, *to eliminate substandards of living*, to correct gross inequities, or to aid in the effective prosecution of the war." (emphasis added). Thus, even in the time of this great war, provision was made in the economic stabilization program to help the working poor improve their circumstances.

The problem of rising wages persisted, however, and in April of 1943 the President issued his "Hold-the-Line Order" on wages and prices. With respect to wages, the order specifically provided that the War Labor Board authorize no further increases except where 1) *it was clearly necessary to correct substandards of living*, or 2) it was necessary to compensate for the rise in the cost of living between January, 1941, and May, 1942. (emphasis added).

Statistics on wage rates in manufacturing in World War II indicate that the program of stabilization was eventually successful. Between January, 1941, and October, 1942, the period before the imposition of controls, wage rates rose at a monthly rate of 0.8 percent. Following the imposition of controls in October, 1942, wage rates rose at a monthly rate of 0.4 percent through August, 1945. During approximately this same period, with price controls in effect, prices rose at a rate of about 0.08 percent.

Thus allowing the wages of the working poor to rise during this period did not in any way undercut the overall success of the economic stabilization program during World War II, either with respect to holding the line on prices or on wages.

While we are in difficult economic times today, our economic and political problems are clearly not as acute as those we under-

went during World War II. Yet even then we were able to provide our working poor with a chance to achieve some measure of economic equity. I urge, that we can do no less today. Today we are in an era of particularly great awareness of the problems of the poor. How can we today do any less for our working poor than we did for them in time of war three decades ago? To claim that it is not evenhanded to allow the wages of the working poor to rise while restricting the rest of the population's wage rates misses the point. To freeze the salary of a corporate executive at $25,000 and to freeze the wage of a worker with two children at $5,500 is not evenhanded. It is, in fact, most unjust.

Furthermore, from the point of view of the overall economy, it makes good sense to allow the wages of the working poor to rise to the point where they are not substandard. These workers of necessity spend a very great percentage of their total income. Thus, this money is pumped into the economy, stimulating aggregate demand. This in turn helps the GNP to rise. For, in order to put this economy back on its feet the GNP must rise substantially, in order to cut unemployment, while simultaneously holding the line on wages and prices.

Thus, by allowing the wages of the poor and the near poor to rise to the point where they are no longer substandard, we insure that this money will be pumped into the economy, with all its concomitant multiplier effects.

Therefore it is both equitable and economically sound to allow the wages of the poor and near poor to rise out of substandard levels during this period of economic stabilization.

2. CONTINUATION OF THE RENT FREEZE

It is almost incomprehensible that in this country one of the basic necessities of life—shelter—is becoming virtually non-affordable for millions of Americans. Across the Nation, rentals have been spiraling upwards for years. Meanwhile, tenants have stood helpless—caught between the need for decent, adequate housing, and their increasing inability to afford that housing.

For some reason, homeownership has always received the special blessing of Government. Homeowners receive Federal income tax deductions for the property taxes they pay. Similarly, they can deduct the interest costs they pay on their mortgages. The Federal section 235 homeownership program is geared to a 20-percent rent-income ratio. The Federal Housing Administration has served as the guarantor of billions in mortgages.

By contrast, tenants receive no tax deduction for their landlord's property taxes, even if those taxes are passed on to the tenants via rentals. The same applies to interests costs, and demonstration of how significant a role these play is the housing specialist's rule of thumb that each percentage point reduction in interest expenses translates into a rental reduction of $4.50 per room per month. Yet, the tenant receives no tax deduction for the interest expenses of his landlord even though these are passed on to him in higher rentals. Finally, I would note that the analog to the section 235 program—the Federal section 236 rental assistance program—embodies a 25-percent rent-income ratio requirement, contrasting with section 235's 20-percent requirement.

I am most familiar with the rental situation in my own city—New York—but the problem is not confined to that city alone. Across the country tenants are facing a situation where they simply cannot afford decent rental housing.

Most recently, the situation has been exacerbated in New York State by the enactment of a very damaging vacancy decontrol law. This past July and early August, rents in New York City began to soar for newly decontrolled apartments.

The scene has been revealed as even bleaker by virtue of newly disclosed figures revealing that 93 percent of the tenants in New York City's 1.3 million rent-controlled apartments face rent increases on January 1, 1972. Nearly half of the tenants face increases of 45 percent to be levied in rises of 7.5 percent a year until new maximum rents are reached. This is the consequence of the misguided rent-control law adopted by the New York City Council last year.

Nor is this problem confined to New York City. All across the country rents are rising alarmingly. In San Francisco and Honolulu rents have risen 25% in the last five years. In Philadelphia 18%, Atlanta 14%, all of these comparable to the 19% in New York City. Overall, the rent component of the Consumer Price Index has risen 15.4% in the last five years.

Furthermore, the increase in rents has accelerated over the past year. Rent over the last year in New York City increased 8.1%; in Philadelphia the increase 6.0%; in Boston 7.3%; and Pittsburgh 5.1%. Overall, in the last year alone rents have increased in this country 4.8%.

Thus I have introduced H.R. 10945 and H.R. 10946, which take cognizance of the plight of tenants. Eight colleagues have joined me in cosponsoring these bills. H.R. 10945 provides that rentals and carrying charges shall not exceed the levels at which they were stabilized during the 90 day freeze period between August 15 and November 13. However, since that bill was drafted to coincide with the Economic Stabilization Act of 1970, it is limited to April 30, 1972. Now that the President has asked for stand by authority through April 30, 1973, I would urge that the rent freeze be extended through that date. It is my intent that the rent freeze last as long as the phase II controls are in existence.

H.R. 10946, more narrowly drawn, applies to all federally assisted and federally insured housing.

Both bills provide for enforcement by private civil action as well as federal government enforcement. Sanctions of up to $5,000 are provided for each willful violation.

I urge the Committee to incorporate my legislation to freeze rentals and carrying charges in whatever bill is finally reported out.

I make no claim that this rent freeze legislation is perfect. It makes no exceptions for landlord hardship. I would expect to see subsequent legislation making some provision for legitimate landlord hardship. But—and again this is a very significant consideration—I expect to see legislation which recognizes, affirmatively and aggressively, the plight of the tenant. It is he who has been powerless—unorganized, without strong lobbying representation. It is time—long past time—that equity replace landlord tyranny.

3. LIMITATION OF CORPORATE PROFITS

The most egregious inequity in the President's economic stabilization program, as embodied in H.R. 11309, is the lack of any controls on corporate profits. The President, in his address to the nation on October 7, explained the lack of any controls on profits this way, and I quote:

Let me turn now to the subject of profits. Many of my good friends have advised me that the only politically popular position to take is to be against profits. But let us recognize an unassailable fact of economic life. All Americans will benefit from more profits. More profits fuel the expansion that generates more jobs; it means more investment that will make our goods more competitive; it also means there will be more tax revenues to pay for the programs that help people in need.

Is it really an "unassailable fact of economic life" that all Americans will benefit from more profits? And if that's true, then why would not all Americans benefit even more from "exorbitant" or "windfall" profits, which President Nixon says will be limited. Presumably "exorbitant" or "windfall" profits are to be distinguished from merely big profits, which are good for everyone. But where do we reach the knife edge? How do we tell the difference? We have not heard any answers to these questions.

All we can say for sure from President Nixon's statement is that profits are not going to be subject to very much control.

President Nixon's lighthanded treatment of corporate profits is particularly inappropriate in view of the strong recent performance of corporation's profits and cash flow. After tax profits in the second quarter, the latest period for which figures are available, amounted to $46 billion at an annual rate. This is up from a recession low of $39.2 billion in the final three months of 1970. The corporate situation is even brighter when overall cash flow—which includes the results of recently allowed accelerated depreciation—is considered. Cash from depreciation can be used to meet many corporate expenses, including the purchase of additional machinery, which can lead in turn to larger profits. Since the bottom of the 1969–70 recession, corporations have increased their cash holdings by nearly $6 billion.

President Nixon seems to have a bee in his bonnet that all he has to do is throw a lot of money at large corporations and they will solve this country's economic problems by engaging in capital investment.

But corporate executives are hard-headed. They will not engage in substantial capital investment unless there is a need for it, unless there is consumer demand for their goods and services. With industrial plants currently operating at 75 percent of capacity, we are not likely to see a substantial increase in net capital investment.

Thus for these economic reasons, in addition to reasons of equity, there is a need for controls on profits during this period of economic stabilization. There are several possible ways to do this. One way is an excess profits tax. A second way is to set a profit rate and roll back prices if necessary to enforce it. A third way to control profits is to define acceptable profit margins by the yardstick of net income as a percentage of sales. If the acceptable profit margin is exceeded at any time, the difference can be taxed away. I commend all of these methods to your attention, without specifically endorsing any one of them over the others at this time. I think it unquestionable that profits must be controlled during this period of economic stabilization.

4. INTEREST RATES

In general, interest rates should be kept as low as possible. I agree with Sec. 202 of the President's H.R. 11309, which gives the President the authority to stabilize interest rates. Of course, interest rates are also strongly affected by Federal Reserve policy, as well as the actions of individual lenders and borrowers in capital markets.

5. SUSPENSION OF THE ADMINISTRATIVE PROCEDURE ACT

Section 207 of the President's bill, H.R. 11309, requests exemption of the economic stabilization program from the Administrative Procedure Act except for public information matters.

Basically, this provision would eliminate the entire panoply of procedure which protects the rights of interested parties in administrative proceedings, including provisions for rule-making procedures for adjudication, rules for hearings, burden of proof, evidence, record as a basis of decision, conclusiveness of decisions, review of decisions by the agency, and other provisions.

The Administrative Procedure Act is a complex and carefully drawn set of procedures to protect the rights of persons and

corporations in administrative dealings with the government. These procedures should not be lightly discarded. It may be appropriate to make some changes in these procedures to fit them to the particular tasks of the new agencies charged with carrying out the economic stabilization program. But tossing out most of the Administrative Procedure Act should not be done without serious study of the long-term consequences. These procedural rights are not the less valid because they may be exercised in times of some stress.

In summary, I urge that: 1) the wages of the working poor and near poor be freely allowed to rise to the point where they are no longer substandard; 2) the freeze on rents be continued; 3) corporate profits be limited; 4) interest rates be controlled; and 5) the President's request to suspend the Administrative Procedure Act with respect to the Price Commission and the Pay Board be considered carefully.

FOR MAYOR: OUR UNCLE SAM

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. JAMES V. STANTON. Mr. Speaker, the voters of Cleveland, Ohio, will elect a new mayor tomorrow and, because of the interest shown around the country in this political race, I want to keep my colleagues here fully informed. The latest development, on the eve of the election, is the disclosure that the strongest candidate has refrained from entering the race. This is an observation made by Wilson Hirschfeld, of the Cleveland Plain Dealer—an especially perceptive newsman. His column of October 25, which I bring to your attention, reads as follows:

FOR MAYOR: OUR UNCLE SAM

(By Wilson Hirschfeld)

When all is said and done, what Cleveland really needs Nov. 2 is not a new mayor but the Army Corps of Engineers. After the mess piled up at City Hall in the last four years, the next mayor has just got to be an improvement. For anyone who wants to make a good record as mayor, this is the year to come on stage—what an act to follow, as they say in show business.

Yet, even with Carl B. Stokes gone from City Hall, (although he may not be very far away), immense problems will remain that are beyond solution by the next administration, the entire Establishment and all others with influence in local government. Erieview and some new downtown buildings notwithstanding, Cleveland is a declining city and, in some respects, a dying city. If the city is to be turned around, someone will have to produce a few miracles.

Very briefly, the stuff of which miracles are made is just not here. Not even if $2 billion jetports were built in the lake or if Erieview had twice as many new buildings would it make much difference. Cleveland is an old city. Its obsolescent and obsolete factories are certain to continue their exodus as they have since World War II. Residential neighborhoods likewise become more debilitated with age; there are few areas of the city today that are not old, outmoded and seedy.

Meanwhile, Cleveland needs more taxes just to stay above water. Cuyahoga County wants more revenues for its operations, which means Clevelanders will pay their share. The Cleveland Board of Education has found no mirrors to run its schools without more money from local taxpayers. Down Columbus way those noble state legislators soon will be coming up with new taxes that Clevelanders will be paying along with other Ohioans

Yet all of these new taxes will not produce even one small miracle to get Cleveland on the right road again. In fact, the faster that taxes pile up in cities such as Cleveland, the flight from the city may proceed even more rapidly.

So what about the corps of Engineers? The corps, it wil' be recalled, laid out the major railroad routes that opened the West. It built the Panama Canal. It conquered the Mississippi and Ohio rivers. It is responsible for perhaps 1,001 if not 10,001 other projects the length and breadth of the land. How many of these have been boondoggles, probably no living man knows.

The Corps of Engineers is practically a kingdom unto itself (even as the FBI under its superannuated J. Edgar Hoover. The corps gets its money and its power from Congress, and about all it really has to concern itself with is to make sure that the pork barrel is equally divided throughout the country—in this case "equally" meaning that congressmen who have the most clout get more for their regions.

What the people of this nation ought to do now is to get the word to their leaders, loud and clear, that it is time to get the Corps of Engineers out of the countryside, out of the plains and into the dying cities. Even the pork-barrel soldiers of the corps should know by now that it is time to halt their program of straightening every river and get into the metropolitan areas before the cities are destroyed under the terrible pressures that beset them.

It is time for the urban centers of this country to band together and get Congress to turn the Corps of Engineers loose in the cities. The big cities, for the most part, are in desperate straits. They can be rebuilt and should be. New mayors can't do the job. The Corps of Engineers, Uncle Sam that is, can. He gets our vote for mayor.

ALASKA PROCLAMATION ON WORKING WOMEN

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. BEGICH. Mr. Speaker, I would like to bring to the attention of my fellow Congressmen the importance and the dedication of the business and professional women of my State of Alaska. These women represent a significant part of the American work force and are extremely dedicated to improving and creating better working conditions and standards for the women of the country.

We, Alaskans, are proud of the job these women have done in making America's work force a more equitable one for all. We feel that as a result of their responsible efforts they should be recognized and praised publicly. To accomplish this, Governor Egan proclaimed the week of October 17, 1971, as National Business Women's Week in Alaska.

I am inserting a copy of the proclamation sent to me by Governor Egan expressing our pride in these women.

PROCLAMATION—NATIONAL BUSINESS WOMEN'S WEEK

Working women constitute over 31½ million of the Nation's workforce, and are constantly serving their communities, their states, and their Nation in civic and cultural programs.

Major goals of business and professional women are to help create better conditions for business women through the study of social, educational, economic, and political problems. This helps them be of greater service to their communities, their families, and to further friendship with women throughout the world.

All Alaskans are proud of the outstanding leadership that has been shown by business and professional women in Alaska.

Therefore, as Governor of Alaska, I, William A. Egan, hereby proclaim the week of October 17, 1971, as National Business Women's Week in Alaska.

I urge all citizens of the state of Alaska, civic and fraternal groups, educational associations, news media, and other community organizations to join in this salute to working women in Alaska by encouraging and promoting the celebration of the achievements of all business and professional women in Alaska.

Dated this 12th day of October, 1971.

WILLIAM A. EGAN,
Governor.

MORE ON PRAYER AMENDMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. SCHWENGEL. Mr. Speaker, among the indications of increasing opposition to the so-called prayer amendment, are two very strong editorials carried by leading Arkansas papers. The editorials from the Arkansas Gazette for October 12, and the Arkansas Democrat for October 3 follows:

STATE PRAYER

The continuing school prayer controversy is basically a matter of individualism versus insecurity.

The individual, the person who is secure within himself, has no problem. He knows that nothing prohibits his praying any time and any place he wants to—at home, at work, at play, at school, even at church. All that the original Supreme Court prayer ruling prohibited was the institutional, group prayer that public school students were forced to take part in. Unfortunately, some silly interpretations have been made of this decision, leading to such ridiculous rules as prohibiting the studying of the Bible, etc. But since schools are a government institution, classroom religious activity is a violation of the constitutional principle of separation of church and state.

The only person who should even want such rituals is the person who is too insecure to pray as an individual and needs the encouragement of the group. For such a person, it probably is not even a prayer because the term implies some sincerity, and sincerity or even attention is seldom present in group rituals, whether they be prayers, pledges of allegiance or recitation exercises. The more likely effect of forced rituals is boredom or even disgust with the subject matter force fed.

It does the country no service that the school prayer enthusiasts, some of them no doubt with the best of motives, have pres-

sured Congress into considering a constitutional amendment specifically to make institutional "prayers" constitutional. Our lawmakers have more important things to do than help with this attempt to dismantle the Constitution.

Dismantling is just what this amounts to. Nothing is clearer or more essential to our form of government than the separation of church and state. Religious freedom, which includes the freedom not to practice religion, is the very first item mentioned in the Bill of Rights, and for good reason. The founding fathers knew that no tyranny is more dangerous than the tyranny of those who would force their religion on others.

A majority of the members of the House have signed a petition to force the amendment out of the judiciary committee. It is scheduled for a vote in the House Nov. 8. It must be approved by two-thirds of both houses and ratified by three-fourths of the state legislatures to become law. We urge our senators and representatives to vote against it.

PRAYER AMENDMENT

The American political experiment has been highly successful for the most part for two centuries now but the system will not outlive the will of the people to preserve it. There are always threats to the American institutions and one of the more dangerous lies in the recurring campaigns to amend capriciously the Constitution and its Bill of Rights.

One of the most capricious of the proposed amendments, in turn, is the so-called "prayer amendment," which has finally been brought to the U.S. House calendar under the continuing pressure of a single-minded lobby. The amendment states:

Nothing contained in this constitution shall abridge the rights of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds to participate in non-denominational prayer.

No one actually knows what the amendment would turn out to mean, in actual practice, but there is no question that it would work to weaken the historic separation of church and state which is one of the unique strengths of the American political system. Moreover, the amendment itself is a fraud to begin with. It suggests that the U.S. Supreme Court has forbidden prayer in the schools, when, in fact, the Court has done no such thing. The Court in its famous prayer decision went to great lengths to explain that what it forbade was not voluntary prayer but rather official prayer, prescribed prayer led by teachers or other representatives of an agency of government.

Many—perhaps most—ministers in this country are opposed to the amendment because it is both damaging to the Constitution and, in fact, an insult to religion. A "non-denominational prayer" indeed! This amendment suggests that religion in this country is so vague and vacuous, so unspecific, so uncommitted, that prayers may be written or spoken to satisfy all faiths. In actuality this kind of prayer is satisfying to none.

There is endless complication in cluttering the Constitution with this frivolous amendment. The cartoonist Conrad, drawing a classroom scene, has pictured a teacher leading a recitation of a "non-denominational" Lord's prayer that began "To whom it may concern * * *."

It remains our conviction that the leading advocates of the "prayer amendment" are the people who understand religion the least and want to pass off on the school system the responsibility that belongs in the church or synagogue.

The vote of our Arkansas congressmen in the forthcoming House showdown on the "prayer amendment" should prove instructive, not only in concern for church-state separation but also for the sake of religion itself.

WITHOUT PESTICIDES, THE WORLD POPULATION WILL STARVE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1971

Mr. ZWACH. Mr. Speaker, the last will and testament of Swedish inventor Alfred Nobel in 1895 provided that a prize should be awarded annually to the person "who during the preceding year shall have conferred the greatest benefit to mankind."

Dr. Norman Borlaug, an Iowa-born agronomist who received his higher education at the University of Minnesota, is director of an international wheat-research and production program in Mexico City. He won the Nobel Peace Prize in 1970 for his work in development of high-yielding wheat strains.

On October 7, Dr. Borlaug testified at hearings of the Environmental Protection Agency in Washington. Here are excerpts from a statement he issued at a news conference following that testimony, as reported in the U.S. News & World Report:

EXCERPTS FROM DR. BORLAUG

Environmentalists today seek a simple solution to very complex problems. The pollution of the environment is the result of every human activity as well as the whims of nature. It is a tragic error to believe that agricultural chemicals are a prime factor in the deterioration of our environment . . .

DDT, because it is a name popularly known to most segments of the public, has been the first target. Once that is accomplished, the so-called ecologists will work on hydrocarbons, then organo-phosphates, carbamates, weed killers and, perhaps, even fertilizers will come under the assault of their barrage of misinformation.

If this happens—and I predict it will if most DDT uses are canceled—I have wasted my life's work. I have dedicated myself to finding better methods of feeding the world's starving populations. Without DDT and other important agricultural chemicals, our goals are simply unattainable—and starvation and world chaos will result. . . .

I have spent my life working with the nations of the world to help them feed themselves. I know how they will react if we terminate uses of DDT in this country and in effect, label it "poison."

If it is not good enough for your purposes, they will reason, then it shouldn't be used in our countries. The impact will be catastrophic. All the urging and reasoning by me and other scientists will fall on deaf ears. . . .

Science without common sense is worthless, and environmentalists are not using common sense when they examine DDT and its effect on wildlife. . . .

The argument that pesticides are upsetting the balance of nature is utter nonsense.

Today we have 1 million to 1¼ million species of animals and 350,000 species of plants existing in the world. But throughout the history of the world, over 130 million species once existed.

In other words, today only 1 per cent of the species is left. The rest have perished for a variety of reasons. People who blame DDT and other pesticides for the elimination of species are ignoring geological history. Is DDT, which has only been in existence for 25 years, to be blamed for this, too?

The agricultural chemical industry has been the whipping boy of environmentalists, whose views have been so short-sighted that they haven't bothered to examine some key facts.

1. To produce food for ourselves and other nations, we required 290 million acres of farmland last year.

2. To get the same yield while relying on the technology we used 30 years ago—when most of today's pesticides and fertilizers were nonexistent—we would have required nearly 600 million acres, or twice the amount used last year.

3. This would have resulted in a huge loss of forest and grass lands which not only would have further crowded some animal species into extinction but would have caused other problems as well.

4. Pesticides, therefore, have actually helped prevent the development that environmentalists fear most—diminishing species of wildlife. . . .

Let's get our priorities in perspective. As much as I favor wildlife, man must come first. We must feed ourselves and protect ourselves against the health hazards of the world. To do that, we must have agricultural chemicals. Without them, the world population will starve.