sale of certain passenger vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. HAMMERSCHMIDT:

H.R. 11590. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. HARRINGTON:

H.R. 11591. A bill to provide for posting information in post offices with respect to registration, voting, and communicating with lawmakers; to the Committee on Post Office and Civil Service.

By Mr. PRICE of Texas (for himself, Mr. STEIGER of Arizona, and Mr. ALEXANDER):

H.R. 11592. A bill to amend the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. STRATTON:

H.R. 11593. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. SYMINGTON (for himself and Mr. COUGHLIN):

H.R. 11594. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof; to the Committee on Ways and Means.

By Mr. ESCH:

H.R. 11595. A bill to establish a National Adoption Information Exchange System; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas (by request):

H.R. 11596. A bill to amend chapter 41 of title 38, United States Code, to improve job counseling and employment services for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PRYOR of Arkansas:

H.R. 11597. A bill to provide that all nursing homes receiving Federal assistance in any form must meet the standards imposed upon nursing homes under the medicaid program; to the Committee on Interstate and Foreign Commerce.

By Mr. SEIBERLING:

H.J. Res. 953. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. HANLEY:

H. Con. Res. 445. Concurrent resolution to protect the domestic specialty steel industry; to the Committee on Ways and Means.

By Mr. KEMP (for himself, Mrs. HICKS of Massachusetts, Mr. FORSYTHE, Mr. RYAN, Mr. HOGAN, Mr. BUCHANAN, Mr. COUGHLIN, Mr. ROSENTHAL, Mr. ABBADDO, Mr. MAZZOLI, Mr. BIAGGI, Mr. PIKE, Mr. YATES, Mr. HELSTOSKI, Mr. MCCLOSKEY, Mr. ST GERMAIN, Mr. SCHWENGEL, and Mr. DENHOLM):

H. Con. Res. 446. Concurrent resolution expressing the sense of Congress with respect to placing before the United Nations General Assembly the issue of the dual right of all persons to emigrate from and also return to one's country; to the Committee on Foreign Affairs.

By Mr. MINISH:

H. Con. Res. 447. Concurrent resolution expressing the sense of Congress that there should be a boycott in the United States of French-made products until the President determines France has taken successful steps to halt the processing of heroin and its exportation to the United States; to the Committee on Ways and Means.

By Mr. ANDREWS of North Dakota:

H. Res. 684. Resolution calling for the shipment of Phantom F–4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. EDMONDSON:

H. Res. 685. Resolution calling for the shipment of Phantom F–4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. GREEN of Pennsylvania:

H. Res. 686. Resolution calling for peace in northern Ireland and the establishment of a united Ireland; to the Committee on Foreign Affairs.

By Mr. NIX:

H. Res. 687. Resolution calling for the shipment of Phantom F–4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. VEYSEY (for himself, Mr. PETTIS, Mr. ROUSSELOT, Mr. TEAGUE of California, and Mr. BOB WILSON):

H. Res. 688. Resolution calling for the shipment of Phantom F–4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. WYMAN:

H. Res. 689. Resolution concerning Phantom F–4 aircraft for Israel and other matters; to the Committee on Foreign Affairs.

---

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ARCHER introduced a bill (H.R. 11598) for the relief of Oi Kwan, which was referred to the Committee on the Judiciary.

---

# EXTENSIONS OF REMARKS

## GEORGE BUSH RAN ALL THE WAY

### HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 3, 1971*

Mr. STEIGER of Wisconsin. Mr. Speaker, this week's Life magazine contains a warm tribute to the U.S. Ambassador to the United Nations, George Bush.

There are some cynics who claim that the President and our U.N. delegation were not really serious in the effort to preserve Taiwan's membership in the United Nations.

No one, in my judgment, could have more effectively carried out the policy of this Nation than George Bush and Peter Young's perceptive piece deserves the thoughtful attention of the Congress:

IS IT ARM TWISTING TO LET THEM KNOW HOW WE FEEL?

(By Peter Young)

Almost to the end, Ambassador George Bush had been optimistically predicting a small margin of victory for the U.S. position. Then the danger signs began to appear. On a procedural vote granting priority to the U.S.'s "important question" resolution, Bush won—but by two votes less than he had anticipated. Next, the newly admitted Sultanate of Oman, under heavy lobbying from Arab delegations who favored Peking, left the hall with orders to stay away. Qatar, another new mini nation and an apparent ally of the U.S., "took gas," as one observer put it, and abstained from voting. Ireland's opposition was still another surprise blow.

At one point during the vote, Bush enormously provoked about something, was seen rushing to the side of a delegate from Cyprus. The Cypriot had performed an about-face on the floor, abstaining on the key vote despite his government's previous commitment to support the U.S.

Later, surveying he shambles of defeat, Bush still couldn't believe some of the turnarounds that had brought it about. "At the start, we had all the votes we needed. Then we got these defections from countries we had thought were assured. I can understand the views of our allies who were opposed to us all along on this issue. They have certain bilateral relations with the People's Republic that must be respected. What I can't understand is infidelity, when a delegate who has given his firm assurance of support suddenly goes against you. That's going back on one's word."

For Bush, who just a year ago lost another political battle—his own race for the U.S. Senate as a Republican from Texas—the China outcome was a "tremendous disappointment." In trying to save Taiwan's seat, he had set what must be a U.N. track record for personal effort.

"On to the next event!" was his manner of welcoming each new day leading up to the crucial votes. He wolfed down breakfasts of cold cereal and yogurt—or milk and crackers if the ulcers were back. Then staff meetings at the mission at 9:30. Sponsors' meeting at 10:30. Lobbying at the missions of Ghana ("On the fence") and Indonesia ("Question mark"). Back to the U.N. north lounge to sound out a Nigerian delegation ("Opposed"). Lunch at the Waldorf Astoria with Secretary General U Thant ("I think he feels we are on a losing wicket, but he has been discreet enough to stop short of influencing the vote"). An afternoon spent politely listening to speeches in the General Assembly. Five-thirty cocktails with the Liberians ("They're strongly on our side in this"). A private drink with Secretary of State Rogers. A phone call to the President (" 'Win it! Win it!' he tells me"). A black-tie dinner at the Iranian mission ("No comment"). And finally back to his luxurious 42nd-floor ambassador's suite in the Waldorf Towers for a light scotch and water ("Sometimes I'm so tired I want to cry").

"We came a long way," says Bush, "but not long enough. Two months ago we really would have been clobbered. There was this oddball notion that we weren't serious, just going through the motions. We laid that one to rest. We went out to the big and the small. Fiji, Upper Volta. You can't kiss off the smaller countries and say those wieners don't count. They all count.

"Then there was the problem of getting sponsors for our resolutions. We'd be told, 'You've got Chad and Nicaragua and that's it. Ha, ha.' We were told we'd never get Australia and New Zealand. So, okay, they come on board. Then they said Japan would never join as a sponsor. No way. And we get Japan. So, finally, I guess you could say we solved the problem of quality cosponsors. Unfortunately, it wasn't enough."

Bush is a lanky, singularly personable, Yale-educated 47-year-old who made his for-

tune in off-shore oil drilling. He had served two terms as a congressman from Houston when he gave up his seat, reportedly at President Nixon's urging, to try unsuccessfully for the Senate. His appointment as the U.S. delegate early this year was greeted with some skepticism by the U.N. community. Touchy and insular, they looked on the choice of an unknown, diplomatically inexperienced Texas millionaire as a calculated expression of U.S. disdain for the world body.

But it soon became apparent, as he hustled endlessly from reception to back room to foreign mission on Manhattan's East Side, that whatever George Bush lacked in diplomatic polish he made up in wit, stamina and enthusiasm. "There's a great flow of adrenalin churning in me all the time," he says. "If I were supposed to be a low-key, stuffy diplomat with a doctorate in political science, I'd have to take acting lessons."

Bush describes his job with a Nixon-like analogy: "You might say I'm quarterback, Secretary of State Rogers is the coach and the President is the owner of the club."

He also recalls advice he got from fellow Texan Lyndon Johnson when he took the U.N. assignment: "George, you're going to be in New York putting vegetables in the soup and calling it vegetable soup. Someone at the State Department will be adding fish and calling it chowder. But it's the President who will be stirring up the whole conglomeration, and don't you forget it."

As ambassador, Bush goes through channels, but he does have a close, direct relationship with the President. During the tense, vote-seeking days of the China debate he used it regularly. This line to the White House was a distinct asset in dealing with foreign diplomats, though some thought that he overdid it with his frequent references to "what the President told me at tea the other day."

Blunt in speech, Bush calls the U.N. "that crazy, troubled Disneyland on the East River," a "fishbowl and rumor mill" beyond compare. He was amused at his own staff's "noon lounge report," a daily survey of gossip currently making the rounds of the delegates' lounge. One day just before the China vote, the report had the U.S. writing out checks to foreign ambassadors to buy their votes. Another had a U.S. plane swooping into the Maldive Islands to pick up the Maldivian delegate—who had yet to arrive in New York—to make sure he was on hand to vote.

"Utter and complete nonsense," says Bush. "It's hard to believe people would attach any significance to such ramblings."

Some U.S. campaign efforts were more real, however, and, if anything, they had a negative effect. After a visit to Bush, New York Senator James Buckley warned publicly that if the Nationalist Chinese were expelled, he would introduce legislation calling for a major reduction of U.S. contributions to the U.N. Buckley said he spoke for at least 21 other senators. When a spokesman for Bush announced that the ambassador "shares the concern voiced by the group of senators," some diplomats took it to mean that Bush was formally echoing the threat. They sizzled at what looked like economic arm-twisting on the part of the U.S.

"Sure it would be arm-twisting," said Bush, "if we went in there and said you do this or do that, or else. All we've been trying to tell the other delegates is that something was brewing in Congress. The problem seemed to be that if you pressed a point of view, people thought you were trying to pressure them. We wanted to know how they felt. Is it arm-twisting to let them know how we feel?"

Whether or not they agreed with the U.S. on the China issue, or even with U.S. tactics, which in effect made the votes a kind of international popularity contest, the foreign delegates came away personally impressed by Bush's warmth and candor. "You may dislike what George is trying to do," was a typical assessment, "but you can't dislike George." "Arm-twisting, hell," said another. "Bush could charm a bird off a branch."

In the end, neither charm nor energy was enough, and it came time to face defeat. When Nationalist China's Ambassador Liu Chieh quietly led his delegation out of the Assembly, Bush caught up with him in the hall and wrapped an arm over his shoulder. "Your delegation," he said, "acted with great dignity." It was a quality in short supply that night at the U.N.

---

## CONSTITUTIONAL SCHOLARS OPPOSE PRAYER AMENDMENT

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 3, 1971*

Mr. DRINAN. Mr. Speaker, when 300 attorneys agree on anything it is noteworthy. When more than 300 of our most eminent law school deans, law school professors, and constitutional lawyers agree in this opposition to House Joint Resolution 191, the prayer amendment, it is an historic occasion.

I was therefore particularly gratified to receive today, under cover of the following letter from Harvard Law School's distinguished constitutionalist, Prof. Paul A. Freund, a statement entitled "Our Most Precious Heritage," and the names of its endorsers.

The letter and statement speak for themselves. I would add only that as a former law school dean, and as a Member of this House, I am honored to be associated with this extraordinary group of men and women in my opposition to House Joint Resolution 191.

The letter and statement follow:

LAW SCHOOL OF HARVARD UNIVERSITY,
*Cambridge, Mass., November 2, 1971.*

DEAR CONGRESSMAN: The more than 300 constitutional lawyers and law professors who have signed the enclosed statement, "Our Most Precious Heritage", have joined together to urge you to oppose H.J. Res. 191, the school prayer amendment. We hope that you will give the views outlined in this statement your careful consideration before deciding how you will cast your vote on November 8.

Sincerely,

PAUL A. FREUND.

---

OUR MOST PRECIOUS HERITAGE

Our Bill of Rights is America's most precious heritage. For a century and three-quarters it has spread the mantle of protection over persons of all faiths and creeds, political, cultural and religious.

Under our system, special responsibility for the interpretation and application of the Bill of Rights rests with the Supreme Court. In discharging this responsibility the Court has from time to time handed down decisions which have aroused considerable controversy. Some of the decisions have been subjected to strong criticism and even condemnation. There have, no doubt, been decisions which have been deemed by a majority of the American people, at least in their immediate reaction, to have been unwise, either in the conclusion reached by the Court or in the manner by which that conclusion was reached.

It may be that the Court's 1962 and 1963 decisions against state-sponsored prayer and devotional Bible reading in the public schools belong in this category. If so, it is much too early to judge whether it will be the popular judgment or the Court's that will be vindicated by time. But whichever the case, we are convinced that it would be far wiser for our nation to accept the decisions than to amend the Bill of Rights in order to nullify them.

We recognize that the Constitution provides for its own amendment, and that no provision of it, including the Bill of Rights, is immune to repeal or alteration at the will of the people expressed through the medium of constitutional amendment. Yet, it is relevant to recall in this respect the concluding paragraph of Thomas Jefferson's great Virginia statute for Establishing Religious Freedom:

"And though we well know that this assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding assemblies, constituted with powers equal to our own, and that therefore to declare this act to be irrevocable would be of no effect in law, yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present, or to narrow its operation, such act will be an infringement of natural right."

American liberties have been secure in large measure because they have been guaranteed by a Bill of Rights which the American people have until now deemed practically unamendable. If now, for the first time, an amendment to "narrow its operation" is adopted, a precedent will have been established which may prove too easy to follow when other controversial decisions interpreting the Bill of Rights are handed down. In the past, the Court has construed the provisions against infringement of the free exercise of religion and of speech and assembly, or securing the privilege against self-incrimination, or requiring fair trial procedures, in a manner deemed by many at the time to be unduly restrictive of the proper powers of government. It is certain that it will do so again in the future. If the first clause of the Bill of Rights, forbidding laws respecting an establishment of religion, should prove so easily susceptible to impairment by amendment, none of the succeeding clauses will be secure.

A grave responsibility rests upon the Congress in taking this "first experiment on our liberties." Whatever disagreements some may have with the Bible-Prayer decisions, we believe strongly that they do not justify this experiment. Accordingly, we urge that Congress approve no measures to amend the First Amendment in order to overrule these decisions.

LIST OF SIGNERS

Benjamin Aaron, University of California, Los Angeles School of Law.

Richard I. Aaron, University of Utah College of Law.

Norman Abrams, University of California, Los Angeles School of Law.

Lee Allen Albert, Yale Law School.

Owen Alpin, University of Utah College of Law.

Anthony G. Amsterdam, Stanford University Law School.

Charles E. Ares, Dean, University of Arizona School of Law.

Morris S. Arnold, Indiana University School of Law.

Frank Askin, Rutgers—the State University School of Law.

George B. Baldwin, University of Wisconsin Law School.
Milner Ball, University of Georgia School of Law.
Stephen R. Barnett, University of California, Los Angeles School of Law.
Charles H. Baron, Boston College Law School.
Louis Bartelt, Jr., Dean, Valparaiso University Law School.
Babette Barton, University of California, Berkeley School of Law.
Patrick L. Baude, Indiana University School of Law.
David C. Baum, Columbia University School of Law.
Albert Beisel, Boston University School of Law.
Edmund O. Belsheim, University of Nebraska College of Law.
Robert Bennett, Northwestern University School of Law.
Wallace R. Bennett, University of Utah College of Law.
Eric E. Bergsten, University of Iowa College of Law.
Bruce Berner, Valparaiso University Law School.
Arthur L. Berney, Boston College Law School.
Robert Berry, Boston College Law School.
Robert L. Birmingham, Indiana University School of Law.
Boris I. Bittker, Yale Law School.
Charles L. Black, Jr., Yale Law School.
Jerry P. Black, Jr., Vanderbilt University School of Law.
Vincent A. Blasi, University of Michigan Law School.
Alfred Blumrosen, Rutgers—the State University School of Law.
James F. Blumstein, Vanderbilt University School of Law.
Robert L. Bogomolny, Southern Methodist University School of Law.
Arthur Bonfeld, University of Iowa College of Law.
Ronald N. Boyce, University of Utah College of Law.
Abner Brodie, University of Wisconsin Law School.
Alexander D. Brooks, Rutgers—the State University School of Law.
Ralph S. Brown, Yale Law School.
Paul W. Bruton, University of Pennsylvania Law School.
Robert A. Burt, University of Michigan Law School.
Richard M. Buxbaum, University of California, Berkeley School of Law.
Kendal C. Byrnes, John Marshall Law School.
Norman Cantor, Rutgers—The State University School of Law.
Beverly May Carl, Southern Methodist University School of Law.
Paul D. Carrington, University of Michigan Law School.
Robert Carter, Rutgers—The State University School of Law.
Linda K. Champlin, Ohio State University College of Law.
Richard J. Childress, St. Louis University School of Law.
Jesse Choper, University of California, Berkeley School of Law.
Chapin D. Clark, University of Oregon College of Law.
Homer H. Clark, Jr., University of Colorado School of Law.
Jack Clarke, University of Alabama School of Law.
Arlen C. Christenson, University of Wisconsin Law School.
William Cohen, Stanford Law School.
Robert H. Cole, University of California School of Law.
Daniel G. Collins, New York University School of Law.



Thomas M. Cooley, University of Pittsburgh School of Law.
John E. Coons, University of California, Berkeley School of Law.
George Cooper, Columbia University School of Law.
Vern Countryman, Harvard University Law School.
I. Boyce Carrington, University of Georgia School of Law.
Lindsey Cowen, Dean, University of Georgia School of Law.
Archibald Cox, Harvard University Law School.
Melvin G. Dakin, Louisiana State University Law School.
Tony D'Amato, Northwestern University School of Law.
Charles W. Davidson, University of Iowa College of Law.
Clifford Davis, University of Connecticut School of Law.
Frederick Davis, University of Missouri School of Law.
Samuel M. Davis, University of Georgia School of Law.
Paul R. Dean, Dean, Georgetown University Law Center.
Bernard L. Diamond, University of California, Berkeley School of Law.
Charles Donahue, University of Michigan Law School.
Peter J. Donnici, University of San Francisco School of Law.
Norman Dorsen, New York University School of Law.
David A. Dow, Dean, University of Nebraska College of Law.
Steven Duke, Yale Law School.
Melvin A. Eisenberg, University of California, Berkeley School of Law.
Thomas I. Emerson, Yale Law School.
Charles Fairman, La Jolla, Calif.
D. M. Feild, Mercer University School of Law.
N. P. Feinsinger, University of Wisconsin Law School.
David E. Feller, University of California, Berkeley School of Law.
Roger W. Findlay, University of Illinois College of Law.
Howard P. Fink, Ohio State University College of Law.
Ted Finman, University of Wisconsin Law School.
Edwin Brown Firmage, University of Utah College of Law.
John G. Fleming, University of California, Berkeley School of Law.
Jefferson B. Fordham, University of Pennsylvania Law School.
Morris D. Forkosch, Brooklyn Law School.
G. W. Foster, Jr., University of Wisconsin Law School.
Sanford Fox, Boston College Law School.
John P. Frank, Phoenix, Arizona.
Lionel H. Frankel, University of Utah College of Law.
Monroe H. Freedman, George Washington University National Law Center.
Paul A. Freund, Harvard University Law School.
William Fry, Columbia University School of Law.
Ralph F. Fuchs, Indiana University School of Law.
Walter Gellhorn, Columbia University School of Law.
Michael E. Geltner, Ohio State University College of Law.
Jules B. Gerard, Washington University School of Law.
Elmer Gertz, Chicago, Illinois.
Donald A. Giannella, Villanova University.
Willard Hurst, University of Wisconsin Law School.
Stephen B. Goldberg, University of Illinois College of Law.
Ronald L. Goldfarb, Washington, D.C.

Al Goldman, University of Kentucky, College of Law.
Roger L. Goldman, St. Louis University School of Law.
Harvey J. Goldschmidt, Columbia University School of Law.
Irving A. Gordon, Northwestern University School of Law.
Murray A. Gordon, New York, N.Y.
Mitch Gould, Boston College Law School.
Charles Goulden, University of California at Berkeley Law School.
Kenneth W. Greenawalt, New York, N.Y.
Howard L. Greenberger, Dean, New York University School of Law.
Charles Gromley, Valparaiso University Law School.
Roger D. Groot, University of Georgia School of Law.
Stuart Gullickson, University of Wisconsin Law School.
Gerald Gunther, Stanford Law School.
Donald J. Hall, Vanderbilt University School of Law.
J. Reid Hambrick, George Washington University National Law Center.
Eva Hanks, Rutgers, the State University School of Law.
William D. Hawkland, University of Illinois College of Law.
Peter H. Hay, University of Illinois College of Law.
Willard Heckel, Dean, Rutgers, the State University School of Law.
David M. Helfeld, Dean, University of Puerto Rico School of Law.
Thomas C. Heller, University of Wisconsin Law School.
Orrin L. Helstad, University of Wisconsin School of Law.
Louis Henkin, Columbia University School of Law.
Lawrence Herman, Ohio State University College of Law.
Bruce C. Heskett, University of Alabama Law School.
Jack Hiller, Valparaiso University Law School.
N. William Hines, University of Iowa College of Law.
Wythe W. Holt, Jr., University of Alabama Law School.
Bert Earl Hopkins, Dean, University of Connecticut School of Law.
Richard S. Hornsberger, University of Nebraska College of Law.
Harold Horowitz, University of California, Los Angeles School of Law.
James Houghteling, Boston College Law School.
Harold E. Hurst, Dean, University of Denver College of Law.
Willard Hurst, University of Wisconsin Law School.
Vincent C. Immel, Dean, St. Louis University School of Law.
Davis Isbell, Washington, D.C.
Bruce Jacob, Ohio State University College of Law.
Eli Jarmel, Rutgers—The State University School of Law.
Erwin Jones, Valparaiso University Law School.
Thomas E. Jones, Jr., University of Wisconsin Law School.
John M. Junker, University of Washington School of Law.
Sanford H. Kadish, University of California, Berkeley School of Law.
Yale Kamisar, University of Michigan Law School.
Robert J. Kanenshine, Vanderbilt University School of Law.
Marvin M. Karpatkin, New York, New York.
Kenneth L. Karst, University of California, Los Angeles School of Law.
Wilbert G. Katz, University of Wisconsin Law School.

Andrew L. Kaufman, Harvard University Law School.
Herma Kay, University of California, Berkeley School of Law.
Page Keeton, University of Texas, Austin School of Law.
Frank R. Kennedy, Washington, D.C.
Edward L. Kimball, University of Wisconsin Law School.
Donald B. King, St. Louis University Law School.
Arthur Kinoy, Rutgers—the State University School of Law.
James Kirby, Dean, Ohio State University College of Law.
Robert Knowlton, Rutger—the State University School of Law.
Milton R. Konvitz, Cornell Law School.
Guy Kornblum, University of California Hastings College of Law.
Philip B. Kurland, University of Chicago Law School.
Wayne R. La Fave, University of Illinois, College of Law.
James A. Lake, Sr., University of Nebraska, College of Law.
Donald W. Large, University of Wisconsin Law School.
Stanley Laughlin, Ohio State University College of Law.
Hiram H. Lesar, Dean, Washington University School of Law.
Charles H. Livengood, Jr., Duke University School of Law.
William B. Lockhart, Dean, University of Minnesota Law School.
William J. Lockhart, University of Utah College of Law.
Ephraim S. London, New York, New York.
Jean C. Love, University of Wisconsin Law School.
Arnold H. Lowey, University of North Carolina School of Law.
Louis Lusky, New York, New York.
James B. MacDonald, University of Wisconsin Law School.
Daniel R. Mandelker, Washington University School of Law.
W. Howard Mann, State University of New York at Buffalo School of Law.
William L. Marbury, Baltimore, Md.
William Marsh, Indiana University School of Law.
Burke Marshall, Yale Law School.
Will Maslow, New York, New York.
Richard C. Maxwell, University of California, Los Angeles, School of Law.
Robert C. McClure, University of Minnesota Law School.
Wayne McCormack, University of Georgia School of Law.
Thomas R. McCoy, Vanderbilt University School of Law.
John K. McNulty, University of California, Berkeley, School of Law.
James E. Meeks, University of Iowa College of Law.
Albert R. Menard, Jr., Dean, University of Idaho School of Law.
Saul H. Mendlovitz, Rutgers—the State University School of Law.
Samuel Mermin, University of Wisconsin Law School.
Frank I. Michelson, Harvard University Law School.
Arthur R. Miller, University of Michigan Law School.
Arthur S. Miller, George Washington University National Law Center.
Richard S. Miller, Ohio State University College of Law.
Vernon X. Miller, Dean, Catholic University of America School of Law.
Andrea Monsees, Valparaiso University Law School.
Girard Moran, Rutgers—the State University School of Law.
Arval A. Morris, University of Washington School of Law.
Charles J. Morris, Southern Methodist University School of Law.
Herbert Morris, University of California, Los Angeles School of Law.
John K. Morris, University of Utah College of Law.
Seymour H. Moskowitz, Valparaiso University Law School.
Jay Wesley Murphy, University of Alabama School of Law.
William P. Murphy, University of North Carolina School of Law.
Barry Nakell, University of North Carolina School of Law.
Nathaniel L. Nathanson, Northwestern University School of Law.
Charles R. Nesson, Harvard University Law School.
Dawn C. Netsch, Northwestern University School of Law.
Paul Neuhauser, University of Iowa College of Law.
Wade J. Newhouse, State University of New York at Buffalo Law School.
Frank C. Newman, University of California, Berkeley School of Law.
Melville B. Nimmer, University of California, Los Angeles, School of Law.
Paul Oberst, University of Kentucky College of Law.
Leo J. O'Brien, Dean, Loyola University, Los Angeles School of Law.
John C. O'Byrne, Northwestern University School of Law.
Oliver Oldman, Harvard University Law School.
Robert M. O'Neil, University of California, Berkeley School of Law.
Thomas J. O'Toole, Northeast University School of Law.
James C. N. Paul, Dean, Rutgers—the State University School of Law.
John Payne, Rutgers—the State University School of Law.
Roger Paul Peters, Southwestern University School of Law.
Bruce Peterson, Dean, University of Tulsa School of Law.
Philip E. Peterson, Dean, University Idaho College of Law.
Leo Pfeffer, New York, New York.
Sheldon J. Plager, University of Illinois, College of Law.
Shad Polier, New York, New York.
Daniel H. Pollitt, University of North Carolina School of Law.
A. J. C. Priest, University of Virginia School of Law.
Charles W. Quick, University of Illinois College of Law.
Carl Rachlin, New York, New York.
Walter A. Rafalko, Dean, New York Law School.
James A. Rahl, Northwestern University School of Law.
Henry Ramsey, University of California, Berkeley School of Law.
Walter D. Raushenbush, University of Wisconsin Law School.
Allen Redlich, University of Wisconsin School of Law.
Norman Redlich, New York University School of Law.
Charles A. Reich, Yale Law School.
Douglas Rendelman, University of Alabama School of Law.
William G. Rice, University of Wisconsin Law School.
Barbara Rintala, University of California, Los Angeles, School of Law.
Joseph B. Robison, New York, New York.
Charles B. Robson, University of Georgia School of Law.
Eleanor Jones Roe, University of Wisconsin Law School.
Sanford J. Rosen, New York, New York.
Keith Rosenn, Ohio State University College of Law.
Arthur Rosett, University of California, Los Angeles, School of Law.
Hugh A. Ross, Case Western Reserve University Law School.
Eugene V. Rostow, Dean, Yale Law School.
Wallace Rudolph, University of Nebraska College of Law.
Lawrence Sager, New York University School of Law.
Paul H. Sanders, Vanderbilt University School of Law.
C. Dallas Sands, University of Alabama School of Law.
John D. Scarlett, Dean, Drake University Law School.
Robert L. Schmid, University of Utah College of Law.
Benno C. Schmidt, Jr., Columbia University School of Law.
William Schroeder, Boston College Law School.
Herman Schwartz, State University of New York at Buffalo School of Law.
Murray L. Schwartz, Dean, University of California, Los Angeles, School of Law.
Alan Schwarz, Ohio State University College of Law.
John Scurlock, University of Missouri School of Law.
Robert Sedler, University of Kentucky College of Law.
Ralph D. Semerad, Albany Law School.
Herbert Semmel, University of Illinois College of Law.
Thomas Shaeffer, Dean, Notre Dame Law School.
Richard Shapiro, Boston College Law School.
Edward F. Sherman, Indiana University School of Law.
Arthur H. Sherry, University of California at Berkeley Law School.
Melvin G. Shimm, Duke University School of Law.
Norman J. Singer, University of Alabama School of Law.
T. A. Smedley, Vanderbilt University School of Law.
Carl B. Spaeth, Stanford Law School.
Francis O. Spalding, Northwestern University School of Law.
John C. Stedman, University of Wisconsin Law School.
Walter W. Steele, Jr., Southern Methodist University School of Law.
George Neff Stevens, University of California Hastings College of Law.
Richard Stevenson, Valparaiso University Law School.
Lawrence M. Stone, University of California at Berkeley Law School.
Victor J. Stone, University of Illinois College of Law.
Lawrence A. Sullivan, University of California at Berkeley Law School.
Russell Sullivan, University of California Hastings College of Law.
Clyde W. Summers, Yale Law School.
Justin Sweet, University of California at Berkeley Law School.
Robert W. Swenson, University of Utah College of Law.
Michael Swygert, Dean, Valparaiso University Law School.
Melvin J. Sykes, Baltimore, Md.
Ralph J. Temple, Washington, D.C.
Samuel S. Thurman, University of Utah College of Law.
E. Wayne Thode, University of Utah College of Law.
A. J. Thomas, Jr., Southern Methodist University School of Law.
Joseph R. Thome, University of Wisconsin Law School.
Paul Tractenberg, Rutgers—the State University School of Law.
Lawrence H. Tribe, Harvard University Law School.
Albert E. Utton, University of New Mexico School of Law.
Arvo Van Alstyne, University of Utah College of Law.
John Van Dyke, University of California, Hastings College of Law.
Ann Van Wynen, Southern Methodist University School of Law.
David H. Vernon, University of Iowa College of Law.
Martin M. Volz, Dean, University of Louisville School of Law.
George J. Wallace, University of Iowa College of Law.

Jon R. Waltz, Northwestern University School of Law.
Burton Wechsler, Valparaiso University Law School.
Russell J. Weintraub, University of Texas School of Law.
Burns Keston, University of Iowa College of Law.
William C. Whitford, University of Wisconsin Law School.
Donald D. Wilkes, University of Georgia School of Law.
Melvin L. Wulf, New York, N.Y.
J. Nelson Young, University of Illinois College of Law.
Zigurds L. Zile, University of Wisconsin Law School.
Morris B. Abram, New York, New York.
Robert Bartels, University of Iowa, College of Law.
John Bauman, University of California, Los Angeles School of Law.
Francis X. Beytagh, Notre Dame Law School.
Ralph Bischoff, New York University School of Law.
Reed Chambers, University of California, Los Angeles School of Law.
Leroy D. Clark, New York University School of Law
Walter G. Farr, New York University School of Law.
Louis Feinmark, New Haven, Connecticut.
Everett F. Fink, Hartford, Connecticut.
Robert F. Fletcher, University of Washington School of Law.
Henry H. Foster, New York University School of Law.
Thomas Franck, New York University School of Law.
James Gambrell, New York University School of Law.
Albert H. Garretson, New York University School of Law.
Fannie Klein, New York University School of Law.
William Klein, University of California, Los Angeles School of Law.
Homer Kritke, New York University School of Law.
John W. Larson, University of Iowa, College of Law
Andreas F. Lowenfeld, New York University School of Law
Henry McGee, University of California, Los Angeles School of Law.
Roy M. Mersky, University of Texas Law School.
Addison Mueller, University of California, Los Angeles School of Law.
Russell Niles, New York University School of Law.
John O'Reilly, Boston College Law School.
Herbert Peterfreund, New York University School of Law.
Joel Rabinowitz, University of California, Los Angeles School of Law.
Gary Schwartz, University of California, Los Angeles School of Law.
Michael Schwartz, New York University School of Law.
John Taggart, New York University School of Law.
Telford Taylor, Columbia University School of Law.
Edmund Ursin, University of California, Los Angeles School of Law.
Charles A. Wright, University of Texas Law School.

## WILLIAM C. BARNARD, CHIEF EDITORIAL WRITER

### HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 3, 1971*

Mr. JAMES V. STANTON. Mr. Speaker, I believe that the Cleveland Plain Dealer has made an excellent choice in appointing Bill Barnard as its new chief editorial writer. Bill has been a close friend for many years, and the high quality of his reporting is well known to all of those familiar with the political scene in Cleveland. I am extremely pleased that his talent and ability have been recognized through this well-deserved promotion.

In Bill's honor, I would like to insert the following article in the RECORD:

VAIL NAMES WILLIAM BARNARD CHIEF EDITORIAL WRITER AT PLAIN DEALER

William C. Barnard, a member of The Plain Dealer staff since 1957, has been named chief editorial writer by Thomas Vail, publisher and editor.

Barnard, 33, succeeds Ray Dorsey, who retired yesterday after 34 years on The Plain Dealer, including seven years as chief editorial writer.

Earlier this year Barnard was named an associate editor, one of several editors who research and write this newspaper's editorials.

Since 1965 Barnard had covered various aspects of Cleveland's political scene. He was City Hall reporter from 1965 through 1969, and became political writer that year.

He started on The Plain Dealer as a copy boy in 1957 while attending John Carroll University. Barnard later became a police reporter, rewriteman and covered Cuyahoga County criminal courts.

In 1969, along with several other Plain Dealer staff members, Barnard visited other major metropolitan cities to interview their mayors to learn more about these cities and their problems.

He has followed candidates for mayor, governor, senator and president on their campaign trails since 1964.

In 1968 he shared in a Press Club award for his work on "The Making of a Mayor," a special Plain Dealer Sunday magazine description of the election of Mayor Carl B. Stokes.

Earlier this year Barnard, and five other staff members, received an Associated Press enterprise award for coverage of the Ohio loan scandals.

Barnard served as president of the Cleveland Newspaper Guild in 1966 and was general chairman when the American Newspaper Guild held its 1968 convention here.

He is a director of the City Club of Cleveland and of Sigma Delta Chi, professional journalism society.

Barnard and his wife, Mildred, have three children, Mary Elizabeth, 9, Geoffrey, 7, and Genevieve, 5. They live at 3084 East Overlook Road, Cleveland Heights.

## FOUNTAIN VALLEY'S WATER FACTORY 21

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 3, 1971*

Mr. HOSMER. Mr. Speaker, the November 4 edition of Water Desalination Report, the respected international journal of the desalting industry, contains a current status report of one of the world's most significant desalting projects. Its report on the desalting reclamation plant to be built at Fountain Valley in southern California follows:

STATE OF CALIFORNIA CLEARS ORANGE COUNTY DESALTING-RECLAMATION PROJECT

An important milestone for Orange County Water District's "Water Factory 21" (to develop technology of fresh water via desalting and waste water reclamation for the 21st century) was passed last week. The State of California's Water Resources Control Board gave WF-21 a full bill of health from environmental and financial assistance standpoints. The desalting-reclamation plant will be built at Fountain Valley, Calif.

FEDERAL-STATE GRANTS

Significance of the State endorsement is it makes the desalting-reclamation project eligible for up to $10.9 million in State and Federal research-development financial support. The official endorsement signed on Oct. 26th by Paul R. Bonderson, chief of the Water Quality Control Div. of the Board, carries an extra bonus: a recommendation, in effect, to Environmental Protection Agency to approve the project for the maximum allowable Federal grant, or about $6.1 million. Total State money under terms of the Calif. Clean Water Bond Act of 1970 toward the project amounts to about $2.7 million.

These amounts are primarily for the 15 MGD waste water reclamation plant, which has an estimated cost of $10 million. The 3 MGD VTE desalting module is not included, and its $8.1 million cost is being paid for separately by OCWD and OSW in amounts of $3.2 million and $4.9 million respectively. Total cost of the project desalting and reclamation portions, is put at $31.3 million, and includes expansion of the desalting module to a 15 MGD prototype plant. OCWD's share of expenses is 43 per cent of total project costs.

OWEN HAPPY

Last week in Washington, Langdon P. Owen, executive sect'y. of OCWD, elated over latest State approvals of the project, said WF-21 stood as shining example of "early and proper environmental planning." He also prophesied that some version of WF-21 would have to be undertaken by most every water treatment group in the U.S., if the tough water bill just reported by the Senate Public Works Committee is adopted this session of Congress. On the score of environmental planning, Owen early in the planning of the desalting-reclamation-ground water protection project consulted with conservation-environmental protection groups, such as the Sierra Club, and invited their participation in the project. In return, the Sierra Club has endorsed WF-21 as exemplar of how a research-development project's environmental planning should be handled from the outset.

Owen also pointed out a chief objective of the bill recently approved by Senate Public Works Committee is to eliminate all pollution discharges into streams and lakes by 1985. This means, Owen says, practically all municipal and industrial treatment plants are going to have to come up with something similar to WF-21. It could mean also a burgeoning market for desalting equipment, since many water pollutants can only be eliminated via a desalting tertiary treatment process. But against bleak performance level of desalting equipment firms in 1971, Owen said he didn't want to rake desalting mfer's. the wrong way with another projection of a "future rosy market." He sighed relief, however, at clearance for the project granted by the State.

Approval from the Water Resources Control Board climaxes an almost infinite no. of offices, boards, committees, etc. which OCWD has appeared before in order to go ahead with construction. It all prompted Owen to say, "Once we're safely on a construction path, I'm thinking about preparing a case study and going back to the State Legislature and saying, 'Look, these are all the requirements you've placed on us.' Smaller outfits without OCWD's resources, financial and otherwise, just couldn't make it. They'd drop by the wayside."

FEDERAL APPROVAL NECESSARY

Approval for the project is still necessary from Region IX offices of Environmental

Protection Agency, and the State sanction came in a letter to Paul De Falco, administrator of EPA's Region IX. The State letter said WF-21 is approved for a federal grant for the maximum allowable cost of $5,486,000 and also approved for the State's grant of $2,494,000 for the reclamation portion.

Envirogenics is contractor for supplying the VTE desalting module and, though OSW's contractor, Owen says so far he's highly impressed with quality of the co.'s work. He mentioned, however, in OCWD's agreement with OSW that OCWD can pull out any time if work under Envirogenics' contract becomes "environmentally unacceptable."

High priority has gone to visual appearance of the plant site in the environmental planning program. A 125-ft. wide greenway has been constructed along the plant's entire 1300-ft. west border. The greenway is made up of a ridge of 20-ft. pine trees, and response of nearby residents has been "more than favorable." Only one resident objected at time of OCWD's presentation of plans to the Fountain Valley City Council. That resident objected the desalting plant should be enclosed in a building. But he became pacified by the pleasing screen of pine trees.

## FORESTRY PRACTICES

## HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 3, 1971*

Mr. DINGELL. Mr. Speaker, two items relating to forestry practices appeared in recent issues of the Christian Science Monitor which I would like to share with my colleagues.

The item of September 14, 1971, reported on testimony of a lifelong logger, Mr. Bob Ziak, in opposition to the devastation of our forests by means of clear cutting. The other item, carried on October 2, 1971, relates to pending forestry legislation.

I insert the texts of the two articles at this point in the CONGRESSIONAL RECORD:

LOGGER'S PLEA FOR FORESTS

(NOTE.—Bob Ziak has lived and logged near Astoria, Ore., all his life. At Senate hearings on forest legislation held in Portland, Ziak, speaking from notes scratched hurriedly on an envelope, humbled the professional and political experts with a personal plea for conservation.)

My name is Bob Ziak. I am a clear cut high lead logger.

I was born in Astoria, Ore. 54 years ago. My father was a logger. My mother took me from the hospital to a logging camp to live. The forests are my life.

At first the timber was virgin, production was tremendous, there were no controls and the resulting destruction and waste was appalling.

I've clear cut to the edge of a river, destroyed priceless streams, found jewellike lakes within our cutting lines and left them as ugly holes staring into the skies.

I've seen the Eagle tree coming crashing down, nest, eggs and all. I've seen the Eagle tree left standing all alone only to see the birds leave and the tree die because each needed a stand in order to survive.

I helped log thousands of clear cuts, saw the animals move in and then come under a murderous crossfire from hunters on the network of roads, with no place in sight to go in their terror-stricken flight.

I am deeply concerned about our forests. They are disappearing—from 600 years of age to 35. Man planted in solid blocks, tree farming if you wish, but our forests are going, going, gone.

Detach yourself from his earth and look down on us from the heavens above. Gentlemen, this is all there is. There is no more and time is running out.

NATIONAL FOREST POLICY

A "National Timber Supply Act" which would have increased logging of the national forests and destroyed much of the remaining wilderness area died in Congress in early 1970, a victim of the environmental protection movement. Now two more bills dealing with forest management are under consideration, and conservationists are mobilizing for another battle.

One, sponsored by Senator Mark Hatfield (Rep., Ore.), is a warmed-over version of the National Timber Supply Act, conservationists charge. (Hatfield was a co-sponsor of that legislation.) The other, sponsored by Senator Lee Metcalf (Dem., Mont.) has their blessing. The conservationists' prime objection to the Hatfield bill concerns the use of proceeds from the sale of timber in the national forests.

Hatfield proposes that most of the money, which now goes to the general treasury, would go into a Forest Land Management Fund to be used for timber management, reforestation, research, developing recreation facilities, and "development of other multiple uses of the forests to obtain a wider range of goods and services while maintaining or improving the quality of the environment." Opponents fear the environmental objectives would be largely ignored, and emphasis would be placed on increased logging of public land.

The Metcalf bill provides that all the net proceeds from sales of national forest timber would go into a trust fund to be used to "complete the national forest system . . . , enlarge tree-planting operations on federal forest lands, and to carry out other activities to improve the environment within federal forest lands." It makes no mention of use of such funds to obtain a "wider range of goods and services."

The Hatfield bill would provide federal matching funds for reforestation and development of tree nurseries on both private and state-owned land. The Metcalf bill offers no matching funds. It provides heavy penalties if loggers do not follow "sound forest practices," which under the definition contained in the bill, include reforestation, erosion control, etc.

Clear-cutting—harvesting of all trees in an area, regardless of maturity—would be allowed only if the secretary of agriculture agreed that in a given instance it was a sound forest practice. Logging in national forests could be done only in accordance with management practices developed by the government after public hearings.

A major provision of the Metcalf proposal would prohibit exports of logs from either national or commercial forests unless the secretary of agriculture determined, after public hearings, that "projected domestic timber supply needs for each of the next five years can be satisfied entirely by domestic supply."

We doubt that such a restriction, with its potentially damaging effects on foreign trade, is wise. The important thing is to assure that "sound forest practices" are applied to the present forests and new forests are established, as the bill provides.

The explanation accompanying the Hatfield bill says it is designed to "restore the quality of public and private forest lands; to enhance and expand recreational opportunity on such lands . . . to enhance the quality of the environment and the resources of the public lands." Those are laudable goals. But it appears to us that the Metcalf bill provides more of the safeguards necessary to their accomplishment.

## THREE HUNDRED FORTY-SIX CONSTITUTIONAL LAWYERS AND LAW PROFESSORS SIGN STATEMENT IN OPPOSITION TO PRAYER AMENDMENT

## HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 3, 1971*

Mr. CELLER. Mr. Speaker, more than 300 lawyers and law professors from over 60 law schools have attached their names to a statement, "Our Most Precious Heritage." I urge upon my colleagues to ponder the message of "Our Most Precious Heritage" and, therefore, insert this into the RECORD, together with the signatories thereto:

OUR MOST PRECIOUS HERITAGE

Our Bill of Rights is America's most precious heritage. For a century and three-quarters it has spread the mantle of protection over persons of all faiths and creeds, political, cultural and religious.

Under our system, special responsibility for the interpretation and application of the Bill of Rights rests with the Supreme Court. In discharging this responsibility the Court has from time to time handed down decisions which have aroused considerable controversy. Some of the decisions have been subjected to strong criticism and even condemnation. There have, no doubt, been decisions which have been deemed by a majority of the American people, at least in their immediate reaction, to have been unwise, either in the conclusion reached by the Court or in the manner by which that conclusion was reached.

It may be that the Court's 1962 and 1963 decisions against state-sponsored prayer and devotional Bible reading in the public schools belong in this category. If so, it is much too early to judge whether it will be the popular judgment or the Court's that will be vindicated by time. But whichever the case, we are convinced that it would be far wiser for our nation to accept the decisions than to amend the Bill of Rights in order to nullify them.

We recognize that the Constitution provides for its own amendment, and that no provision of it, including the Bill of Rights, is immune to repeal or alteration at the will of the people expressed through the medium of constitutional amendment. Yet, it is relevant to recall in this respect the concluding paragraph of Thomas Jefferson's great Virginia statute for Establishing Religious Freedom:

"And though we well know that this assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding assemblies, constituted with powers equal to our own, and that therefore to declare this act to be irrevocable would be of no effect in law, yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present, or to narrow its operation, such act will be an infringement of natural right."

American liberties have been secure in large measure because they have been guaranteed by a Bill of Rights which the American people have until now deemed practically unamendable. If now, for the first time, an amendment to "narrow its operation" is adopted, a precedent will have been established which may prove too easy to follow when other controversial decisions interpreting the Bill of Rights are handed down. In the past, the Court has construed the provisions against infringement of the free exercise of religion and of speech and assembly, or securing the privilege against self-in-

crimination, or requiring fair trial procedures, in a manner deemed by many at the time to be unduly restrictive of the proper powers of government. It is certain that it will do so again in the future. If the first clause of the Bill of Rights, forbidding laws respecting an establishment of religion, should prove so easily susceptible to impairment by amendment, none of the succeeding clauses will be secure.

A grave responsibility rests upon the Congress in taking this "first experiment on our liberties." Whatever disagreements some may have with the Bible-Prayer decisions, we believe strongly that they do not justify this experiment. Accordingly, we urge that Congress approve no measures to amend the First Amendment in order to overrule these decisions.

LIST OF SIGNERS

Benjamin Aaron, University of California, Los Angeles School of Law.
Richard I. Aaron, University of Utah College of Law.
Norman Abrams, University of California, Los Angeles School of Law.
Lee Allen Albert, Yale Law School.
Owen Alpin, University of Utah College of Law.
Anthony G. Amsterdam, Stanford University Law School.
*Charles E. Ares, University of Arizona, School of Law.
Morris S. Arnold, Indiana University School of Law.
Frank Askin, Rutgers—the State University School of Law.
George B. Baldwin, University of Wisconsin Law School.
Milner Ball, University of Georgia School of Law.
Stephen R. Barnett, University of California, Los Angeles School of Law.
Charles H. Baron, Boston College Law School.
*Louis Bartelt, Jr., Valparaiso University Law School.
Babette Barton, University of California, Berkeley School of Law.
Patrick L. Baude, Indiana University School of Law.
David C. Baum, Columbia University School of Law.
Albert Beisel, Boston University School of Law.
Edmund O. Belsheim, University of Nebraska, College of Law.
Robert Bennett, Northwestern University, School of Law.
Wallace R. Bennett, University of Utah College of Law.
Eric E. Bergsten, University of Iowa College of Law.
Bruce Berner, Valparaiso University Law School.
Arthur L. Berney, Boston College Law School.
Robert Berry, Boston College Law School.
Robert L. Birmingham, Indiana University School of Law.
Boris I. Bittker, Yale Law School.
Charles L. Black, Jr., Yale Law School.
Jerry P. Black, Jr., Vanderbilt University, School of Law.
Vincent A. Blasi, University of Michigan Law School.
Alfred Blumrosen, Rutgers—the State University School of Law.
James F. Blumstein, Vanderbilt University School of Law.
Robert L. Bogomolny, Southern Methodist University School of Law.
Arthur Bonfeld, University of Iowa College of Law.
Ronald N. Boyce, University of Utah College of Law.
Abner Brodie, University of Wisconsin Law School.
Alexander D. Brooks, Rutgers—the State University School of Law.
Ralph S. Brown, Yale Law School.
Paul W. Bruton, University of Pennsylvania Law School.
Robert A. Burt, University of Michigan Law School.
Richard M. Buxbaum, University of California, Berkeley School of Law.
Kendal C. Byrnes, John Marshall Law School.
Norman Cantor, Rutgers—The State University, School of Law.
Beverly May Carl, Southern Methodist University, School of Law.
Paul D. Carrington, University of Michigan Law School.
Robert Carters, Rutgers—The State University, School of Law.
Linda K. Champlin, Ohio State University, College of Law.
Richard J. Childress, St. Louis University, School of Law.
Jese Choper, University of California, Berkeley, School of Law.
Chapin D. Clark, University of Oregon, College of Law.
Homer H. Clark, Jr., University of Colorado, School of Law.
Jack Clarke, University of Alabama, School of Law.
Arlen C. Christenson, University of Wisconsin, Law School.
William Cohen, Stanford Law School.
Robert H. Cole, University of California, School of Law.
Daniel G. Collins, New York University, School of Law.
Thomas M. Cooley, University of Pittsburgh, School of Law.
John E. Coons, University of California, Berkeley, School of Law.
George Cooper, Columbia University School of Law.
Vern Countryman, Harvard University Law School.
I. Boyce Carrington, University of Georgia, School of Law.
Lindsey Cowen, University of Georgia, School of Law.
Archibald Cox, Harvard University Law School.
Melvin G. Dakin, Louisiana State University, Law School.
Tony D'Amato, Northwestern University School of Law.
Charles W. Davidson, University of Iowa College of Law.
Clifford Davis, University of Connecticut School of Law.
Frederick Davis, University of Missouri School of Law.
Samuel M. Davis, University of Georgia School of Law.
*Paul R. Dean, Georgetown University Law Center.
Bernard L. Diamond, University of California, Berkeley School of Law.
Charles Donahue, University of Michigan Law School.
Peter J. Donnici, University of San Francisco School of Law.
Norman Dorsen, New York University School of Law.
*David A. Dow, University of Nebraska College of Law.
Steven Duke, Yale Law School.
Melvin A. Eisenberg, University of California, Berkeley School of Law.
Thomas I. Emerson, Yale Law School.
Charles Fairman, La Jolla, Calif.
D. M. Field, Mercer University School of Law.
N. P. Feinsinger, University of Wisconsin Law School.
David E. Feller, University of California, Berkeley School of Law.
Roger W. Findlay, University of Illinois College of Law.
Howard P. Fink, Ohio State University College of Law.
Ted Finman, University of Wisconsin Law School.
Edwin Brown Firmage, University of Utah College of Law.
John G. Fleming, University of California Berkeley School of Law.
Jefferson B. Fordham, University of Pennsylvania, Law School.
Morris D. Forkosch, Brooklyn Law School.
G. W. Foster, Jr., University of Wisconsin, Law School.
Sanford Fox, Boston College Law School.
John P. Frank, Phoenix, Arizona.
Lionel H. Frankel, University of Utah College of Law.
Monroe H. Freedman, George Washington University, National Law Center.
Paul A. Freund, Harvard University Law School.
William Fry, Columbia University School of Law.
Ralph F. Fuchs, Indiana University School of Law.
Walter Gellhorn, Columbia University School of Law.
Michael E. Geltner, Ohio State University College of Law.
Jules B. Gerard, Washington University School of Law.
Elmer Gertz, Chicago, Illinois.
Donald A. Giannella, Villanova University.
Willard Hurst, University of Wisconsin Law School.
Stephen B. Goldberg, University of Illinois College of Law.
Ronald L. Goldfarb, Washington, D.C.
Al Goldman, University of Kentucky School of Law.
Roger L. Goldman, St. Louis University School of Law.
Harvey J. Goldschmidt, Columbia University School of Law.
Irving A. Gordon, Northwestern University School of Law.
Murray A. Gordon, New York, N.Y.
Mitch Gould, Boston College Law School.
Charles Goulden, University of California at Berkeley Law School.
Kenneth W. Greenawalt, New York, N.Y.
*Howard L. Greenberger, New York University School of Law.
Charles Gromley, Valparaiso University Law School.
Roger D. Groot, University of Georgia School of Law.
Stuart Gullickson, University of Wisconsin Law School.
Gerald Gunther, Stanford Law School.
Donald J. Hall, Vanderbilt University School of Law.
J. Reid Hambrick, George Washington University National Law Center.
Eva Hanks, Rutgers, the State University School of Law.
William D. Hawkland, University of Illinois College of Law.
Peter H. Hay, University of Illinois College of Law.
*Willard Heckel, Rutgers, the State University School of Law.
*David M. Helfeld, University of Puerto Rico School of Law.
Thomas C. Heller, University of Wisconsin Law School.
Orrin L. Helstad, University of Wisconsin School of Law.
Louis Henkin, Columbia University School of Law.
Lawrence Herman, Ohio State University College of Law.
Bruce C. Heskett, University of Alabama Law School.
Jack Hiller, Valparaiso University Law School.
N. William Hines, University of Iowa College of Law.
Wythe W. Holt, Jr., University of Alabama Law School.
*Bert Earl Hopkins, University of Connecticut School of Law.
Richard S. Hornsberger, University of Nebraska, College of Law.

*Deans of law schools.

Harold Horowitz, University of California, Los Angeles School of Law.
James Houghteling, Boston College Law School.
*Harold E. Hurst, University of Denver College of Law.
Willard Hurst, University of Wisconsin Law School.
*Vincent C. Immel, St. Louis University School of Law.
Davis Isbell, Washington, D.C.
Bruce Jacob, Ohio State University College of Law.
Eli Jarmel, Rutgers—The State University School of Law.
Erwin Jones, Valparaiso University Law School.
Thomas E. Jones, Jr., University of Wisconsin Law School.
John M. Junker, University of Washington School of Law.
Sanford H. Kadish, University of California, Berkeley, School of Law.
Yale Kamisar, University of Michigan Law School.
Robert J. Kanenshine, Vanderbilt University School of Law.
Marvin M. Karpatkin, New York, New York.
Kenneth L. Karst, University of California, Los Angeles, School of Law.
Wilbert G. Katz, University of Wisconsin Law School.
Andrew L. Kaufman, Harvard University Law School.
Herma Kay, University of California, Berkeley, School of Law.
Page Keeton, University of Texas, Austin School of Law.
Frank R. Kennedy, Washington, D.C.
Edward L. Kimball, University of Wisconsin Law School.
Donald B. King, St. Louis University Law School.
Arthur Kinoy, Rutgers—the State University School of Law.
*James Kirby, Ohio State University College of Law.
Robert Knowlton, Rutgers—the State University School of Law.
Milton R. Konvitz, Cornell Law School.
Guy Kornblum, University of California, Hasting College of Law.
Philip B. Kurland, University of Chicago Law School.
Wayne R. LaFave, University of Illinois College of Law.
James A. Lake, Sr., University of Nebraska College of Law.
Donald W. Large, University of Wisconsin Law School.
Stanley Laughlin, Ohio State University College of Law.
*Hiram H. Lesar, Washington University School of Law.
Charles H. Livengood, Jr., Duke University School of Law.
*William B. Lockhart, University of Minnesota Law School.
William J. Lockhart, University of Utah College of Law.
Ephraim S. London, New York, New York.
Jean C. Love, University of Wisconsin Law School.
Arnold W. Lowey, University of North Carolina School of Law.
Louis Lusky, New York, New York.
James B. MacDonald, University of Wisconsin, Law School.
Daniel R. Mandelker, Washington University, School of Law.
W. Howard Mann, State University of New York at Buffalo, School of Law.
William L. Marbury, Baltimore, Md.
William Marsh, Indiana University School of Law.
Burke Marshall, Yale Law School.
Will Maslow, New York, New York.
Richard C. Maxwell, University of California, Los Angeles, School of Law.
Robert C. McClure, University of Minnesota, Law School.
Wayne McCormack, University of Georgia, School of Law.
Thomas R. McCoy, Vanderbilt University, School of Law.
John K. McNulty, University of California, Berkeley, School of Law.
James E. Meeks, University of Iowa, College of Law.
*Albert R. Menard, Jr., University of Idaho, School of Law.
Saul H. Mendlovitz, Rutgers—the State University, School of Law.
Samuel Mermin, University of Wisconsin, Law School.
Frank I. Michelson, Harvard University, Law School.
Arthur R. Miller, University of Michigan, Law School.
Arthur S. Miller, George Washington University, National Law Center.
Richard S. Miller, Ohio State University, College of Law.
*Vernon X. Miller, Catholic University of America, School of Law.
Andrea Monsees, Valparaiso University, Law School.
Girard Moran, Rutgers—the State University School of Law.
Arval A. Morris, University of Washington, School of Law.
Charles J. Morris, Southern Methodist University, School of Law.
Herbert Morris, University of California, Los Angeles School of Law.
John K. Morris, University of Utah College of Law.
Seymour H. Moskowitz, Valparaiso University Law School.
Jay Wesley Murphy, University of Alabama, School of Law.
William P. Murphy, University of North Carolina, School of Law.
Barry Nakell, University of North Carolina, School of Law.
Nathaniel L. Nathanson, Northwestern University, School of Law.
Charles R. Nesson, Harvard University Law School.
Dawn C. Netsch, Northwestern University, School of Law.
Paul Neuhauser, University of Iowa College of Law.
Wade J. Newhouse, State University of New York at Buffalo Law School.
Frank C. Newman, University of California, Berkeley School of Law.
Melville B. Nimmer, University of California, Los Angeles, School of Law.
Paul Oberst, University of Kentucky, College of Law.
*Leo J. O'Brien, Loyola University, Los Angeles, School of Law.
John C. O'Byrne, Northwestern University, School of Law.
Oliver Oldman, Harvard University Law School.
Robert M. O'Neil, University of California, Berkeley School of Law.
Thomas J. O'Toole, Northeast University, School of Law.
*James C. N. Paul, Rutgers—the State University School of Law.
John Payne, Rutgers—the State University, School of Law.
Roger Paul Peters, Southwestern University, School of Law.
*Bruce Peterson, University of Tulsa School of Law.
*Philip E. Peterson, University of Idaho College of Law.
Leo Pfeffer, New York, New York.
Sheldon J. Plager, University of Illinois, College of Law.
Shad Polier, New York, New York.
Daniel H. Pollitt, University of North Caroline, School of Law.
A. J. C. Priest, University of Virginia, School of Law.
Charles W. Quick, University of Illinois, College of Law.
Carl Rachlin, New York, New York.
*Walter A. Rafalko, New York Law School.
James A. Rahl, Northwestern University, School of Law.
Henry Ramsey, University of California, Berkeley School of Law.
Walter D. Raushenbush, University of Wisconsin, Law School.
Allen Redlich, University of Wisconsin, School of Law.
Norman Redlich, New York University, School of Law.
Charles A. Reich, Yale Law School.
Douglas Rendelman, University of Alabama School of Law.
William G. Rice, University of Wisconsin, Law School.
Barbara Rintala, University of California, Los Angeles, School of Law.
Joseph B. Robison, New York, New York.
Charles B. Robson, University of Georgia, School of Law.
Eleanor Jones Roe, University of Wisconsin, Law School.
Sanford J. Rosen, New York, New York.
Keith Rosenn, Ohio State University College of Law.
Arthur Rosett, University of California, Los Angeles, School of Law.
Hugh A. Ross, Case Western Reserve Unisity Law School.
*Eugene V. Rostow, Yale Law School.
Wallace Rudolph, University of Nebraska College of Law.
Lawrence Sager, New York University School of Law.
Paul H. Sanders, Vanderbilt University School of Law.
C. Dallas Sands, University of Alabama School of Law.
*John D. Scarlett, Drake University Law School.
Robert L. Schmid, University of Utah College of Law.
Benno C. Schmidt, Jr., Columbia University School of Law.
William Schroeder, Boston College Law School.
Herman Schwartz, State University of New York at Buffalo School of Law.
*Murray L. Schwartz, University of California, Los Angeles, School of Law.
Alan Schwarz, Ohio State University College of Law.
John Scurlock, University of Missouri School of Law.
Robert Sedler, University of Kentucky College of Law.
Ralph D. Semerad, Albany Law School.
Herbert Semmel, University of Illinois, College of Law.
*Thomas Shaeffer, Notre Dam Law School.
Richard Shapiro, Boston College Law School.
Edward F. Sherman, Indiana University School of Law.
Arthur H. Sherry, University of California at Berkeley Law School.
Melvin G. Shimm, Duke University School of Law.
Norman J. Singer, University of Alabama, School of Law.
T. A. Smedley, Vanderbilt University, School of Law.
Carl B. Spaeth, Stanford Law School.
Francis O. Spalding, Northwestern University, School of Law.
John C. Stedman, University of Wisconsin, Law School.
Walter W. Steele, Jr., Southern Methodist University, School of Law.
George Neff Stevens, University of California, Hastings College of Law.
Richard Stevenson, Valparaiso University Law School.
Lawrence M. Stone, University of California at Berkeley Law School.
Victor J. Stone, University of Illinois, College of Law.
Lawrence A. Sullivan, University of California at Berkeley Law School.
Russell Sullivan, University of California, Hastings College of Law.

*Deans of law schools.

Clyde W. Summers, Yale Law School.
Justin Sweet, University of California at Berkeley Law School.
Robert W. Swenson, University of Utah College of Law.
*Michael Swygert, Valparaiso University Law School.
Melvin J. Sykes, Baltimore, Md.
Ralph J. Temple, Washington, D.C.
Samuel S. Thurman, University of Utah College of Law.
E. Wayne Thode, University of Utah College of Law.
A. J. Thomas, Jr., Southern Methodist University School of Law.
Joseph R. Thome, University of Wisconsin Law School.
Paul Tractenberg, Rutgers—the State University School of Law.
Lawrence H. Tribe, Harvard University Law School.
Albert E. Utton, University of New Mexico School of Law.
Arvo Van Alstyne, University of Utah College of Law.
John Van Dyke, University of California Hastings College of Law.
Ann Van Wynen, Southern Methodist University School of Law.
David H. Vernon, University of Iowa College of Law.
*Martin M. Volz, University of Louisville School of Law.
George J. Wallace, University of Iowa College of Law.
Jon R. Waltz, Northwestern University School of Law.
Burton Wechsler, Valparaiso University Law School.
Russell J. Weintraub, University of Texas School of Law.
Burns Weston, University of Iowa College of Law.
William C. Whitford, University of Wisconsin Law School.
Donald D. Wilkes, University of Georgia School of Law.
Melvin L. Wulf, New York, N.Y.
J. Nelson Young, University of Illinois College of Law.
Zigurds L. Zile, University of Wisconsin Law School.
Morris B. Abram, New York, New York.
Robert Bartels, University of Iowa, College of Law.
John Bauman, University of California, Los Angeles School of Law.
Francis X. Beytagh, Notre Dame Law School.
Ralph Bischoff, New York University School of Law.
Reed Chambers, University of California, Los Angeles School of Law.
Leroy D. Clark, New York University School of Law.
Walter G. Farr, New York University School of Law.
Louis Feinmark, New Haven, Connecticut.
Everett F. Fink, Hartford, Connecticut.
Robert F. Fletcher, University of Washington School of Law.
Henry H. Foster, New York University School of Law.
Thomas Franck, New York University School of Law.
James Gambrell, New York University School of Law.
Albert H. Garretson, New York University School of Law.
Fannie Klein, New York University School of Law.
William Klein, University of California, Los Angeles School of Law.
Homer Kritke, New York University School of Law.
John W. Larson, University of Iowa, College of Law.
Andreas F. Lowenfeld, New York University School of Law.
Henry McGee, University of California, Los Angeles School of Law.
Roy M. Mersky, University of Texas Law School.
Addison Mueller, University of California, Los Angeles School of Law.
Russell Niles, New York University, School of Law.
John O'Reilly, Boston College Law School.
Herbert Peterfreund, New York University School of Law.
Joel Rabinowitz, University of California, Los Angeles School of Law.
Gary Schwartz, University of California, Los Angeles School of Law.
Paul Bender, University of Pennsylvania School of Law.
Martha Field, University of Pennsylvania School of Law.
Michael Schwartz, New York University School of Law.
John Taggart, New York University School of Law.
Telford Taylor, Columbia University School of Law.
Edmund Ursin, University of California, Los Angeles School of Law.
Charles A. Wright, University of Texas Law School.
Paul J. Mishkin, University of Pennsylvania School of Law.

* Deans of law schools.

## THE U.N. VOTE ON CHINA AND THE PRESIDENT'S TRIP TO PEKING

### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 3, 1971*

Mr. SCHMITZ. Mr. Speaker, the New York Times, on October 26, 1971, said:

Equally important, however (in the U.N. vote) was the confusion created in many capitals by the evidence that the President, in planning his trip to Peking, was flashing one political signal while the United States seemed to be pursuing another in the United Nations.

Last week's vote in the United Nations to expel the Republic of China and admit Red China in its place is a direct result of our Government's gestures toward the Chinese Communists. The steps taken by the present administration toward Red China since coming into office wrote the script for tyranny's triumph on the East River last Monday night. Forty or 140 U.S. representatives lobbying at the United Nations have no weight in the scales of international politics when compared to one President journeying to the court of oriental despot Mao Tse-tung.

There can be no "two China" policy. This should now be overwhelmingly clear to any who may have had lingering doubts on this score. The myth of a "two China" policy was intended to quell opposition in the United States to the administration's new China policy. As we can see by the U.N. vote, it is meaningless in the world of international affairs.

Many Americans have been misled by this myth, including some of my own constituents. While the response to my latest report to the people of my district, on China policy, runs approximately 3 to 1 in favor of total rejection of the Communist regime in Peking, it is almost unanimous against abandoning Nationalist China. Thus, almost all my constituents who supported the President's course of action did so because they did not see that it involved an either/or choice. The U.N. vote confirms that it does.

And perhaps the expulsion of Nationalist China will serve a useful purpose for this reason, by bringing the American people face to face with the fact that we are abandoning a longtime ally in favor of a sworn enemy. This is vitally important, since there is still time to reverse this disastrous course if enough people voice their opposition to the whole of our present China policy.

If Red China is Red, it is not China. And there is no more complete and horrible way of "ignoring 800 million people" than to consign them for the foreseeable future, without hope of rescue, to those whose goal is to make them a human anthill.

The U.N. action in expelling a charter member which has abided in every particular by the U.N. Charter should also serve to confirm for millions what many of us have been saying for a long time: that the United States should stop supporting the U.N. A strong movement is underway in Congress to do just that, in light of the U.N.'s most recent demonstration of prejudice in favor of despotism. Included among those lining up in opposition to continued U.S. support of the U.N. is Congressman JOHN J. ROONEY, the influential head of the House Appropriations Subcommittee on State, Justice, Commerce and Judiciary, which handles U.S. contributions to the U.N. Letters to Congressman ROONEY supporting the move to halt U.S. funding of the U.N. might be helpful.

Early this year I introduced H.R. 2632 to get the United States out of the U.N. altogether. I am asking my colleagues to reconsider this bill in light of what has happened.

Winston Churchill's words after Munich apply precisely and inevitably to the fiasco which took place in the United Nations last Monday night:

And do not suppose that this is the end. This is only the beginning of the reckoning. This is only the first sip, the first foretaste of a bitter cup which will be proffered to us year by year unless, by a supreme recovery of moral health and martial vigor, we arise again and take our stand for freedom as in the olden time.

## U.S. GOVERNMENT ACTIVELY ENGAGES IN EXPORTING JOBS

### HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 3, 1971*

Mr. GREEN of Pennsylvania. Mr. Speaker, each year an untold number of jobs are lost in this country through firms which transport their capital and their operations abroad. Last week, the Philco Ford Corp. in my own district announced the shutdown of its operation, largely because it has been exporting jobs to low-wage countries overseas.

Unfortunately, we have no policy or means to help unemployed workers find

jobs. In fact, the U.S. Government actively engages in exporting jobs.

I recently came upon a declassified State Department document which details the Mexican border program, a collaborative arrangement between the United States and Mexico. Through its operation American firms, anxious to avoid the costs of American labor are establishing bases in low wage countries like Mexico. The report, which lauds the program, indicates the growth in size of American investment along the border.

I have also included material prepared for me, which indicates that the State Department completely underestimates the magnitude of the border operation, and in this sense it completely underestimates the impact this program has on jobs in the United States.

What follows is a Department of State report on the Mexican border industry problem.

The following survey suggests that operations are more extensive than the State Department realizes. Employment in American-owned border plants exceeds the 100,000 mark in plants which pay at daily rates averaging between $2.24 and $2.88.

[Submitted by an AFL-CIO union, Brick and Clay Workers, 116,000 jobs]

MATAMOROS, TAMAULIPAS

| Company and products | Number of employees | Border name |
|---|---|---|
| U.S. Individuals: Semi-conductors | 300 | Aparatos Electronicos de Tamaulipas. |
| U.S. Individuals: Swimming pool equipment | 100 | A y D de Mexico. |
| Bendix Corp., Teterboro, N.J.: Mobile communication equipment. | 750 | Aorotech de Matamoros. |
| Hunt Electronics, Dallas, Tex.: Variable control switches. | 500 | Border Electronic Mexicana. |
| CTS Microelectronics, West LaFayette, Ind.: Control switches potentiometers. | 400 | C T S de Mexico. |
| Control Data, Minneapolis, Minn.: Motors toy servomechanisms. | 500 | Cedro de Mexico. |
| U.S. Individuals: Switches, coils, transformers | 450 | Condura. |
| U.S. Individuals: Radio and TV components | 600 | Com Tvonics. |
| Mexican Individuals: "Piggy" banks | 100 | Creaciones Sorensic. |
| Mexican Individuals: Shrimp processing | 650 | Camarones Selectos. |
| Duro Paper, Ludlow, Ky: Paper bags | 450 | Duro de Matamoros. |
| Zenith Electric, Chicago, Ill.: Cathode ray tubes, TV tuners. | 500 | Electropartes de Matamoros. |
| U.S. Individuals: Mercury relays | 400 | Electro-Semblies de Mexico. |
| U.S. Individuals: Dismantling railroad cars | 300 | Empresa Lee. |
| U.S. Individuals: Tape recorder circuits, cameras | 350 | Electro Armadora. |
| Electronic Control Corp., Euless, Tex.: Light reductors, switches, tempcontrols, mixers, hand tools. | 200 | Electronic Cont. Corp. de Mexico. |
| Telectronic Industries, Dallas, Tex.: Color TV assembly. | 300 | Industrias Telectronicas de Mexico. |
| C. R. C. Corp., Houston, Tex.: Oil field equipment | 150 | Industrias Fronterizas. |
| Diamond Al Kali, New York, N.Y.: Fertilizers and insecticides. | 100 | Insecticidas y Fertilizantes del Novte. |
| Luria Bros., Brownsville, Tex.: Dismantling railroad cars. | 100 | La Maquiladora. |
| Leece-Neville Co., Brownsville, Tex.: Fractional horsepower motors. | 200 | Leece-Neville Co. |
| P. R. Mallory, Indianapolis, Ind.: Capacitors, switches, controls. | 500 | Mallory Electronics de Mexico. |
| Sprague Electric, North Adams, Mass.: Capacitors | 400 | Mexicomp. |
| Union Carbide, New York, N.Y.: Ceramic capacitors | 200 | National Carbon Everready. |
| Mexican Capital: Shrimp processing | 400 | Productos Mavinos Golfo, Atlantica. |
| Albert Foods: Shrimp processing | 350 | Productos Alfa. |
| U.S. Individuals: Shrimp processing | 450 | Procesandora de Mariscos. |
| Singer-Gen. Precision, Glendale, Calif.: Synchro components tachometer. | 400 | Precisiones Generales. |
| E. K. Products, Hurst, Tex.: Radio controls for model planes, boats, and autos. | 300 | R. C. de Mexico. |
| Tex-Tan Leather, Brownsville, Tex.: Leather boots | 200 | Tex-Tan Mexicana. |
| Varo Corp., Garland, Tex.: Electronic controls | 300 | Varo Mexicana. |
| Varel Mfg., Dallas, Tex.: Oil field tools | 100 | VMC de Metamoros. |
| U.S. Individuals: Tire recapping | 100 | Vitalizadora de Baja Bravo. |

REYNOSA TAMAULIPAS

| Company and products | Number of employees | Border name |
|---|---|---|
| Calavo Growers, Vernon, Calif.: Grading of fruits and vegetables. | 300 | Empacadores Calmo. |
| Unknown: Brassieres | 200 | Rey-Mex Bra. |
| W. T. Liston, Harlingen, Tex.: Bricks | 100 | Tex-Mex de Mexico. |
| U.S. Individuals: Infant clothing | 200 | Tradeway Enterprise de Mexico. |

NUEVO LAREDO, TAMAULIPAS

| Company and products | Number of employees | Border name |
|---|---|---|
| Nielsen Marketing Service, Clinton, Iowa: Classification of commercial coupons. | 250 | A.C. Nielsen de Mexico. |
| Mexican Capital: Mocassins | 200 | American Footwear. |
| Curtis Mathes, Athens, Tex.: Stereo, TV and radio components. | 850 | Curtis Mathes de Mexico. |
| Frontier Foods, Laredo, Tex.: Fruit preserves | 350 | Conservas de Laredo. |
| U.S. Individuals: Transistors, diodes, circuits | 400 | Di-transuients de Mexico. |
| Marshville Mfg., Mechanicsburg, Pa.: Women's and infants clothing. | 500 | Doreli. |
| S. W. Evans and Son, Philadelphia, Pa.: Umbrella frames. | 300 | Evans de Mexico. |
| Hoenig Instruments, Houston, Tex.: Medical instruments. | 700 | Instruments Kraft de Mexico. |
| F.T.V. Corp., San Antonio, Tex.: Plastic flowers | 200 | Flores Internacionales. |
| Mexican Capital: Colonial furniture | 500 | Industrias de Mueblas Tradicionales. |
| Unknown: Women's dresses | 500 | Le Garde. |
| Amer-Mex Data, Laredo, Tex.: Punch cards | 300 | Mex-Amer de Datos. |
| U.S. Individuals: Mocassins | 250 | Mex-Moc. |
| Pinatas International, Wichita, Kans.: Pinatas | 200 | Pinatas Internacionales. |
| Frontier Novelty Laredo, Tex.: Sun glasses | 250 | Productos A y M. |
| Sarkes Tarzian, Inc., Bloomington, Ill.: Transistors, selectors for TV. | 350 | Sarkes Tarzian Mexicana. |
| Transitron, Wakefield, Mass.: Wiring harnesses, semiconductors, diode circuits. | 1,700 | Transitron Mexicana. |
| Videocraft, Mfg., Chicago, Ill.: High voltage and convergence transformers. | 850 | Video craft Mexicana. |

PIEDRAS NEGRAS, COAHUILA

| Company and products | Number of employees | Border name |
|---|---|---|
| A. Dewied Casing, Los Angeles, Calif.: Classification and packaging of hog and sheep casing. | 750 | Empacadora de Piedras Negras. |
| Maida Development Co., Hampton, Va.: Ceramic Capacitors. | 500 | Maida Mexicana. |
| Sarkes Tarzian Inc., Bloomington, Ill.: TV selectors, UHF and VHF tuners. | 700 | Sarkes Tarzian Mexicana. |
| U.S. Individuals: TV components | 1,000 | Trad Electronics Corp. |
| U.S. Individuals: Electronic components | 550 | Treces, S.A. |
| Unknown: Felt shoes | 450 | T. T. Corp. |

CIUDAD ACUNA, COAHUILA

| Company and products | Number of employees | Border name |
|---|---|---|
| Spandard-Knollsman Ind., Melrose Park, Ill.: TV tuners. | 600 | Standard Components. |
| Unknown: Plastic fishing worms | 200 | La Amistad Productos de Plastico. |

CIUDAD JUAREZ, CHIHUAHUA

| Company and products | Number of employees | Border name |
|---|---|---|
| Figure Flattery Brassiere, New York, N.Y.: Women's Lingerie. | 200 | Acapulco Fashions. |
| Nielsen Marketing Service, Clinton, Iowa: Classification of commercial coupons. | 300 | A. C. Nielsen de Mexico. |
| Boss Manufacturing, El Paso, Tex.: Work gloves | 200 | Boss de Mexico. |
| Cowtown Boot, Fort Worth, Tex.: Cowboy boots | 100 | Calzado y Articulos de Piel. |
| Coilcraft, Gary, Ind.: Induction coils and resistors | 300 | Coil Craft de Mexico. |
| Am. Hospital Supply, Evanstown, Ill.: Paper hospital gowns. | 150 | Convertores de Mexico. |
| Paper Novelty Mfg., Stanford, Conn.: Christmas decorations. | 200 | Double-Glo Products. |
| Advance Ross Electric, Chicago, Ill.: Antennas, deflection yokes. | 300 | Electronica Advance-Ross. |
| Mexican Capital: Frozen and Canned Peppers | 200 | Empacadora y Frigorifico Rodeo. |
| Essex International, Fort Wayne, Ind.: Thermostats, electro magnetic switches. | 400 | Essex International. |
| Mexican Capital: Prefabricated metal | 150 | Estructuras Metalicas, Del Norte. |
| Baldwin Piano, Cincinnati, Ohio: Wiring harness for electric organ piano keyboards. | 550 | Fabricantes Tecnicos. |
| Unknown: Fertilizer | 100 | Fertilizantes Certificados de Mexico. |
| Unknown: Control boxes | 250 | Hatch Internacional. |
| Sprague Electronics, Worcester, Mass.: Integrated circuits. | 1,000 | Icamex. |
| U.S. Individuals: Disassembly of railroad cars | 100 | Industrias L.E.T. |
| Kessler Industries, El Paso, Tex.: Aluminum casting wrought iron furniture. | 200 | Industria Nortena. |
| Kessler Industries, El Paso, Tex.: Metal structures | 250 | Industrias Cordova Americas. |
| Southwest Molding Co., El Paso, Tex.: Wood moldings | 100 | Maderas Selectas Y Molduras. |
| Mexican Capital: Wood moldings | 100 | Madeveria Del Valle. |
| Mexican Capital: Furniture and moldings | 300 | Maderex. |
| Valley Forge Co., Brooklyn, N.Y.: Wiring terminals | 350 | Manufacturera de Componentes. |
| State Lumber, El Paso, Tex.: Hollow core doors | 400 | Molduras de Pino. |
| Mexican Capital: Furniture | 250 | Puertas Labradas. |
| R.C.A. TV components, Indianapolis, Ind.: Deflection yokes. | 1,000 | RCA Victor Mexicana. |
| Susan Crane Corp., Dallas, Tex.: Adornment gifts | 200 | Susan Crane de Mexico. |
| Guild Mocassins, El Paso, Tex.: Mocassins | 200 | Zapatillas Mexicanas. |

PALOMAS, CHIHUAHUA

| Company and products | Number of employees | Border name |
|---|---|---|
| Mexican Capital: Plastic toys | 50 | Los Plastoy. |
| Mary Max Containers, Deming, N. Mex.: Dose containers for hospitals. | 50 | La Planta. |

AGUA PRIETA, SONORA

| Company and products | Number of employees | Border name |
|---|---|---|
| Dixson Inc., Grand Junction, Colo: Electronic measuring instruments. | 300 | Dea Industrial. |
| Ensign Coil, Chicago, Ill.: Coil winding | 250 | Agua Prieta Electronica. |
| Dickson Electronics Corp., Douglas, Ariz.: Capacitors transistors. | 200 | Dickson Mexicana. |
| T.W.M. Industries, Tempe, Ariz.: Instrument panels, electronic subassembly. | 350 | Electronica Sonorense. |
| Wood Manufacturing, Douglas, Ariz.: Paper garments | 300 | Fabrica Luis Leon. |
| Wood Manufacturing, Douglas, Ariz.: Men's shirts | 350 | Fabricas de Camisas Arazon. |
| General Industrial, Inc., Phoenix, Ariz.: Punch cards | 200 | Industrias Generales de Agua Prieta. |
| Unknown: Radios | 350 | Swan Mexicana. |

[Submitted by an AFL-CIO union, Brick and Clay Workers, 116,000 jobs]

AGUA PRIETA, SONORA—Continued

| Company and products | Number of employees | Border name |
|---|---|---|
| Will Ross, Inc., Milwaukee, Wis.: Paper dresses | 250 | Industrias Abson. |
| Commercial Furnitures & Interiors, Tucson, Ariz.: Wood furniture. | 200 | Taller Ramos. |
| American Asbestos Textile Corp., Morristown, Pa.: Fireproof industrial clothing. | 400 | Textiles Industriales Incombustibles. |
| National Coil, Sheridan, Wyo.: Coil components | 250 | Transeletros. |

NOGALES, SONORA

| Company and products | Number of employees | Border name |
|---|---|---|
| Milady Brassiere and Corset, New York, N.Y.: Bras | 300 | ABC de Mexico. |
| Airco Speer Electronics, St. Marys, Pa.: Coil winding | 400 | Airdo de Mexico. |
| Mexican Capital: Phonograph and radio repair | 175 | Armadora de Radios de Nogales. |
| Kimberly Clark, Neenah, Wis., Paper dresses | 450 | Avent. |
| Bachelor Industries, Tuscon, Ariz.: Paper garments | 400 | Bino, S.A. |
| Coin Art, Nogales, Ariz.: Musical instruments | 150 | C.A. Mexicana. |
| Camp Trails, Phoenix, Ariz.: Pack frames, canvas bags | 250 | Camp trails. |
| Unknown: Colonial Furniture | 400 | Casa Don Carlos |
| Chas. E. Gillman, Chicago, Ill.: Wiring harnesses | 350 | Chas. E. Gillman, Inc. |
| Griffith Electric, Linden, N.J.: TV components | 275 | C I A Electronica Mexicana. |
| C. P. Clare, Chicago, Ill.: Relays | 275 | C. P. Clare de Mexico. |
| Debby Mfg., Tucson, Ariz.: Women's apparel | 250 | Debby Mfg. |
| General Electronic of Arizona, Nogales, Ariz.: Transistors, circuits. | 400 | Electronica General de Nogales. |
| Unknown: Clothing | 275 | Empresas Almac. |
| Electro-netic Products, Carpentersville, Ill.: TV tuners | 300 | Enpi de Mexico. |
| Lear Jet Stereo, Detroit, Mich.: Auto and home stereo equipment. | 550 | Estereo Industries. |
| IBA, Inc., Nogales, Ariz.: Electronic components | 250 | I B A, Inc. |
| Motorola, Inc., Nogales, Ariz.: Transistors, integrated circuits. | 475 | Industrial Motorola. |
| General Industrial, Phoenix, Ariz.: Punch cards | 200 | Industrias Generales de Agua Prieta. |
| Information Storage Systems, Cupertino, Calif.: Data processing equipment. | 800 | Information Storage Systems. |
| General Industrial, Phoenix, Ariz.: Punch cards | 225 | Key Punch de Sonora. |
| Lasey Mfg., Nogales, Ariz.: Bras | 200 | Lasey de Mexico. |
| West Coast Industries, Nogales, Ariz.: Men's jackets | 200 | Manufacturas Industriales. |
| IBN, Inc., Nogales, Ariz: Electronic components | 375 | Maguilas Internacional. |
| Memorex, Santa Clara, Calif.: Memory cores electronic components. | 500 | Mem-Mex. |
| Mexican Capital: Condensors | 200 | Nogales Internacional. |
| Art Ley, Nogales, Ariz.: Musical instruments | 175 | Productos musicales. |
| U.S. Individuals: Capacitor | 275 | Promotoras de Inversiones Industrias. |
| Unknown: Men's clothing | 250 | Sr. Ricardo. |
| Southwest Instrument, Tucson, Ariz.: Precision instruments. | 200 | Southwest Instruments de Mexico. |
| Erie Technological Products, Erie, Pa.: Electronics | 400 | Technologia Mexicana. |
| Samsonite Luggage: Attaché briefcases, etc | 550 | Samsonite de Mexico. |

SAN LUIS RIO COLORADO, SONORA

| Company and Products | Number of employees | Daily wage scale per 8-hr. day | Border name |
|---|---|---|---|
| Carlo of California, Los Angeles, Calif.: Men's slacks and shirts. | 275 | $3.68 | San Luis Sports Wear. |
| Mexican Capital: Micro-electronic assemblies. | 200 | 3.68 | Servicios General de San Luis. |

MEXICALI, BAJA CALIFORNIA

| Company and Products | Number of employees | Daily wage scale per 8-hr. day | Border name |
|---|---|---|---|
| Kayser Roth Corp., Los Angeles, Calif.: Men's jackets. | 300 | $3.68 | Al-Mex Industrial. |
| Mexican Capital: Women's apparel | 250 | 3.68 | Andres A. Camou. |
| Unknown: Men's overalls | 400 | 3.68 | Argus. |
| North American Rockwell, Anaheim, Calif.: Integrated circuits. | 850 | 3.68 | Autonetica. |
| Stan Thompson, Los Angeles, Calif.: Golf clubs. | 250 | 3.68 | Cal Golf de Mexico. |
| Unkdown: Men's apparel | 300 | 3.68 | Cal-Mex Indusfrial. |
| U.S. Individuals: Traffic signs | 500 | 3.68 | Cal-Tex de Mexico. |
| Kayser Roth Corp., Los Angeles, Calif.: | 575 | 3.68 | Cali de Mexicali. |
| Unknown: Women's apparel | 250 | 3.68 | Canoca. |
| Unknown: Lamps | 225 | 3.68 | Casa de Lampayas. |
| Certron Corp., Anaheim, Calif.: Magnetic tape casettes. | 450 | 3.68 | Certron Audio. |
| Kayser Roth Corp., Los Angeles, Calif.: Swin suits. | 750 | 3.68 | Cole de Baja California. |
| Unknown: Women's apparel | 500 | 3.68 | Confecciones de Mexico. |
| Mexican capital: Classification of used clothing. | 175 | 3.68 | Continental industrial. |
| Mexican capital: Women's apparel | 200 | 3.68 | Creaciones Mexicanan. |
| Unknown: Women's apparel | 350 | 3.68 | Depor-Mex. |
| Hughes Aircraft, Los Angeles, Calif.: Integrated circuits. | 750 | 3.68 | Ensambladores Electronicos de Mexico. |
| Roseda Corp., Los Angeles, Calif.: Men's slacks. | 250 | 3.68 | Ensam Bladora Analuac, S.A. |
| Mexican Capital: Women's apparel | 175 | 3.68 | Estela Benavides Gonzales. |
| Bluebell, Inc., El Paso, Tex.: Women's apparel. | 400 | 3.68 | Estilos de Mexicali, S.A. |
| Tyron Enterprises, Los Angeles, Calif.: Women's slacks. | 500 | 3.68 | Estilos Fortuna. |

MEXICALI, BAJA CALIFORNIA—Continued

| Company and Products | Number of employees | Daily wage scale per 8-hr. day | Border name |
|---|---|---|---|
| Unknown: Electronics | 400 | $3.68 | Electro Industrias de Mexico. |
| Unknown: Electronic components | 325 | 3.68 | Electronica, Cal, Mexico. |
| Appliance Industry, Los Angeles, Calif.: Mufflers exhausts. | 350 | 3.68 | Fabricaciones Metalicas Mexicanas. |
| Unknown: Women's apparel | 300 | 3.68 | Fammo. |
| Mexican Capital: Cleaning scrap copper | 150 | 3.68 | Fernando Mancera, Velez. |
| Fenton Co., Gardena, Calif.: Rim finishing | 400 | 3.68 | Fenton de Mexico. |
| Rattel, Inc., Goleta, Calif.: Coils | 350 | 3.68 | Goleta Coil S.A. |
| S.X. Graham Co., San Diego, Calif.: Furniture | 300 | 3.68 | Industrial Mueblera de Mexical. |
| Lattery Manufacturing, Holtville, Calif.: Women's apparel. | 225 | 3.68 | Industrial Ensambladora. |
| Lattery Manufacturing, Holtville, Calif.: Paper dresses. | 250 | 3.68 | Industrias Maguiladoras S.A. |
| Unknown: Women's apparel | 200 | 3.68 | Jolsa. |
| Kamar, Los Angeles, Calif: Cloth toys | 225 | 3.68 | Kay Mar Internacional. |
| Mex-Tex Industries, Los Angeles, Calif.: Women's apparel. | 225 | 3.68 | Maguiladora de Baja, Calif. |
| Mex-Tex Industries, Los Angeles, Calif.: Women's apparel. | 225 | 3.68 | Chimaco de Baja, Calif. |
| Mex-Tex Industries, Los Angeles, Calif.: Women's apparel. | 400 | 3.68 | Ensambladora de Mex cali. |
| Mex-Tex Industries, Los Angeles, Calif.: Women's apparel. | 200 | 3.68 | Felsa de Baja, Calif. |
| Mex-Tex Industries, Los Angeles, Calif.: Women's apparel. | 375 | 3.68 | Ensamblodora Mexica. |
| Mex-Tex Industries, Los Angeles, Calif.: Women's apparel. | 300 | 3.68 | Maquiladora Daval. |
| Mex-Tex Industries, Los Angeles, Calif.: Women's apparel. | 325 | 3.68 | Maquiladora Felix. |
| Mex-Tex Industries, Los Angeles, Calif.: Women's apparel. | 300 | 3.68 | Maquiladora Kory. |
| Mex-Tex Industries, Los Angeles, Calif.: Women's apparel. | 400 | 3.68 | Maquiladora Modelos Debby. |
| Mex-Tex Industries, Los Angeles, Calif.: Women's apparel. | 225 | 3.68 | Modelos. |
| Monterey modes, Los Angeles, Calif.: Women's apparel. | 250 | 3.68 | Maquiladora, Monterey. |
| Raytheon, Mountain View, Calif.: Semiconductors. | 850 | 3.68 | Maquiladora Electronics. |
| Mexican Capital: Women's apparel | 200 | 3.68 | Maquiladora Independencia. |
| Mohawk Manufacturing Co., Santa Fe Springs, Calif.: Aluminum Vans. | 500 | 3.68 | Maquiladora Industrial. |
| Mexican Capital: Women's apparel | 200 | 3.68 | Macal. |
| Wright Autotronics, Los Angeles, Calif.: Automobile instruments. | 275 | 3.68 | Meter Mex. |
| Ammex Bronze Ind. Los Angeles, Calif.: Crystal Chandeliers. | 300 | 3.68 | Mexam. |
| Unknown: Men and women's apparel | 400 | 3.68 | Mexicali Textil. |
| Mattel, Inc., Gardena, Calif.: Toys | 2,000 | 3.68 | Mextel. |
| Raytheon, Mountain View, Calif.: Circuits | 500 | 3.68 | Microcircuits. |
| Unknown: Men and women's clothing | 300 | 3.68 | Modas de Mexicali. |
| Unknown: Women's apparel | 250 | 3.68 | Modelos Yuky. |
| Mexican Capital: Women's apparel | 275 | 3.68 | Mode Mex. |
| International Furniture, Corona, Calif.: Colonial furniture. | 300 | 3.68 | Muebles Internacionales. |
| Unknown: Colonial furniture | 400 | 3.68 | Muebles Universo. |
| Frank & Son Inc., New York, N.Y.: Colonial furniture. | 550 | 3.68 | Nueva Espana Internacional. |
| The Olga Co., Van Nuys, Calif.: Bras | 400 | 3.68 | Olquita de Mexico. |
| Unknown: Auto mufflers | 325 | 3.68 | Productos Superma. |
| Appliance Ind., Los Angeles, Calif.: Auto rims. | 300 | 3.68 | Pulidora de Metales. |
| Rattel, Goleta, Calif.: Radio and TV coils | 350 | 3.68 | Rattel Internaciona. |
| Unknown: Radio and TV parts | 400 | 3.68 | Radio y Television de California. |
| Richard Milton Co., San Fernando, Calif.: Sporting goods bags. | 225 | 3.68 | Richard Milton de Mexico. |
| Mexican Capital: Tape cassettes | 175 | 3.68 | Sanchez y Asociados |
| Mexican Capital: Woman's apparel | 200 | 3.68 | Salvador Ledezma Fernandez. |
| San Marcos Furniture, La Mesa, Calif.: Dining room furniture for Sears. | 500 | 3.68 | San Marcos Furniture. |
| Raytheon, Mountain View, Calif., Semiconductors. | 750 | 3.68 | Semi-Conductores. |
| Unknown: Calculator motors | 700 | 3.68 | Tecnica California. |
| Mexican Capital: Women's apparel | 150 | 3.68 | Tallerde Costura Alicia. |
| Do | 100 | 3.68 | Taller progreso. |
| Unknown: Metal finishing | 200 | 3.68 | Transiscos de Mexico. |
| Western Gear Corp., Pasadena, Calif.: Motor winding. | 350 | 3.68 | Western Gear de Mexico. |

TECATE, BAJA CALIFORNIA

| Company and Products | Number of employees | Daily wage scale per 8-hr. day | Border name |
|---|---|---|---|
| Mexican Capital: Ceramic tile | 250 | $3.68 | Ceramic de Tecate. |
| Craftex Mills, Philadelphia, Pa.: Furniture upholstery. | 400 | 3.68 | Craf Tex. |
| Unknown: Transformers, controls, and tachometers. | 500 | 3.68 | Electronica intercontinental. |
| Genisco, Compton, Calif.: Transformers | 275 | 3.68 | Genisco Mexicana. |
| Unknown: Packaging of metal clamps | 150 | 3.68 | Industrial Internacional de Tecate. |
| Mexican Capital: Electronics subcontract | 125 | 3.68 | Maquiladora la Frontera. |
| Mexican Capital: Women's apparel | 175 | 3.68 | Maquiladora T K T. |
| Mexican Capital: Electronics subcontracting. | 150 | 3.68 | Maquiladora Tecate. |
| Micro-Technology, Los Angeles, Calif.: circuits. | 300 | 3.68 | Micro Tec Tecate. |
| U.S. Individuals: Cleaning of scrap copper | 150 | 3.68 | Nacional de Quimica. |

[Submitted by an AFL-CIO union, Brick and Clay Workers, 116,000 jobs]

TECATE, BAJA CALIFORNIA—Continued

| Company and Products | Number of employees | Daily wage scale per 8-hr. day | Border name |
|---|---|---|---|
| National Tool & Die Co., Huntington Park, Calif.: Diamond bits. | 350 | $3.68 | National Wire de Mexico. |
| Unknown: Women's handbags | 225 | 3.68 | Sedano. |
| Temple Industries, Tecate, Calif.: Condensors. | 200 | 3.68 | Tecate Internacionel. |

TIJUANA, BAJA CALIFORNIA

| | | | |
|---|---|---|---|
| Sun and Sand: Women's beach wear | 500 | $3.68 | Arena y Sol de Mexico. |
| Unknown: Voltage regulators | 250 | 3.68 | Artesanias Electro Mechanicas. |
| Bourns, Inc., Riverside, Calif.: Transformers | 2,500 | 3.68 | Bourn de Mexico. |
| Unknown: Women's apparel | 200 | 3.68 | Bragalva. |
| Cal Pacific, San Diego, Calif.: Transformers, resistors. | 225 | 3.68 | Cal Pacifico. |
| Mexican Capital: Electronic subcontracting | 150 | 3.68 | Centro Electronico. |
| U.S. Individuals: Classification of coupons | 225 | 3.68 | Clasificadora Mercantil. |
| Fairchild Controls, San Diego, Calif.: Semiconductors. | 700 | 3.68 | Componentes de Mexico. |
| Unknown: Cushion covers | 250 | 3.68 | Costuras Industriales del Noroeste. |
| Unknown: Women's apparel | 300 | 3.68 | Desire de Mexico. |
| Mexican Capital: Pipe cutting | 150 | 3.68 | El Amigo. |
| Cal. Pacific of California, San Diego, Calif.: Relays. | 300 | 3.68 | Electron. |
| Warwick Electronics, Niles, Ill.: TV sets for Sears. | 3,000 | 3.68 | Electronica de Baja, Calif. |
| Unknown: Electronic components | 500 | 3.68 | Electronica de Tijuana. |
| Waller Corp., Crystal Lake, Ill.: FM radio tuners. | 500 | 3.68 | Electronica Internacional. |
| Electro-Mex, Tempo City, Calif.: Circuits | 275 | 3.68 | Electro-Mex. |
| Viking Industries: Circuits transformers | 400 | 3.68 | Ensambladores Electronicos de Baja, Calif. |
| Bondray Enterprises, Paramount, Calif.: Electronics contracting. | 350 | 3.68 | Ensambles Electricos. |
| Unknown: Aircraft fasteners | 750 | 3.68 | Exactitud. |
| Mexican Capital: Women's apparel | 150 | 3.68 | El Rey de Tijuana. |
| Dorothy C. Thorpe, Sun Valley, Calif.: Decorative ornaments. | 200 | 3.68 | Dorothy C. Thorpe. |
| Mexican Capital: Fibre glass furniture | 150 | 3.68 | Francisco Canales Rivera. |
| Air West, San Francisco, Calif. Aircraft radios | 1,000 | 3.68 | Fenix Electronica. |
| Unknown: Women's apparel | 200 | 3.68 | Gar-Jai. |
| Republic Corp., San Diego, Calif.: Electronics contracting. | 250 | 3.68 | Imeco. |
| Audio Magnetic Corp., Gardena, Calif.: Magnetic tapes. | 300 | 3.68 | Industrias Beta. |
| Marshall Ind., San Marino, Calif.: Circuits | 300 | 3.68 | Industrias Marshall. |
| Control Data Corp., San Ysidro, Calif.: Printed circuits. | 200 | 3.68 | Industrias Moga. |
| Cal. Pacific of Calif., San Diego, Calif.: Transistor bases. | 400 | 3.68 | Industrias Microtecnicas. |
| Pulse Engineering, Santa Clara, Calif.: Transformers. | 275 | 3.68 | Industrias Pul. |
| Unknown: Wheel finishing | 400 | 3.68 | Industrias Universales Unidas de Mexico. |
| Unknown: Electronic components | 400 | 3.68 | Intercon de Mexico. |
| Unknown: Cutting and polishing pipe | 200 | 3.68 | Integracion de Productos Metalicos. |
| Karen Lingerie New York, N.Y.: Lingerie | 750 | 3.68 | Karen de Mexico. |
| Kaynar, Pico Rivera, Calif.: Plastic Specialties | 375 | 3.68 | Kaynar de Mexico. |
| General Industrial, Phoenix, Ariz.: Punch cards. | 250 | 3.68 | Key punch de Mexico. |
| Unknown: Plastic auto seats | 325 | 3.68 | La Estrella de Tijuana. |
| Los Angeles Furniture, Los Angeles, Calif.: Furniture mouldings. | 400 | 3.68 | Lafco. |
| Mexican Capital: Women's apparel | 150 | 3.68 | Maquilas de Mexico. |
| Unknown: Electric motors | 200 | 3.68 | Maquila Tecate. |
| Unknown: Stereo and tape recorders | 350 | 3.68 | Marco. |
| Microtronics, Redondo, Calif.: Circuits | 275 | 3.68 | Microfusion. |

TIJUANA, BAJA CALIFORNIA—Continued

| Company and Products | Number of employees | Daily wage scale per 8-hr. day | Border name |
|---|---|---|---|
| Republic Corp., San Diego, Calif.: Electronic subassemblies. | 650 | $3.68 | Minielectro. |
| Unknown: Stuffed toys | 200 | 3.68 | Munecasy Jaguetes. |
| Meritabrasive Products, Compton, Calif.: Coated abrasives. | 175 | 3.68 | Merit Products de Mexico. |
| Unknown: Women's coats | 400 | 3.68 | Modas Maria. |
| Neutronics, Los Angeles, Calif.: Coils and resistance frames. | 500 | 3.68 | Neutron. |
| Unknown: Electronics | 350 | 3.68 | Omega. |
| Korel Manufacturing, Los Angeles, Calif.: Women's apparel. | 325 | 3.68 | Ropa Patty. |
| Unknown: Tents and fabric seats | 300 | 3.68 | San Juan. |
| Salmar Sportswear, Los Angeles, Calif.: Women's apparel. | 450 | 3.68 | Salmar Y Cia. |
| Solitron Devices, San Diego, Calif.: Semiconductors, light voltage assemblies. | 1,000 | 3.68 | Solitron. |
| Super Tool, Los Angeles, Calif.: Drill guards | 250 | 3.68 | Super Honing and Grinding, de Mexico. |
| Electro-Mex Inc., Tempo City, Calif.: Transformers. | 500 | 3.68 | Switch Luz. |
| Pulse Engineering, Santa Clara, Calif.: Coils, transformers. | 600 | 3.68 | Tecnica Magnetica. |
| Bourns Inc., Riverside, Calif.: Electronics contracting. | 1,000 | 3.68 | Tri Continental. |
| Litton Memory Products Division, Beverly Hills, Calif.: Memory cores. | 1,500 | 3.68 | Triad de Mexico. |
| Litton Industries Memory Products Division, Beverly Hills, Calif.: Coils. | 1,250 | 3.68 | Triad de Mexico. |
| Universal Molding, Lynwood, Calif.: Picture frames. | 150 | 3.68 | Universal Molding and frame. |
| Venus Manufacturing Co., Valley Stream, N.Y.: Women's apparel. | 500 | 3.68 | Venus de California. |
| Mexican Capital: Women's apparel | 150 | 3.68 | Victor Manuel Nicola's del Rio. |
| Unknown: Women's apparel | 200 | 3.68 | Y.A.B. |
| Lou Gene of California, Los Angeles, Calif.: Women's apparel. | 425 | 3.68 | Luz de California. |

ENSENADA, BAJA CALIFORNIA

| | | | |
|---|---|---|---|
| Mexican Capital: Paper envelopes and files | 100 | $3.68 | Fabrica Ensambladora. |

TORREON, COAHUILA

| | | | |
|---|---|---|---|
| U.S. Individuals: Mocassins | 400 | $2.384 | Albert Humphrey, Jr. |

SAN LUIS POTOSI, S.L.P.

| | | | |
|---|---|---|---|
| Lockheed, San Diego, Calif.: Ship bins, lockers. | 1,000 | $2.70 | Industrias Comet. |

GUADALAJARA, JALISCO

| | | | |
|---|---|---|---|
| Motorola, Phoenix, Ariz.: Transistors circuits relays, etc. | 1,700 | $2.70 | Semiconductores Motorola. |
| Burroughs, Detroit, Mich.: Circuits relays | 2,700 | 2.70 | Burroughs de Mexico. |

MEXICALI, BAJA CALIFORNIA

| | | | |
|---|---|---|---|
| Kenworth Cart Division, Pacific, Foundry: Special duty trucks sweepers Customized trucking units | 750 | $3.68 | Kenworth de Mexico. |
| Kern Products, Bakersfield, Calif.: Jellies, jams, juices, preserves. | 900 | 3.68 | Kern de Mexico. |

NAME, PRODUCT, AND AFFILIATION

Doreli; women's and infant's clothing; Marshville Manufacturing, Mechanicsburg, Pa.

Evans de Mexico; umbrella frames; S. W. Textile Corp., Morristown, Pa.

Textiles Industries Incombustibles; fireproof industrial clothing; Americ n Asbestos Textile Corp., Morristown, Pa.

Airco de Mexico; coil winding; Airco Speer Electronics, St. Marys, Pa.

Crafted; furniture upholstery; Crafted Mills, Philadelphia, Pa.

Tecnologia Mexican; electronics; Erie Technological Products, Erie Pa.

## Border Industry Programs

### 1. SUMMARY

The Mexican border industry program which was established in 1965 and amplified in March, 1971, has experienced particularly rapid growth in recent months. Approximately 290 firms are presently engaged in assembly operations along the U.S. border with a total employment of about 31,000. Prospects are for continued growth during the near future with perhaps 330 firms employing almost 40,000 workers by the end of 1971. The Embassy estimates that total product value of these firms will reach $500 million in 1971.

The Mexican Government has generated considerable publicity for the border industry program as a result of its push for exports and closer economic integration of the border area with the rest of Mexico. The authorized zone for such operations has been significantly expanded to include coastal areas, and indications are that further expansion to interior cities, on a case-by-case basis, is probable.

Although fairly extensive information concerning the program has been made available through public statements, selected studies, and promotional publications, most of it is limited in scope or significantly dated. Furthermore, a large number of essentially border industry firms have elected to operate under free zone rather than border industry provisions. This airgram, therefore, has been prepared as a general analysis of the present status of the entire border industry program.

### 2. LEGAL BASIS

When the *bracero* program which permitted temporary Mexican farm labor to enter the United States was terminated in 1965, the Mexican Government was faced with an unemployment problem in northern border cities. In May, 1965, it announced a Border industrialization Program designed specifically to attract foreign manufacturing operations, particularly that involving assembly, in an effort to promote the economy of that area. The initial resolution permitted Mexican or foreign-owned (not limited to U.S.) firms to establish manufacturing operations in cities along the northern border. Such operations were confined to the customs zone of the city—effectively within 20 kilometers of the border—but not so specified. Raw materials

and equipment could be imported in-bond and duty free, but all production was required to be exported.

A further resolution of March 17, 1971 extended the authorized zone to a specific 20 kilometer-wide strip along all borders and coasts, but did not change the substance of the other provisions. About 85 percent of the firms so established are U.S.-owned with the remainder Mexican owned, and all but four are located along the U.S. border. All production by firms registered under the program is exported to the U.S., although a small amount is subsequently re-exported to third countries.

The border industry program was developed solely by the Mexican Government, and all participating firms are subject to relevant Mexican laws and regulations. The only U.S. Government involvement in the program is through the application of appropriate U.S. import and export regulations. A large portion of the re-imports into the U.S. under this program are made under Sections 806.30 and 807.00 of the U.S. Tariff Code which provide that, under certain conditions, manufactured products of U.S. origin when re-imported into the U.S. are assessed import duties only on the value added through foreign processing. These provisions, of course, are of general application and not merely for re-imports from Mexico.

3. BORDER INDUSTRIES OPERATING UNDER SPECIAL CIRCUMSTANCES

The Mexican Government executive resolution of March 17, 1971 defines the border industry zone a 20-kilometer-wide strip along all coasts and borders. Several cities along the western portion of the border (principally Tijuana, Mexicali, Nogales and Agua Prieta) have for a number of years, however, been designated as free zones. Accordingly, firms establishing operations in such areas are not required to register with the Secretariat of Industry and Commerce as border industries in order to obtain duty-free importation privileges. Several firms were actually engaged in assembly operations in those areas before the establishment of the program, and a large number of firms (about 90) have chosen to operate under free zone as opposed to border industry regulations. Firms operating under free zone regulations, incidentally, can also sell their products in Mexico within the limits of the free zone. In practice, only a few firms producing finished products, such as radios, have actually taken advantage of this privilege.

Four firms in the interior have also been granted border industry status. Three of these are firms that found local markets insufficient to continue operation. Rather than lose the employment offered by these firms, the Mexican Government has permitted them to use existing facilities for border industry-type assembly operations. Such firms are presently located in Guadalajara, San Luis Potosi, and Torreón. President Echevarria in a speech at Nuevo Laredo on May 6, 1971 also announced that border industry status was being granted to three small towns, Sabinas Hidalgo, Anahuac Rodriguez, and Cerralvo, in the state of Nuevo León near the U.S. border but beyond the 20 kilometer limit. Most observers of the program are of the opinion that if a firm can offer sufficient economic advantage to Mexico, it will be permitted to establish a border industry plant almost anywhere in the country. Finance Minister Margain recently stated in Nogales and again in Mérida, Yucatán that more such firms should establish in the interior, not only to provide additional employment, but to avoid Mexican balance of payments loss through salary expenditures on the U.S. side of the border.

Many persons in commenting on border industry operations have identified the program with re-imports into the U.S. under Tariff Sections 806.30 and 807.00. A number of border industry plants, however, do not utilize these Sections. These firms either perform operations on which no duty is assessed (such as the Matamoros shrimp deveining industry, cleaning of scrap copper, and a number of classification operations involving commercial coupons, used clothing, and sausage casings), or operations in which transformation of the product results in full duty application (such as in railroad car disassembly, tire recapping, manufacture of most adornments, food products and furniture, and even some electronic products).

Accordingly, the Mexican Government considers a "border industry" to be primarily one which a) temporarily imports most of its equipment and raw materials, and b) exports all of its production. In practice the following characteristics can also be added: c) it is either an assembly or limited processing operation, and d) is labor intensive. The Embassy has, therefore, included in its consideration of border industries those firms which meet the above characteristics but are not registered as such with the Secretariat of Industry and Commerce.

4. GROWTH

The recent growth in the number of border industry plants dates essentially from the release in October, 1970 of the U.S. Tariff Commission Report to the President on Sections 806.30 and 807.00. The Commission concluded that repeal of these two Sections "would probably result in only a modest number of jobs being returned to the U.S., which likely would be more than offset by the loss of jobs among workers now producing components for export and those who further process the imported products" and that based on 1969 data, "the net effect of repeal would be a $150–200 million deterioration in the U.S. balance of trade." Growth of the program was relatively slow under the course of the Tariff Commission study, but approximately 75 firms have begun operations since that time, and another 30–40 firms are actively considering establishment.

The Mexican Government is also offering significantly more publicity to border industry operations than in the past. In March, Industry and Commerce Secretary Torres Manzo addressed a border industries seminar in Phoenix, Arizona, sponsored by the American Chamber of Commerce of Mexico. President Echeverria, accompanied by several cabinet members and numerous other high-ranking Government and industry officials, recently presided at the inauguration of a new border industry plant during a visit to Nogales. The theme of the visit was economic development of the border area, and the President and other speakers dwelt at length on the importance of the program to border city economics.

Management consultant firms and both private and public industrial development groups along the border have also increased their promotional efforts as to some extent border cities compete for interested firms. Industrial parks have recently been established in several Mexican border cities and are planned for others. U.S. border city chambers of commerce have been particularly active in promoting the program on the grounds that new industries inevitably benefit both sides of the border. A number of firms also indicate that recently increased labor costs in the U.S. combined with stronger foreign competition and decreased demand have accelerated establishment of border operations.

5. PRINCIPAL CHARACTERISTICS

Given the limitation of Mexican Government statistics resulting partly from free zone activity, the Embassy has attempted its own calculations concerning the extent of border industry operations (based on the definition of border industries indicated in Section 3). While these statistics are considered reasonably accurate, they are not—and can never be—entirely exact because of the constant change involved. A number of firms are in the process of establishment; several others are known to be on the verge of discontinuing operation. Estimates concerning employment, production and balance of payments are based on limited data available from the Mexican and U.S. Governments and from the industries involved.

*A. Number and nature of firms*

About 290 firms are presently engaged in border industry operation and approved applications for establishment have been granted another 35 firms, of which perhaps 20 will actually set up operations. The Embassy would expect that by the end of 1971 about 330 firms (including those in the free zones) will be in operation. Almost 70 percent of these firms are engaged in assembly of either textiles or electric-electronic products. Recently established firms show a greater diversification, however, as other industries seek to reduce labor costs. New ventures include dismantling of scrap railroad cars, diverse food processing and packaging, and assembly of musical instruments, boats and caskets. While electronics and textiles will probably remain the bulwark of the program, their relative predominance is expected to decrease somewhat.

*B. Capital*

Most of the firms are wholly-owned subsidiaries of U.S. companies. Many, however, have chosen names which do not identify the parent company, and a significant number have been set up under the mantle of already existing subsidiary companies in Mexico. Accordingly, no meaningful estimate of U.S. investment is available. A rapidly growing number of companies are being set up as subcontracting operations by either U.S. or Mexican businessmen. While major operations in the area will continue to be subsidiaries of U.S. companies, the number of subcontractors, especially Mexican-owned, is expected to grow. No third country has yet established a border industry plant, although several Japanese firms have expressed interest in west coast operations.

*C. Employment*

Approximately 31,000 persons are presently employed in border industry operations, and this total is expected to rise to 35,000–40,000 by the end of 1971. (Employment may show fairly significant fluctuations as a result of changes in demand in the United States, primarily in electronics.) An estimated 85 percent of the employees in border industry plants are female. The electric-electronic industry supplies over 50 percent of the total employment and textiles an additional 20 percent. The tedious assembly and sewing involved in these operations are areas in which women have long been considered to be optimum employees. A few firms have experimented with male employees in these fields and found them quite satisfactory, but others have been less successful. Many of the new industries entering the border program are heavier operations which require male workers. However, these firms usually do not employ large numbers, and the over-all proportion of female employees is expected to continue to be high. Most of the employees are paid the minimum wage which, including all fringe benefits, averages about $.55 per hour. Skilled technical workers receive a significantly higher salary, and many textile firms offer piece-work incentive systems beyond the minimum wage.

*D. Trade unions*

Slightly over one-half of the border industry firms are unionized—with a notably higher percentage along the eastern, as opposed to western end of the border. With only a few exceptions, labor conflicts have not been a problem for border industries. In a few cases, plant managers indicate that unionization has facilitated operation. On the other hand, labor militancy has reportedly been a major factor in limiting border industry growth in some areas—notably Reynosa and Nuevo Laredo. Mexican labor leaders, while supporting growth of the pro-

gram, have expressed concern over its stability. They suggest that the Mexican Government should seek assurance from the U.S. Government that no unilateral action, i.e., repeal of Sections 806.30 and 807.00, will be taken which might result in precipitate termination of the program.

Labor leaders have also requested some form of guaranty that a firm cannot withdraw overnight leaving unpaid salaries and termination benefits. (In some smaller plants with little capital equipment, this could easily be done and was one of the early problems of the program in the Tijuana area.) Border city officials have expressed similar concern and suggested that at some later date the Mexican Government may require a bond to ensure adequate employee compensation.

*E. Value added and foreign exchange flow*

Total production of the border industries should reach approximately $500 million in 1971. Around $350 million of this production will re-enter the U.S. under Sections 806.30 and 807.00, with duty assessed on $125 million value added in Mexico.

Value added data, however, should not be confused with foreign exchange flow. For U.S. Customs purposes the percentage of U.S.-origin components in a reimported product under Sections 806.30 and 807.00 takes into consideration *only those components which have maintained their identity.*

The remainder is considered "value added" for duty purposes. Accordingly, value added in Mexico may include not only labor costs, fixed overhead, and any local raw materials, but also U.S.-origin components which have been transformed (lost their identity), U.S. products consumed in processing (such as hydrogen and liquid nitrogen), and a reasonable profit margin. (Value added calculations by the Mexican Government, however, include only processing costs and locally produced inputs.) The gold wire soldered to an integrated circuit, for example, is fully dutiable under Section 807.00 even though of U.S. origin since it is no longer in the spool form in which it was exported. The profit margins included in duty calculations often do not actually exist since wholly-owned subsidiaries in many instances are included in parent plant costing and either have no profit on their own account or remit such profits as do exist.

Other direct factors which must be taken into consideration in calculating actual foreign exchange flow resulting from border industry operations include some electricity and natural gas (most border cities are tied into both U.S. and Mexican distribution networks) and salaries spent on the U.S. side of the border. Most observers estimate that about 60 percent (although estimates range from a low of 30 percent to a high of 80 percent) of salaries paid to border plant employees returns to the U.S. in the form of retail purchases. Finally, while only a few of the U.S. firms engaged in border assembly indicate that such operations have permitted them to increase exports to third countries, a number state that they have been able to substitute U.S.-origin components for previously imported foreign components.

*F. Effect on U.S. border cities*

Discussion of the border industries in the United States has involved considerable disagreement over the possible creation of new jobs in U.S. border cities. Statistics indicate that approximately 3,000 new industrial positions directly related to Mexican border industries (as opposed to increased service and commercial employment) have resulted along the Texas border. No adequate data are available, however, as to whether these are totally new positions or merely transferred from another section of the U.S. Texas border city officials do indicate that the presence of border industries dampened the rise in unemployment in their areas during the recent U.S. economic slow-down.

While U.S. border cities have unquestionably benefitted from the border industry program both in new industrial employment and in increased commercial activity, the "twin plant" concept has not developed to the extent originally expected. This concept encouraged U.S. firms to establish counterpart operations on both sides of the border. The products would be initially processed in the U.S. plant, shipped to the Mexican plant for labor intensive assembly or finishing, and then returned for additional operations such as inspection, finishing, packaging, and distribution. A majority of the U.S. firms involved in border industries are located in the border states, but only a limited number have established a significant manufacturing operation in U.S. border cities themselves.

6. OUTLOOK

Given the large possibilities for labor intensive assembly combined with advanced technology, the immediate outlook for the border industry program is for continued growth, probably at a rather high rate. Mexican Government officials, however, have indicated that the program will not be permitted to expand indefinitely. President Echeverría in his recent visit to Nogales stated that the "Government must *for the time being, temporarily,* continue facilitating the operation of border industries" (emphasis added). At the same time Industry and Commerce Secretary Torres Manzo suggested that Mexican capital should begin to play a greater role in the program. Torres Manzo subsequently noted in Tijuana on May 26, 1971 that the border industry program is a "necessary evil" which provides employment and training to local workers until such time as they may be absorbed by Mexican industries. He also stated that eventually the free zones must also be abolished and integrated into the economy of the rest of the country. Accordingly, while border industry operations will continue to be welcome in Mexico in the immediate future, the long-term goal of the present Administration is toward development of Mexican industry in the area including both basic industry utilizing local raw materials and Mexican control of assembly operations.

A number of circumstances already exist which could lead to restriction of the program. Publicity concerning employment offered by border industries has resulted in increased migration to border areas. Combined with already heavy migration resulting from relatively higher border wage levels and from aspirations to enter the U.S., an ever greater demand is being placed on social responsibilities of Mexican border cities. One border city official even voiced the philosophical question of whether, considering all aspects of the border industry program over a period of several years, urban problems might not show an increase. He specifically noted possible shortages in housing, water, electricity, and medical facilities. Others have voiced particular concern over the growing sociological problem created by women rather than men becoming the chief wage earners of households.

Another factor already creating some difficulty is the shortage of technical personnel in Mexico. While border industries usually train their basic assembly employees, most industries seek to employ technicians (electricians, machinists, etc.) with existing skills. Since the supply of such persons in the border areas is limited, some firms are reported to be now recruiting in Mexico City, Monterrey and Guadalajara.

Finally, as interested public and private officials all along the border have pointed out, the program has a basic characteristic of instability. The heavy predominance of electronics and textiles make operations quite sensitive to change in U.S. demand. Should the products of these industries encounter a prolonged slump in the U.S. market, operations of border firms would undoubtedly be substantially reduced.

SPECIAL NOTE CONCERNING ATTACHED TABLES

Except where otherwise referred, the attached data were prepared by the Embassy with the assistance of some if the Consulates along the U.S. border. Sources included the Mexican Secretariat of Industry and Commerce, officials of U.S. and Mexican border cities, border industry firms, private development corporations and management consultant firms, and assorted publications and even newspaper clippings.

Statistics relating to production and employment, although believed to be reasonably accurate, are necessarily estimated based on all available data. Similarly, the operation of listed individual firms has for the most part been recently verified. Nevertheless, the sheer numbers of companies involved has prevented absolute certainty in every case. In particular the Embassy suspects that a further small number of unidentified firms may be operating in the free zones, particularly Mexicali and Tijuana:

BORDER INDUSTRY FIRMS—LOCATION

| City | Number of firms | Total employment |
|---|---|---|
| Matamoros | 33 | 4,500 |
| Reynosa | 4 | 300 |
| Nuevo Laredo | 18 | 3,200 |
| Piedras Negras | 7 | 600 |
| Ciudad Acuna | 2 | 800 |
| Ciudad Juarez | 27 | 3,100 |
| Palomas | 2 | 100 |
| Agua Prieta | 12 | 600 |
| Nogales | 31 | 3,600 |
| San Lu s Rio Colorado | 2 | 100 |
| Mexica'i | 74 | 6,000 |
| Tecate..i | 13 | 700 |
| Tijuana | 63 | 5,500 |
| Ensenada | 1 | 20 |
| Torreon | 1 | 80 |
| San Luis Potosi | 1 | 200 |
| Guadalajara | 2 | 1,700 |
| Total | 293 | 31,100 |

BORDER INDUSTRY FIRMS—PRINCIPAL ACTIVITIES

| Field | Number of firms | Approximate employment |
|---|---|---|
| Electric-electronics | 118 | 16,500 |
| Textiles | 77 | 5,700 |
| Metalworking | 26 | 1,700 |
| Furniture and wood products | 16 | 1,200 |
| Food products | 8 | 1,500 |
| Leather products | 6 | 300 |
| Plastics | 6 | 1,200 |
| Other | 36 | 3,000 |
| Total | 293 | 31,100 |

U.S. IMPORTS FROM MEXICO UNDER SECS. 806.30 AND 807.00*

[Dollars in millions]

| Year | Total value | Dutiable value | Percent U.S. components |
|---|---|---|---|
| 1966 | $7.0 | $3.4 | 51 |
| 1967 | 19.5 | 7.1 | 64 |
| 1968 | 74.6 | 24.1 | 68 |
| 1969 | 150.0 | 53.1 | 65 |
| 1970 | 220.0 | 82.0 | 63 |
| 1971 (estimated) | 350.0 | 125.0 | 64 |

*Includes only U.S. components which have retained identity.

Source: U.S. Tariff Commission Publication 339, September 1970; and U.S. Department of Commerce.

BORDER INDUSTRY FIRMS[1]

MATAMOROS, TAMAULIPAS

Number of firms: 33.
Total employment: 4,500.

*Name, product, and affiliation*

1. Aparatos Electronicos de Tamaulipas, Semi-conductors, U.S. individuals.

2. A y D de México, Swimming pool eqpt., U.S. individuals.

[1] Data compiled by the Embassy as of May 1, 1971.

3. Aerotech de Matamoros, Mobile communication equipment, Bendix Corporation, Teterboro, N.J.
4. Border Electronic Mexicana, Variable control switches, Hunt Electronics, Dallas, Texas.
5. C.T.S. de México, Control switches, potentiometers, CTS Microelectronic, W. Lafayette, Ind.
6. Cedro de México, Motors for servo-mechanisms, Control Data Corp., Minneapolis, Minn.
7. Condura, Switches, coils, transformers, U.S. individuals.
8. Com Tronicas, Radio & TV components, U.S. individuals.
9. Creaciones Sorensic, "Piggy" banks, Mexican Capital.
10. Camarones Selectos, Shrimp processing, Mexican Capital.
11. Duro de Matamoros, Paper bags, Duro Paper, Ludlow, Ky.
12. Electropartes de Matamoros, Cathode ray tubes, TV tuners, Zenith Electric, Chicago, Ill.
13. Electro-Semblies de México, Mercury relays, U.S. individuals.
14. Empresa Lee, Dismantling railroad cars, U.S. individuals.
15. Electro Armadora, Tape recorder circuits, cameras, U.S. individuals.
16. Electronic Control Corp de Mexico, Light reductors, switches, temp. controls, mixers, hand tools, Electronic Control Co., Euless, Texas.
17. Industrias Telectronicas de México, Color TV assembly, Telectronic Industries, Dallas, Texas.
18. Industrias Fronterizas, Oil field equipment, C.R.C. Corporation, Houston, Texas.
19. Insecticidas y Fertilizantes, Diamond del Norte, Fertilizers & insecticides, Diamond Alkali, New York, N.Y.
20. La Maquiladora, Dismantling railroad cars, Luria Brothers, Brownsville, Texas.
21. Leece-Neville Co., Fractional horsepower Motors, Leece-Neville Co., Brownsville, Texas.
22. Mallory Electronics de México, Capacitors, switches controls, P. R. Mallory, Indianapolis, Ind.
23. Mexicomp, Capacitors, Sprague Electric North Adams, Mass.
24. National Carbon Everready, Ceramic capacitors, Union Carbide, New York, N.Y.
25. Productos Marinos Golfo-Atlantico, Shrimp processing, Mexican Capital.
26. Productos Alfa, Shrimp processing; Albert Foods.
27. Procesadora de Mariscos, Shrimp processing, U.S. individuals.
28. Precisiones Generales, Synchro components, tachometers, Singer-General Precise, Glendale, Calif.
29. R. C. de México, Radio controls for model planes, boats & autos, E. K. Products, Hurst, Texas.
30. Tex-Tan Mexicana, Leather boots, Tex-Tan Leather, Brownsville, Texas.
31. VARO Mexicana, Electronic controls, Varo Corp., Garland, Texas.
32. VMC de Matamoros, Oil field tools, Varel Manufacturing, Dallas, Texas.
33. Vitalizadora de Bajo Bravo, Tire recapping, U.S. individuals.

REYNOSA TAMAULIPAS

Number of firms: 4.
Total employment: 300.

*Name, product, and affiliation*

1. Empacadores Calmo, Grading of fruits & vegetables, Calavo Growers, Vernon, Calif.
2. Roy-Mex-Bra, Brassieres, (unknown).
3. Tex-Mex de México, Bricks, W. T. Liston, Harlingen, Texas.
4. Tradeway Enterprise de México, Infant clothing, U.S. individuals.

NUEVO LAREDO, TAMAULIPAS

Number of firms: 18.
Total Employment: 3,200.

*Name, product, and affiliation*

1. A. C. Nielsen de México, Classification of commercial coupons, Nielsen Marketing Service, Clinton, Iowa.
2. American Footwear, Mocassins, Mexican capital.
3. Curtis Mathes de México, Stereo, TV & Radio components, Curtis Mathes, Athens, Texas.
4. Conservas de Laredo, Fruit preserves, Frontier Foods, Laredo, Texas.
5. Di-Transuients de México, Transistors, diodes, circuits, U.S. individuals.
6. Doreli, Women's & infant's clothing, Marshville Manufacturing, Mechanicsburg, Pa.
7. Evans de México, Umbrella frames, S.W. Evans & Sons, Philadelphia, Pa.
8. Flores Internacionales, Plastic flowers, F. T. V. Corporation, San Antonio, Texas.
9. Instruments Kraft de Mexico, Medical instruments, Hoenig Instruments, Houston, Texas.
10. Industrias de Muebles Tradicionales, Colonial furniture, Mexican capital.
11. Le'Garde, Women's dresses, (unknown).
12. Mex-Amer de Datos, Punch cards, Amer-Mex Data, Laredo, Texas.
13. Mex-Moc, Mocassins, U.S. individuals.
14. Pinatas Internacionales, Pinatas, Pinatas Intl., Wichita, Kansas.
15. Productos A y M, Sun glasses, Frontier Novelty, Laredo, Texas.
16. Sarkes Tarzian Mexicana, Transistors, selectors, for TV, Sarkes Tarzian Inc., Bloomington, Ill.
17. Transitron Mexicana, Wiring harnesses, semiconductors diodes, circuits, Transitron, Wakefield, Mass.
18. Videocraft Mexicana, High voltage & convergence transformers, Videocraft Manufacture, Chicago, Ill.

PIEDRAS NEGRAS, COAHUILA

Number of firms: 7.
Total Employment: 600.

*Name, product, and affiliation*

1. A. Dewied Casing Co., Classification & packaging of hog & sheep casing, A. Dewied Casing, Los Angeles, Calif.
2. Empacadora de Piedras Negras, Meat packing, Mexican Capital.
3. Maida Mexicana, Ceramic capacitors, Maida Development, Hampton, Va.
4. Sarkes Tarzian Mexicana, TV selectors, UHF & VHF tuners, Sarkes Tarzian Inc., Bloomington, Ill.
5. Trad Electronics Corp., TV components, U.S. individuals.
6. Treces, S. A., Electronic components, U.S. individuals.
7. T. T. Corporation, Felt shoes, (unknown).

CIUDAD ACUNA, COAHUILA

Number of firms: 2.
Total employment: 800.

*Name, product, and affiliation*

1. Standard Components, TV tuners, Standard Kollsman Industries, Melrose Park, Ill.
2. La Amistad Productos de Plastico, Plastic fishing worms (unknown).

CIUDAD JUAREZ, CHIHUAHUA

Number of firms: 27.
Total employment: 3,100.

*Name, product, and affiliation*

1. Acapulco Fashions, Women's lingerie, Figure Flattery Brassiere, New York, N.Y.
2. A. C. Nielsen de México, Classification of commercial coupons, Nielsen Marketing Service, Clinton, Iowa.
3. Boss de México, Work Gloves, Boss Manufacturing, El Paso, Texas.
4. Calzado y Articulos de Piel, Cowboy boots, Cowtown Boot, Fort Worth, Texas.
5. Coil Craft de México, Induction coils & resistors, Coilcraft Inc., Gary, Ind.
6. Convertores de México, Paper hospital gowns, Am. Hospital Supply, Evanstown, Ill.
7. Double-Glo Products, Christmas decorations, Paper Novelty Mfg., Stamford, Conn.
8. Electronica Advance Ross, Antennas, deflection yokes, Advance Ross Electro, Chicago, Ill.
9. Empacadora y Frigorifico Rodeo, Frozen & canned peppers, Mexican capital.
10. Essex International, Thermostats, electromagnetic switches, Essex International, Fort Wayne, Ind.
11. Estructuras Metálicas del Norte, Prefabricated metal, Mexican capital.
12. Fabricantes Técnicos, Wiring harness for electric organs, piano keyboards, Baldwin Piano, Cincinnati, Ohio.
13. Fertilizantos Certificados de México, Fertilizer (unknown).
14. Hatch Internacional, Control boxes, (unknown).
15. Icamex, Integrated circuits, Sprague Electronics, Worcester, Mass.
16. Industrias L.E.T., Disassembly of railroad cars, U.S. individuals.
17. Industria Norteña, Aluminum castings, wrought iron furniture, Kessler Ind., El Paso, Texas.
18. Industrias Cordova Americas, Metal structures, Kessler Ind., El Paso, Texas.
19. Maderas Selectas y Molduras, Wood moldings, Southwest Molding Co., El Paso, Texas.
20. Madereria del Valle, Wood moldings, Mexican capital.
21. Maderex, Furniture & moldings, Mexican capital.
22. Manufacturera de Componentes, Wiring terminals, Valley Forge Co., Brooklyn, N.Y.
23. Molduras de Pino, Hollow core doors, State Lumber, El Paso, Texas.
24. Puertas Labradas Furniture, Mexican capital.
25. RCA Victor Mexicana, Deflection yokes, RCA TV Component, Indianapolis, Ind.
26. Susan Crane de Mexico, Adornment gifts, Susan Crane Corp., Dallas, Texas.
27. Zapatillas Mexicanas, Moccasins, Guild Moccasins, El Paso, Texas.

PALOMAS, CHIHUAHUA

Number of firms: 2.
Total Employment: 100.

*Name, product, and affiliation*

1. Los Plastoy, Plastic toys, Mexican capital.
2. La Planta, Dose Containers for hospitals, Mary Max Containers, Deming, New Mexico.

AGUA PRIETA, SONORA

Number of firms: 12.
Total Employment: 600.

*Name, product, and affiliation*

1. Agua Prieta Electrónica, Coil winding, Ensign Coil, Chicago, Ill.
2. Dea Industrial, Electronic measuring instruments, Dixson Inc., Grand Junction.
3. Dickson Mexicana, Capacitors, Transistors, Dickson Electronics Corporation, Douglas, Arizona.
4. Electronica Sonorenso, Instrument panels, electronic sub-assemblies, TWM Industries, Tempe, Arizona.
5. Fabrica Luis Leon, Paper garments, Wood Manufacturing, Douglas, Arizona.
6. Fabricas de Camisas Aragon, Men's shirts, Wood Manufacturing, Douglas, Arizona.
7. Industrias Apson, Paper dresses, Will Ross, Inc., Milwaukee, Wisc.
8. Industrias Generales de Agua Prieta, Punch cards, General Industrial, Inc., Phoenix, Arizona.
9. Swan Mexicana, Radios (unknown).
10. Taller Ramos, Wood furniture, Commercial Furniture and Interiors, Tucson, Arizona.
11. Textiles Industriales Incombustibles, Fireproof Industrial clothing, American Asbestos Textile Corporation, Morristown, Pa.
12. Transelectros, Coil components, National Coil, Sheridan, Wyoming.

NOGALES, SONORA

Number of firms: 31.
Total employment: 3,600.

*Name, product, and affiliation*

1. ABC de México, Bras, Milday Brassiere and Corset, New York, N.Y.
2. Airco de México, Coil winding, Airco Speer Electronics, St. Marys, Pa.
3. Armadora de Radios de Nogales, Phonograph and radio repair, Mexican capital.
4. Avent, Paper dresses, Kimberly Clark, Neenah, Wisconsin.
5. Bino, S. A., Paper garments, Bachelor Industries, Tucson, Arizona.
6. C. A. Mexicana, Musical instruments, Coin Art, Nogales, Arizona.
7. Camp Trails, Pack frames, canvas bags, Camp Trails, Phoenix, Arizona.
8. Casa Don Carlos, Colonial funiture (unknown).
9. Chas. E. Gillman, Inc., Wiring harnesses, Chas. E. Gillman, Chicago, Ill.
10. Cia Electronica Mexicana, TV components, Griffith Electric, Linden, N.J.
11. C. P. Claire de México, Relays, C. P. Clare, Chicago, Ill.
12. Debby Manufacturing, Women apparel, Debby Manufacturing, Tucson, Arizona.
13. Electronica General de Nogales, Transistors, circuits, General Electronics Arizona, Nogales, Arizona.
14. Empresas Almac, Clothing (unknown).
15. Enpi de México, TV tuners, Electro-Netic Products, Carpentersville, Ill.
16. Estereoindustrias, Auto and home stereo equipment, Lear Jet Stereo, Detroit, Mich.
17. IBA, Inc., Electronic components, IBA, Inc., Nogales, Arizona.
18. Industrial Motorola, Transistors, integrated circuits, Motorola, Inc., Phoenix, Arizona.
19. Industrias Generales de Agua Prieta, Punch cards, General Industrial, Phoenix, Arizona.
20. Information Storage Systems, Data processing equipment, Information Storage Systems, Cupertino, Calif.
21. Keypunch de Senora, Punchcards, General Industrial, Phoenix, Arizona.
22. Lasey de México, Bras, Lasey Manufacturing, Nogales, Arizona.
23. Manufacturas Industriales, Men's jackets, West Coast Industry, Nogales, Arizona.
24. Maquilas Internacionales, Electronic components, IBA, Inc., Nogales, Arizona.
25. Mem-Mex, Memory cores, electronic components, Memorex, Santa Clara, Calif.
26. Nogales Internacional, Condensors, Mexican capital.
27. Productos Musicales, Musical instruments, Art Ley, Nogales, Arizona.
28. Promotoras de Inversiones e Industrias, Capacitors, U.S. individuals.
29. Sr. Ricardo, Men's clothing (unknown).
30. Southwest Instruments de México, Precision instruments, Southwest Instruments, Tucson, Arizona.
31. Technología Mexicana, Electronics, Erie Technological Products, Erie, Pa.

SAN LUIS RIO COLORADO, SONORA

Number of firms: 2.
Total employment: 100.

*Name, product, and affiliation*

1. San Luis Sportswear, Men's slacks and shirts, Carlo of California, Los Angeles, Calif.
2. Servicios Generales de San Luis, Microelectronic assemblies, Mexican capital.

MEXICALI, BAJA CALIFORNIA

Number of firms: 74.
Total employment: 6,000.

*Name, product, and affiliation*

1. A1-Mex Industrial, Men's jackets, Kayser Roth Corp., Los Angeles, Calif.
2. Andres A. Camou, Women's apparel, Mexican capital.
3. Argus, Men's overalls (unknown).
4. Autonetica, Integrated circuits, North American Rockwell, Anaheim, California.
5. Cal Golf de Mexico, Golf clubs, Stan Thompson, Los Angeles, Calif.
6. Cal-Mex Industrial, Men's apparel (unknown).
7. Cal-Tex de México, Traffic sign, U.S. individuals.
8. Cali de Mexicali, Women's apparel, Kayser Roth Corp, Los Angeles, Calif.
9. Canoca, Women's apparel (unknown).
10. Casa de Lamparas, Lamps (unknown).
11. Certron Audio, Magnetic tape cassettes, Certron Corp., Anaheim, Calif.
12. Cole de Baja California, Swim suits, Kayser Roth Corp., Los Angeles, Calif.
13. Confecciones de Mexico, Women's apparel (unknown).
14. Continental Industrial, Classification of used clothing, Mexican capital.
15. Creaciones Mexicanas, Women's apparel, Mexican capital.
16. Depor-Mex, Women's apparel (unknown).
17. Ensambladores Electronicos de Mexico, Integrated circuits, Hughes Aircraft Co., Los Angeles, Calif.
18. Ensambladora Anahuac, S.A., Men's slacks, Roseda Corp., Los Angeles, Calif.
19. Estela Benavides González, Women's apparel, Mexican capital.
20. Estilos de Mexicali, S.A., Women's apparel, Bluebell, Inc., El Paso, Tex.
21. Estilos Fortuna, Women's slacks, Tyron Enterprises, Los Angeles, Calif.
22. Electroindustrias de Mexico, Electronics (unknown).
23. Electronica Cal Mexico, Electronic components (unknown).
24. Fabricaciones Metálicas Mexicanas, Mufflers, exhaust, Appliance Industry, Los Angeles, Calif.
25. Fammo, Women's apparel (unknown).
26. Fernando Mancera Velez, Cleaning scrap copper, Mexican capital.
27. Fenton de Mexico, Rim finishing, Fenton Company, Gardena, Calif.
28. Goleta Coil, S.A., Coils, Rattel, Inc., Goleta, Calif.
29. Industrial Mueblera de Mexicali, Furniture, S. X. Graham Co., San Diego, Calif.
30. Industrial Ensambladora, Women's apparel (unknown).
31. Industrias Maquiladoras, S.A., Paper dresses, Lattery Manufacturers, Holtville, Calif.
32. Jolsa, Women's apparel (unknown).
33. Kamar Internacional, Cloth toys, Kamar, Los Angeles, Calif.
34. Maquiladora de Baja California, Women's apparel, Mex Tex Industries, Los Angeles, Calif. (plus following affiliates, Nos. 35–43):
35. Chimaco de Baja California.
36. Ensambladora de Mexicali.
37. Felsa de Baja California.
38. Ensambladora Mexicana.
39. Maquiladora Daval.
40. Maquiladora Felix.
41. Maquiladora Kory.
42. Modelos Debby.
43. Modelos Monterrey.
44. Maquiladora Monterrey, Women's apparel, Monterrey Modes, Los Angeles, Calif.
45. Maquiladora Electronics, Semi-conductors, Raytheon, Mountain View, Calif.
46. Maquiladora Independencia, Women's apparel, Mexican capital.
47. Maquiladora Industrial, Aluminum vans, Mohawk Manufac., Santa Fe Springs, California.
48. Macal, Women's apparel, Mexican capital.
49. Meter Mex, Automobile Instruments, Wright Autotronics, Los Angeles, Calif.
50. Mexam, Crystal chandeliers, Ammex Bronze Industries, Los Angeles, Calif.
51. Mexicali Textil, Men & Women's apparel (unknown).
52. Mextel, Toys, Mattel, Inc., Gardena, Calif.
53. Microcircuitos, Circuits, Raytheon, Mountain View, Calif.
54. Modas de Mexicali, Men & women's clothing (unknown).
55. Modelos Yuky, Women's apparel (unknown).
56. Mode Mex, Women's apparel, Mexican capital.
57. Muebles Internacionales, Colonial furniture, International Furniture, Corona, Calif.
58. Muebles Universo, Colonial furniture (unknown).
59. Nueva Espana Internacional, Colonial furniture, Frank & Son, Inc., New York, N.Y.
60. Olguita de Mexico, Bras, The Olga Co., Van Nuys, Calif.
61. Productos Suprema, Auto mufflers (unknown).
62. Pulidorz de Metales, Auto rims, Appliance Industries, Los Angeles, Calif.
63. Rattel Internacional, Radio & TV Coils, Rattel, Goleta, Calif.
64. Radia y Television de California, Radio & TV parts (unknown).
65. Richard Milton de Mexico, Sporting goods bags, Richard Milton C, San Fernando, Calif.
66. Sánchez y Asociados, Tape cassettes, Mexican capital.
67. Salvador Ledezma Fernandez, Women's apparel, Mexican capital.
68. San Marcos Furniture, Dining room furniture for Sears, San Macos Furn., La Mesa, Calif.
69. Semi-Conductores, semi conductors, Raytheon, Mountain View, Calif.
70. Tecnica California, Calculator motors (unknown).
71. Taller de Costura Alicia, Women's apparel, Mexical capital.
72. Taller Progreso, Women's apparel, Mexican capital.
73. Transiscos de Mexico, Metal finishing (unknown).
74. Western Gear de Mexico, Motor winding, Western Gear Co., Pasadena, Calif.

TECATE, BAJA CALIFORNIA

Number of firms: 13.
Total Employment: 700.

*Name, product, and affiliation*

1. Ceramica de Tecate, Ceramic tile, Mexican capital.
2. Craftex, Furniture, upholstery, Craftex Mills, Philadelphia, Pa.
3. Electronica Intercontinental, Transformers, control tachometers (unknown).
4. Genisco Mexicana, Transformers, Genisco, Compton, Calif.
5. Industrial Internacional de Tecate, Packaging of metal clamps (unknown).
6. Maquiladora La Frontera, Electronics subcontracting, Mexican capital.
7. Maquiladora TKT, Women's apparel, Mexican capital.
8. Maquiladora Tecate, Electronics subcontracting, Mexican capital.
9. Micro Tec Tecate, Circuits, Micro-Technology, Los Angeles, Calif.
10. Nacional de Quimica, Cleaning of scrap copper, U.S. individuals.
11. National Wire Die of Mexico, Diamond bits, National Tool and Die, Huntington Park, Calif.
12. Sedano, Women's handbags, (unknown).
13. Tecate Internacional, Condensors, Temple Industries, Tecate, Calif.

TIJUANA, BAJA CALIFORNIA

Number of firms: 63.
Total employment: 5,500.

*Name, product, and affiliation*

1. Arena y Sol de Mexico, Women's beach wear, Sun and Sand, Los Angeles, Calif.
2. Artesanías Electromecánicas, Voltage regulators (unknown).
3. Bourns de Mexico, Transformers, Bourns Inc., Riverside, Calif.
4. Bragalva, Women's apparel (unknown).
5. Cal Pacifico, Transformers, resistors, Cal Pacific, San Diego, Calif.
6. Centro Electrónico, Electronic subcontracting, Mexican capital.
7. Clasificadora Mercantil, Classification of coupons, U.S. individuals.
8. Componentes de Mexico, Semi-conductors, Fairchild Controls, San Diego, Calif.

9. Costuras industriales del Noroeste, Cushion covers (unknown).
10. Desire de Mexico, Women's apparel (unknown).
11. El Amigo, Pipe cutting, Mexican capital.
12. Electrón, Relays, Cal Pacifica of Calif., San Diego, Calif.
13. Electrónica de Baja California, TV sets for Sears, Roebuck, Warwick Electronics, Niles, Ill.
14. Electrónica de Tijuana, Electronic components (unknown).
15. Electronica International, FM radio tuners, Waller Corp., Crystal Lake, Ill.
16. Electro-Mex, Circuits, Electro-Mex, Tempo City, Calif.
17. Ensambladores Electronicos, Circuits, transformers, Viking Industries, Chatsworth, Calif.
18. Ensambles Electricos, Electronics contracting, Bondray Enterprises, Paramount, Calif.
19. Exacititud, Aircraft fasteners (unknown).
20. El Rey de Tijuana, Women's apparel, Mexican capital.
21. Dorothy C. Thorpe, Decorative ornaments, Dorothy C. Thorpe, Sun Valley, Calif.
22. Francisco Canales Rivera, Fiberglass furniture, Mexican capital.
23. Fenix Electronica, Aircraft radios, Air West, San Francisco, Calif.
24. Gar-Jai de Mexico, Women's apparel (unknown).
25. IMECO, Electronic contracting, Republic Corporation, San Diego, Calif.
26. Industrias Beta, Magnetic tapes, Audio Magnetic Corp., Gardena, Calif.
27. Industrias Marshall, Circuits, Marshall Industries, San Marino, Calif.
28. Industrias Mega, Printed circuits, Control Data Corp., San Ysidro, Calif.
29. Industrias Microtecnicas, Transistor bases, Cal Pacific of Calif., San Diego, Calif.
30. Industrias Pul, Transformers, Pulse Engineering, Santa Clara, Calif.
31. Industrias Universales Unidas de México. Wheel finishing (unknown).
32. Integración de Productos Metalicos, Cutting and polishing metal pipe (unkown).
33. Intercon de México, Electronic components (unknown).
34. Karen de México, Lingerie, Karen Lingerie, New York, N.Y.
35. Kaynar de México, Plastic specialties, Kayner, Pico Rivera, Calif.
36. Key Punch de Mexico, Punch cards, General Industrial, Phoenix, Arizona.
37. Le Estrella de Tijuana, Plastic auto seats (unknown).
38. Lafco, Furniture mouldings, Los Angeles Furniture, Los Angeles, Calif.
39. Maquilas de México, Women's apparel, Mexican capital.
40. Maquila Tecate, Electric motor (unknown).
41. Marco, Stereo and tape recorders (unknown).
42. Microfusion, Circuits, Microtronics, Redondo, Calif.
43. Minielectro, Electronic subassemblies, Republic Corp., San Diego, Calif.
44. Munecas y Juguetes, Stuffed toys (unknown).
45. Merit Products de Mexico, Coated abrasives, Merit Abrasive Products, Compton, Calif.
46. Modas Maria, Women's coats (unknown).
47. Neutron, Coils and resistance frames, Neutronics, Los Angeles, Calif.
48. Omega, Electronics (unknown).
49. Ropa Patty, Women's apparel, Korel Manufacturing, Los Angeles, Calif.
50. San Juan, Tents and fabric seats (unknown).
51. Salmar y Cía., Women's apparel, Salmar Sportswear, Los Angeles, Calif.
52. Solitron, Semi-conductors, high voltage Assemblies, Solitron Devices, San Diego, Calif.
53. Super Honing and Grinding de Mexico, Drill guards, Super Tool, Los Angeles, Calif.
54. Switch Luz, Transformers, Electro-Mex, Inc., Tempo City, Calif.
55. Tecnica Magnetica, Coils, transformers, Pulse Engineering Co., Santa Clara, Calif.
56. Tri Continental, Electronics contracting, Bourns Inc., Riverside, Calif.
57. Triad de Mexico, Memory cures, Litton Memory Products Division, Beverly Hills, Calif.
58. Triad de Mexico, Coils, Litton Memory Products, Beverly Hills, Calif.
59. Universal Molding and Frame, Picture frames, Universal Molding, Lynwood, Calif.
60. Venus de California, Women's apparel, Venus Manufacturing, Valley Stream, N.Y.
61. Victor Manuel Nicolás del Río, Women's apparel, Mexican capital
62. Y.A.B., Women's apparel (unknown).
63. Luz de California, Women's apparel, Lou Gene of California, Los Angeles, Calif.

ENSENADA, BAJA CALIFORNIA

Number of Firms: 1.
Total Employment: 20.

*Name, product, and affiliation*

1. Fábrica Ensambladora, Paper envelopes & files, Mexican capital.

TORREON, COAHUILA

Number of Firms: 1.
Total Employment: 80.

*Name, product, and affiliation*

1. Albert Humphrey, Jr., Mocassins, U.S. individuals.

SAN LUIS POTOSI, S.L.P.

Number of Firms: 1.
Total Employment: 200.

*Name, product, and affiliation*

1. Industrias Comet, Ship bins, lockers, electronics, Lockheed, San Diego, Calif.

GUADALAJARA, JALISCO

Number of firms: 2.
Total Employment: 1,700.

*Name, product, and affiliation*

1. Semiconductores Motorola, Transistors, circuits relays, etc., Motorola, Phoenix, Arizona.
2. Burroughs de México, Circuits, relays, Burroughs, Detroit, Mich.

---

## ROY WILKINS WRITES FROM IRELAND

---

## HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. CAREY of New York. Mr. Speaker, I would like to bring to the attention of my colleagues a very perceptive column in the New York Post of October 30, 1971, by Mr. Roy Wilkins, the distinguished president of the National Association for the Advancement of Colored People. In the column, written from Ireland, Mr. Wilkins compares the racial injustices suffered by black Americans in the United States with the plight of the minority people in Northern Ireland. He finds many parallels between the two, and in the area of elective representation, he notes that black Americans, while still insufficiently represented, are miles ahead of the minority people of Northern Ireland.

The article follows:

AN EERIE FEELING

(By Roy Wilkins)

DUBLIN.—A sign painted on available surfaces in Southern Ireland urges, "Join the I.R.A." Thus the warfare in Northern Ireland is screamed at every tourist.

All the people, white and black, who declare that the Negro minority in America suffers a peculiar persecution because of its race, should visit this capital of the Republic of Ireland. This is the grandstand of what seems the most cruel, senseless and futile exercise in hatred to be found in the last third of the 20th century.

Of course it is not so regarded by those caught up in its welter of death. There are Irish protagonists who have fought their foes, either with guns or ideas, their entire lifetimes. Their children and grandchildren carry on.

It is the Irish Republican Army to which some Americans of Irish descent have sent their savings regularly to carry forward propaganda and to purchase arms. It is the I.R.A. which has been accused of fomenting guerrilla fighting, bombings and murders in the North. The I.R.A., a band of patriots to some, has been branded by others as to the extremists to which terrorists have attached themselves.

There is more to the struggle than religious differences. There must be political reasons for the blood-letting, the presence of British troops and the meeting of the prime ministers of Britain and the two Irelands. Because of this politics there are many angles that make comments mischievous for outsiders. Add to this the ultrasensitivity of all schools of Irish and British thought and the danger of pop-offs becomes obvious.

It is clear, however, regardless of other factors, that the Protestant majority is not doing right by the Catholic minority.

If an American over here were to close his eyes and listen he would swear that he was hearing the complaints of American Negroes about the racial injustices in the U.S.A. Are the black Americans insufficiently represented in elective posts? They have been and still are, but compared to the Catholics of Northern Ireland, the Negro American is miles ahead. His 12 Congressmen and one U. S. Senator are not enough, but much better than the representation for Northern Ireland Catholics.

Black Americans have had to fight every inch of the way to win even token amount of the jobs and the pay they should have. The $100 billion U. S. construction industry stubbornly refuses to admit Negroes, except on a token basis, to the comfortable $11,000 to $21,000 wage scales.

But the Protestant majority in Northern Ireland just as steadfastly restricts Catholics, solely on the ground of their religion, in employment. Religious roadblocks are placed in their path in education and housing, as well as in the general administration of justice.

If it seems a sin to some that American blacks are still judged on their skin color, it is equally sinful that the calculated mistreatment of Catholics here is done on the excuse of religion. The fanaticism has progressed to killings, guerrilla fighting, shootings in the back, bombing of innocent persons and operations in sheer terror.

It may be that no passing commentator can appreciate the various roles and alignments, nor tune himself to the myriad nuances that have errupted into savage fighting. But if the fighting has to stop in Southeast Asia, if policemen are not to be stabbed in the back in Florida, if black youths are not to be murdered in their beds in Chicago, then the killing must stop in Northern Ireland.

Irishmen must not kill each other and tear the police and the economy apart with hatred and violence.

And the political fotrays must cease hiding behind the meanest and deadliest of all prejudices, religion.

## BEAUTY BE DAMMED

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. WALDIE. Mr. Speaker, one of the most impressive grassroots conservation efforts in the history of California is presently taking place.

This effort is aimed at protecting the last wild river systems in the State from the dreadful results of damming and diversion of fresh river water to areas to the south of the river systems.

The leader in this fight has been the Committee of Two Million led by Mr. Joseph Paul of San Francisco.

Mr. Speaker, recently Time magazine generously devoted considerable space in its San Francisco edition to causes worthy of concern and consideration by Time readers.

I was delighted to learn that among these causes was an advertisement calling attention to the efforts of the Committee of Two Million to preserve the rivers of the north coast of California.

This ad was prepared by the San Francisco agency Hoefer, Dieterich & Brown, Inc., and is an example of the fine public service efforts of the advertising industry. The ad was chosen for publication in competition with many others. Hoefer, Dieterich & Brown, Inc., is deserving of gratitude and praise for its work on behalf of the wild rivers of California.

Mr. Speaker, I would like, at this time, to include the text of the Time and entitled, "Beauty Be Dammed," for inclusion in the RECORD.

BEAUTY, BE DAMMED

This is the Eel River today. Sooner or later, the California water lobby will succeed in damming up all this beauty under huge, ugly reservoirs. Forever.

Unless we stop them. Forever.

The water lobby wants to dam the last three wild rivers in our state. The Eel, the Trinity, and the Klamath. These dams would destroy millions of acres of natural beauty, great stands of redwoods, salmon and steelhead runs, large herds of deer and elk, and the home of most of America's last bald eagles.

Recently, this plan was stopped by a few far-sighted legislators and economists. People who know that Southern California does not need Northern California water. That there is no California water shortage. And that there are sensible alternatives to prepare us for possible future shortages.

Unfortunately, the water lobby has only been stopped temporary.

Now, however, there are two ways to stop them permanently. One is House Resolution 7238, sponsored by Congressmen Jerome R. Waldie and 7 other California representatives. The other is California State Senate Bill 107. These bills will preserve all three river systems. Forever.

You can help this legislation pass. Details (and the facts about the California water situation) are in The Wild Rivers Reporter, a publication of the California Committee of Two Million.

Send for a free copy. And the California water lobby be dammed.

The California Committee of Two Million is a group formed to pass legislation to save the Eel, Trinity, and Klamath river systems from a series of 20 dams proposed by various state and federal agencies.

Gentlemen: I'd like to help dam up the California water lobby.

——Please send me a free copy of The Wild Rivers Reporter.

——Please enroll me as a charter member of CCO2M. Enclosed is my contribution of $——.

NAME _____

ADDRESS _____

CITY _____

STATE _____ ZIP _____

Please make check payable to CCO2M.

Send to: Hoefer, Dieterich & Brown, Inc., 414 Jackson Square/Dept. HN/San Francisco, CA 94111.

HOEFER, DIETERICH & BROWN, INC.,
*Advertising and Public Relations,*
*San Francisco.*

## MORE ON PRAYER AMENDMENT

### HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. SCHWENGEL. Mr. Speaker, the American Lutheran Church has reaffirmed its opposition to the so-called prayer amendment. A letter which I have received from the general president, Kent S. Knutson, together with the resolution follows:

THE AMERICAN LUTHERAN CHURCH,
*Minneapolis, Minn., November 2, 1971.*

Hon. FRED SCHWENGEL,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. SCHWENGEL: Your attention is invited to the enclosed statement by the Church Council of The American Lutheran Church regarding the proposed prayer amendment, House Joint Resolution 191.

The Church Council of The American Lutheran Church is the legislative agency that functions between general conventions for the 4,822 member congregations whose baptized membership is 2,543,293 persons.

After considering this particular statement, the vote to adopt was 40—yes, 0—no, 0—abstentions and 4 members absent.

The statement, as it speaks to the present situation, reaffirms a paragraph from a previous statement, "An American Lutheran Position on Church-State Relations in the U.S.A.", adopted by the 982 voting members at the 1966 General Convention.

In the motion to adopt the statement, the Church Council also voted to send a copy of the statement to all members of the House of Representatives for consideration in relation to House Joint Resolution 191.

Sincerely yours,

KENT S. KNUTSON,
*General President.*

THE PROPOSED PRAYER AMENDMENT AND OUR CHERISHED RELIGIOUS LIBERTY

(A statement adopted October 22, 1971, by the Church Council, the legislative agency between general conventions of the 4828 member congregations (whose membership is 2,543,293 baptized persons) of the American Lutheran Church, by a vote of forty (40) in favor, none (0) against, no (0) abstentions, with four (4) members absent. (C70.10.173))

The guarantees of religious liberty written into the Constitution of the United States have served this nation well. Both church and state are the stronger because government cannot pass laws "respecting an establishment of religion or prohibiting the free exercise thereof."

As American Lutherans we cherish the freedom and the responsibility the First Amendment assures us. We cherish our freedom to pray, to assemble, to worship, to study, to teach, and to serve our neighbors as the fullness of our faith directs. We respect the similar freedoms and responsibilities of our neighbors of other religious faiths. We do not seek to impose our understandings upon them; we expect the same consideration from them.

By its very nature, religious expression is both personal and corporate. It cannot be forced or coerced. It must be true to its distinctive self and to its own corporate commitment. It resists becoming the captive of any race, class, ideology, or government, lest it lose its loyalty to its Lord.

This protection we enjoy in America. We are free to pray in our own words to our own God. We are free to read the Bible in the version we prefer. We are protected against having to speak governmentally composed prayers. We are protected against having to join in devotional exercises decreed by governmental authorities. We are free to pray in public and to read the Bible in public places. We cannot, however, force others to join us in such expressions of our religious faith. These freedoms and these protections our Constitution, as interpreted by the Supreme Court in its school prayer and Bible reading decisions, presently assures us.

We see no need, therefore, for any amendment to the Constitution to permit participation in "nondenominational prayer" "in any public building." Such an amendment would endanger our religious liberty; it would tend to establish a governmental nondenominational religion; it would pave the way for courts to intervene in defining what is acceptable as an expression of religion; and it would limit rights already granted and clearly established in American life.

The Church Council in 1971 reaffirms the paragraph commended by the 1964 General Convention and adopted by the 1966 General Convention "as an expression of the policy and conviction of The American Lutheran Church":

"Reading of Scripture and addressing deity in prayer are forms of religious expression which devout persons cherish. To compel these religious exercises as essential parts of the public school program, however, is to infringe on the distinctive beliefs of religious persons as well as on the rights of the irreligious. We believe that freedom of religion is best preserved when Scripture reading and prayer are centered in home and church, their effects in the changed lives of devout persons radiating into the schools and into every area of community life. It is as wrong for the public schools to become agents for atheism, godless secularism, scoffing irreligion, or a vague 'religion in general' as it is for them to make religious rites and ceremonies an integral part of their programs."

As a nation we should be careful not to endanger our cherished religious liberty through the well-intended but potentially harmful "prayer amendment" (House Joint Resolution 191).

## REGULATORY RESPONSIBILITIES OF THE ATOMIC ENERGY COMMISSION

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. BINGHAM. Mr. Speaker, as the sponsor of legislation in the House—H.R. 9542—to transfer the regulatory responsibilities of the Atomic Energy Commission over nuclear power plants to the Environmental Protection Agency, I was interested to learn of remarks made by Mr. Robert Lowenstein on October 18 to the annual conference of the Atomic Industrial Forum at Bal Harbour, Fla.

Mr. Lowenstein is a distinguished lawyer in the nuclear field. He was on the legal staff of the Atomic Energy Commission from 1952 to 1965. From 1961 to 1964 he served as Director of the Division of Licensing and Regulation, and in his last year with the Commission he was Assistant Director of Regulation. Upon leaving the AEC he received its distinguished service award. He has remained active in nuclear affairs through his Washington law firm, and as vice chairman of the Committee on Enivronmental Law and Technology of the Atomic Industrial Forum.

In his remarks at the annual conference, which is attended by leaders of the atomic industry from around the country, Mr. Lowenstein recommends that:

The time has come to reconsider the question of reorganizing the AEC so as to separate the Commission's regulatory from its promotional and operational responsibilities.

He concludes that:

Today's conditions . . . require an agency whose appointed heads can devote their full time and energies to the regulatory program and who do not have even the appearance of a conflict in responsibility.

Coming from such an experienced and respected member of the atomic energy establishment, I think these remarks are most significant, and will be of interest to Members of Congress and other readers of the RECORD. The full text of Mr. Lowenstein's remarks follow:

REMARKS PRESENTED BY ROBERT LOWENSTEIN

I must confess to some surprise at seeing such a large audience. In thinking about this afternoon's discussion, I thought of the possibility that there wouldn't be any audience—that half of the audience would be back home stuffing envelopes with 40-day showcause statements and the other half would be in New York or Boston reassuring their underwriters that AEC didn't really mean it. And, I decided, those not required to file 40-day statements probably wouldn't come to Florida either. I figured they would just about have finished their 60-day cost-benefit analyses and, having concluded that the costs of nuclear power outweigh the benefits, would have decided to stay home.

Seriously, though, although this convention is meeting today in the midst of the most serious regulatory problems which have faced the AEC, the situation is not quite hopeless. The advent of a new General Counsel, a new Commissioner and a new Chairman, the first in many years to be appointed from outside the field of atomic energy, will bring fresh points of view to AEC, and hopefully some new approaches. And some new approaches are badly needed; on that the industry, environmentalists and public groups will all agree.

I am sure we all wish you well in your endeavors.

It is interesting and instructive to look back briefly over the less than two years since NEPA was enacted to a time which, in retrospect, seems eons ago. At the time of NEPA's enactment in 1970, AEC was conducting meetings in various parts of the country to refute the claims of two up-start Californians who had asserted that Part 20 limits should be reduced. AEC at that time also denied jurisdiction over thermal and other non-radiological effects, disclaimed interest in our responsibility for state regulatory requirements, and steadfastly maintained the position that nuclear power reactors being constructed as base load plants were not of "practical value".

AEC obviously wasn't reading its Congressional mail which reflected the growing public concern as to the AEC's regulatory policies.

Since January 1, 1970, AEC has issued regulations which so reduce permissible effluents that Gofman and Tamplin have had to find other grounds on which to criticize AEC. Also, in contrast to January 1970, AEC is now exercising jurisdiction as to all non-radiological environmental matters, including thermal effects. And antitrust reviews are routinely conducted with respect to all power reactors.

In December 1969, at the Forum Annual Conference in San Francisco, at a similar panel discussion, I observed that

"A minor issued raised by an intervenor could become a dramatic confrontation if litigation before the AEC necessarily requires a $200,000,000 needed plant to stand idle until the hearing is concluded. . . . It should be possible to adapt hearing procedures so that public disagreement over power reactor operation can be deliberately considered without necessarily converting each disagreement into an eye-ball to eye-ball confrontation between the utility and the opposition."

Such confrontation, too, I am sad to say, have come to pass in the past two years, not once but many times. Commissioner Doub's remarks offer the hope that AEC will soon be dealing with this paramount problem.

Dramatic as the changes in AEC's regulatory programs have been, it is not likely that the rate of change in development of national policy or of AEC regulatory problems will diminish much in the year or two ahead. The changes confronting AEC during the past two years have not occurred in isolation. They have been accompanied by changes in social values and goals of the public at large, changes which are reflected in the programs of all environmental agencies, federal and state.

Additional air and water pollution control legislation is under consideration in Congress. Amendments to the Federal Water Pollution Control Act, under consideration before the Senate Public Works Committee, might give States a major role in regulating radiological effluents in addition to the controls exercised by AEC; House and Senate committees, as well as the Joint Committee on Atomic Energy, are considering power plant siting legislation; the Senate Interior Committee is conducting a study under the leadership of Senator Jackson (principal sponsor of NEPA) of national energy policy. The Senate Interior Committee is also considering Senator Jackson's land use policy bill. The Hart-McGovern bill would authorize a new form of citizens' action, and shift a large part of the burden for resolving environmental controversies from regulatory agencies to the courts.

Drastic modifications in AEC's organization and its programs are, I believe, essential not only for AEC to catch up with the changes and added workload of the last two years, but if it is to meet the challenge of continued change and new problems in the years ahead.

It is for this reason I would like to discuss two particularly important areas to which I would commend your attention.

1. *There is need for an expanded rule-making program with more meaningful procedures for public and industry participation.*

Although the AEC has recently come to give more emphasis to the issuance of regulations of general applicability to establish its nuclear safety requirements, much more can be done. The objective of the AEC's reactor standards or rulemaking program should be to define at an early date what constitutes acceptable design for each of the safety systems of a nuclear power plant. Although accomplishment of this objective might require several years to achieve, it should be adopted now by the AEC as a near-term goal. The issue then in both regulatory staff reviews and contested hearings could center about questions concerning the applicant's compliance with regulatory requirements instead of, as presently, a searching examination, case-by-case, as to what represents an acceptable degree of safety in reactor location, design and operation.

The need for regulation of general applicability is of crisis proportions with regard to non-radiological environment matters under NEPA. Regulations are critically needed to define the matters which should be considered in applicant's environmental reports and AEC environmental statements, and to define the issues which may be raised properly in contested reactor licensing proceedings. Regulations are also needed to establish standards for the consideration of such issues by the staff, by safety and licensing boards, and by the Commission itself.

A shift in the emphasis from case-by-case adjudication to general rulemaking will facilitate more meaningful participation by interested members of the public. For this purpose, I believe the Commission should publish reports by the AEC staff evaluating the safety or environmental aspects of important proposed rules prior to or contemporaneously with issuance of significant proposed rules for public comment. The Commission should also hold public hearings on its important proposed regulations as a means of encouraging public and industry participation and also as a means of conducting a more meaningful public inquiry into safety and environmental issues of public interest.

2. *The time has come to reconsider the question of reorganizing the AEC so as to separate the Commission's regulatory from its promotional and operational responsibilities.*

The question whether AEC's regulatory responsibilities should be separated from its promotional and operating responsibilities is almost as old as the AEC regulatory program. Underlying the issue have been two persistent questions: whether the public will have confidence in important safety decisions by an agency which has both promotional and regulatory responsibilities; and whether the heads of the agency (in this case, the five commissioners) have the time to carry out both regulatory and operating functions adequately.

Personally, I have never been impressed by the argument that AEC promotional responsibilities have prejudiced its consideration of regulatory questions. As one who spent many years on the regulatory side of the Commission, I know that is not true. But I think the AEC, the utility industry and the public at large have paid dearly in loss of public confidence in AEC decisions because of the appearance of conflict between regulatory and promotional functions.

In 1957, a Joint Committee staff study concluded that:

"As a longer range view is taken of atomic energy development, however, the strength of the arguments against a separate agency diminish, and tend at some point to be outweighed by the arguments favoring separation. When the day of commercial atomic power arrives, and the atomic industry can operate free from Government assistance, one can see definite advantages in an agency established to regulate that industry which would be independent of the government's manufacturing, producing, and operational efforts in the atomic energy program." (p. 47)

Four years later, the Joint Committee staff undertook a new study of AEC's regulatory program. The staff report of that study was issued in March 1961. I think you will be interested in some quotations from the report:

"3. The inability to formulate needed regulatory policy.

Finally, the Commission, with its heavy promotional and operational responsibilities, has been unable to formulate much needed

regulatory policies and standards. As a result, its regulatory actions, on occasion, have been marked by inconsistency and a resulting uncertainty which adversely affects the industry.

These problems, and the others identified in Part IV of this study, have not as yet become critical because the AEC's workload and the peaceful uses of atomic energy have not progressed to the point where cumbersome organization and procedures produce an operational crisis or inadequate protection for the public. However, there is every indication that as the Commission's regulatory workload increases, it will be unable to successfully meet its many-sided responsibilities for the regulation and development of atomic energy. (p. 4)

"(1) Delay in adjudication.—Delay has been a factor in the licensing of both reactors and materials but, perhaps because the caseload is still not high, no great backlog of cases has been built up. Moreover, such delays as have occurred have not as yet actually delayed the completion of any reactors.

The one case in which an active intervention required an adversary proceeding in reactor licensing, the PRDC case, has been extended over a period of more than 4 years and the end is not yet. Moreover, since a construction permit is involved, there remains the prospect of a contest at the operating license stage if the construction permit is granted but the findings of operating safety are open to dispute. Not only did this case run for a protracted period; in doing so it absorbed a great deal of Commission and staff time. While the PRDC case involved questions for which there was no precedent, the burden on the agency of conducting two or three contested reactor licensing proceedings at the same time would not be easy to estimate. Procedures which are reasonably expeditious and an organization at the decision making level which inspires public confidence seem necessary if the risk of the paralyzing effects of contested cases is to be avoided. (p. 56)

". . . The AEC seems also to have found it difficult to devote attention to forward planning for its growing regulatory responsibilities, though this difficulty has stemmed less from the pressure of adjudicatory business than from the preponderant burden of operating and promotional responsibilities. Given the continuing conflict with its operating and promotional responsibilities, the AEC seems destined to devote insufficient time to regulatory policy unless some change in organization can relieve it of its adjudicatory function. (p. 59)

"Although continued progress in reactor development can be expected over the next 10 years, the period of commercial exploitation of this great resource is not yet at hand. Advantage should be taken of this period of developmental activity by private industry and government to establish within the present framework of the AEC an organization adequate to meet the current needs and to provide a foundation for the creation of an independent agency when large-scale development of atomic power makes such a move desirable." (p. 67)

The importance of the safety and environmental questions which must be considered in AEC's regulatory program, and the need for public confidence in the agency's decisions on those questions, are, I believe, so compelling under today's conditions as to require an agency whose appointed heads can devote their full time and energies to the regulatory program and who do not have even the appearance of a conflict in responsibility between that program and any other.

I recognize that difficult questions are presented by a proposal to separate these functions, but there are many possible alternatives and they do not all require a transfer of the regulatory function.

## THE MISCHIEF OF SUPREME COURT PRAYER DECISIONS


### HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES


*Thursday, November 4, 1971*

Mr. HUNT. Mr. Speaker, there continues to be a great deal of confusion as to what the U.S. Supreme Court's prayer decisions actually meant. Some would have you believe that prayer in the public schools has not really been outlawed, but that is misleading because what they mean is that if your child wants to pray, he has no choice but to do so by way of thinking it to himself. This much is clear; participation in prayer is prohibited. This is precisely what the Wylie prayer amendment, House Joint Resolution 191, is designed to overcome. All the hand wringing about what the word "nondenominational" means is peripheral.

To illustrate the mischief of the Supreme Court prayer decisions and the manner in which they have been applied by the lower courts, I would like to include in the RECORD a number of news stories concerning the now famous Netcong, N.J., High School prayer case. In that case, students assembled in the gymnasium on their own initiative prior to regular school hours for the purpose of participating in a reading of the daily prayer that appears in the CONGRESSIONAL RECORD. The New Jersey courts went on to rule this practice unconstitutional and the U.S. Supreme Court refused to hear it. I commend these stories to your attention and urge that you consider the implications carefully when House Joint Resolution 191 is called up for a vote on Monday, November 8:

SCHOOL PRAYER: NETCONG TAKES A LESSON

(By Phillip Truckenbrod)

A prayer was said yesterday morning in Netcong High School by Principal Vincent Togno before most of the student body, but school officials maintained they had not violated the 1965 U.S. Supreme Court decision outlawing prayer in public schools.

The Netcong Board of Education technically has abanboned its controversial decision to return prayers to the public schools and has substituted a brief reading from the Congressional Record, but the effect is exactly the same since the selection to be read each morning is a quotation of the Senate chaplain's opening prayer.

The unique attempt to provide for voluntary expression of religion in the schools without directly violating the U.S. Supreme Court decision was announced Monday by the board and initiated yesterday morning at Netcong High School.

Togno read from the Congressional Record of Aug. 8, quoting a prayer by the Rev. Dr. Edward Elson to students who had voluntarily gathered in the gymnasium five minutes before the official opening of the school day.

Meanwhile, in Sayreville yesterday, public school students paused for the second consecutive day for two minutes of silent meditation immediately after the Pledge of Allegiance to the flag. Daniel Di Poalo, the Sayreville Board of Education member who introduced the motion to install the meditation period, said the situation there was "completely quiet."

Netcong Superintendent of Schools Joseph Stracco said the whole session there lasted only one to one-and-a-half minutes and was attended by more than 300 of the high school's 340 students.

The morning the religious exercise will be conducted for the second time in the high school and will be initiated in the town's elementary school.

The complicated attempt to reintroduce prayer to the Netcong schools began on Sept. 2, when the board decided to ask local clergymen to write a nondenominational prayer for the classroom use. The board next announced it would introduce a period of silent meditation in the schools until the clergymen came up with their prayers.

Last week the ministers of Netcong and Stanhope, which shares Netcong's high school, met to compose the prayer but adjourned indefinitely with nothing but a statement saying they supported the board's decision. On the same day the board again changed the plan, this time substituting a voluntary five-minute period of meditation before the official opening of classes each morning.

Last Monday the board announced the five minute pre-school meditation period would be filled with the prayer quotations from the Congressional Record, a plan evolved by a committee of high school teachers and students.

The New Jersey Chapter of the American Civil Liberties Union plans to file suit in Morris County to halt the prayer readings "if the Netcong board stops shifting ground so quickly so we can prepare the necessary papers," said Stephen Nagler, state ACLU executive director.

Nagler, who debated the school prayer issue on a New York radio station Monday night with a member of the Netcong Town Council and the chairman of the clergy group from Netcong, said the tactic of reading the prayers from the Congressional Record was "still the establishment of religion in the schools and is only a backhanded attempt to evade the law."

Stracco said neither he nor officials of the school board had been notified of the ACLU's plans to take the matter to court, nor had they had any communication from Madalyn Murry O'Hair of Austin, Tex., who has publicly announced sending letters to the board threatening legal action if prayers were reintroduced in the Netcong schools.

Mrs. O'Hair brought the suit in 1965 which led to the Supreme Court decision banning public school prayer.

Meanwhile in Texas, Mrs. O'Hair continued her stand against the Netcong board's action, calling the latest development "the biggest joke that has been played on this country in a long time, but when we go into court they won't think it's so funny."

"Netcong is trying to drag the Congress into this," she said, "and we know Congress isn't such a responsible body any more."

Stracco, however, said, "It is not the intent of the board to use this as a method of circumventing the ruling of the Supreme Court."

The superintendent's uncle, school board President Palmer Stracco, said he did not see how anyone could find fault with the latest tactic because it was merely the reading in a public school of a published record of Congress.

Togno said he followed his reading from the Congressional Record yesterday with a short talk on "brotherhood and citizenship."

He said the prayer this morning would be read by Dennis Morgan, a Netcong High School teacher. Plans for the immediate future call for the pre-school sessions to be handled by faculty or officials at the high school, he said, and possible student involvement later.

[From the Washington Daily News, Dec. 8, 1969]

SCHOOL TO CONTINUE DAILY READINGS OF CONGRESS PRAYERS

NETCONG, N.J.—The Netcong Board of Education rejected yesterday a decision by the state attorney general and voted to continue prayer readings from the Congressional Record at Netcong High School.

Atty. Gen. Arthur J. Sills ruled last week that the readings were unconstitutional, but the board said in its decision. "We have consulted with our attorneys . . . who inform us the attorney general's opinion is that and nothing more, with no operative effect in law."

By a 7–1 vote, the board adopted a resolution calling on Joseph Stracco, the superintendent of schools, "to continue school prayer."

The religious exercise period is conducted daily in Netcong High School on a voluntary basis. A student volunteer reads from the Congressional Record of a particular date those "remarks" of the chaplain of the House of Representatives or the Senate.

---

NEW JERSEY SEEKING BAN IN NETCONG—SCHOOL PRAYER FIGHT ON

TRENTON.—The State Board of Education decided Wednesday to go to court in an effort to stop the reading of prayers from the Congressional Record at Netcong High School.

Legal steps probably will be taken Thursday in Superior Court, Morris County, to secure an injunction that would prevent continuation of the "period for free exercise of religion" at the high school each morning.

State Education Commissioner Carl L. Marburger asked the attorney general's office to initiate legal action as soon as possible.

The state board said it was "troubled by the disrespect for law evidenced by the Netcong Board of Education" Tuesday night when it voted to continue the religious activity at the high school despite a ruling by Atty. Gen. Arthur J. Sills that it was unconstitutional.

Board member Martin S. Fox of Millburn, an attorney, first moved that the Netcong board be urged to "promptly reconsider its ill-conceived action." The board then unanimously adopted his second motion that legal action be filed in the state board's name to stop the Netcong practice.

The state board's action came only a few hours after Wallington High School began a similar program of religious readings from the Congressional Record over the objections of Wallington School Supt. Edward M. Dzurinko.

The state board apparently was unaware of the Wallington development at the time it met, but a spokesman for the Department of Education said the Wallington board would be formally notified of the Sills opinion and that if legal action was necessary to stop the program there it probably would be taken.

Mrs. Virginia Annich, a deputy attorney general who prepared the Sills opinion and who is handling the board's legal action in the Netcong case, said each situation would probably have to be dealt with individually.

"The use of the Congressional Record as source material for religious readings cannot be employed to circumvent the Supreme Court's pronouncements banning school prayer," Sills said in an opinion requested by State Education Commissioner Carl L. Marburger.

"There is no rational distinction between prayer and Bible passages read from a prayer book or Bible, and prayer and Bible passages read from the Congressional Record," the opinion said. "It is the reading of the prayer and Bible passages that is proscribed, not the source books from which they are taken."

The Netcong board voted 7–1 "to continue school prayer," anyway.

"It should be kept in mind that the constitutionality of the type of program currently in operation at Netcong High School has never been passed upon by either the Supreme Court of New Jersey or the Supreme Court of the United States," the local board said in a prepared statement.

Fox, however, said the "tenor" of the Netcong program had been decided by the courts and found unconstitutional.

---

AMERICA'S TWO-CLASS SOCIETY

(By Frank Getlein)

We delude ourselves that we have created—or at least are creating—the first classless society in the history of mankind, one in which all men are equal before the law and the law knows no favorites.

This may have been true at one time, but a series of recent legal decisions have changed that profoundly. Paradoxically, in the name of a greater equality, we are in the process of creating a society so monumentally unequal that just about every historic alternative society would have been shocked and unbelieving at what we are doing, from Egypt and Babylon to Inca and Aztec, from Rome and Greece to Victoria's England and Franco's Spain.

The two classes are the government and the rest of us. This is a conventional-enough breakdown for a two-class society, but we have pushed the distinction far beyond the wildest dreams of the Soviet Union, the Sun King, or the Chinese Mandarins, all of whom were pretty good at making the same distinction.

The latest decision establishing a legally enforceable difference in kind between these two classes of citizens was handed down the other day in Morristown, N.J. Superior Court Judge Joseph H. Stamler ordered the board of education of nearby Netcong to cease and desist from allowing the students in its charge to read and listen to "inspirational remarks" taken from the prayers of the chaplains of the Senate and the House of Representatives and recorded in the Congressional Record.

Stamler ruled that this practice constituted an "establishment of religion," and hence was in violation of the First Amendment, which prohibits Congress from making any law regarding said establishment.

The lyric leap by which the amendment really means to prohibit a New Jersey board of education from allowing children to hear congressional prayers and to allow Congress to continue its establishmentarian practices is not only a rather charming example of the judicial mind at work—God bless you, Judge Stamler, if you'll pardon the expression—it is also one of the growing number of judicial slack-wire balancing acts on this question which have effectively established the United States as a two-class society, the government and the rest of us.

President Nixon, for instance, has had some of the country's famed preachers preaching right there in the White House in cavalier disregard of the First Amendment.

Congress provided the subversive prayers for the New Jersey subversives, and you would think someone would do something about that.

And the Supreme Court, as is well known, maintains a paid functionary to pray God to save that honorable court, a service he has faithfully performed even while the honorable court was ruling that less honorable institutions—boards of education among them—had better pray silently, if at all.

The ordinary mind would imagine that an illegal establishment of religion in this country is something that would come from government rather than from obscure school districts, but that's why ordinary minds remain ordinary.

The forbidding of publicly paid-for prayer to everyone except the government is about as blatant an example of class legislation—in whatever form—as can easily be imagined. It is more than that. It is an unspeakable arrogance on the part of the government that neither Charlemagne nor Louis XIV nor Henry VIII would have dared attempt.

The distant origins of all human societies seem to have derived in part from the felt need for communal intercession and petition to the deity, or "prayer," as it is called by ordinary minds. The priest-king of early societies ruled his people and led their prayers to their gods. You can see that role surviving in the opening of "Oedipus," by Sophocles. For that matter, you can see a dim survival of it in Queen Elizabeth II and her people.

Until this country was founded, religion was always established. It was more than an individual's communing with his God; it was the people, as a people and therefore with government sanction, communing with God.

For many excellent reasons, this Republic scrapped the established church principle, and that's what that phrase in the First Amendment is all about. It is a logical extension of that scrapping that has, so many decades later, brought the wrath of Stamler down upon those who would follow the old ways.

But it is intolerable that the government, forbidding its citizens to listen to prayers in public places, should itself devote portions of the taxpayers' money to the hiring of prayer-sayers for the government itself.

Let the President, the Congress and the Supreme Court take their chances along with the rest of us.

VOLUNTARY SCHOOL PRAYER PLEA DENIED

The Supreme Court turned down today a plea that it is constiutional to let public school students join voluntarily in prayers before classes begin.

The Board of Education of Netcong, N.J., had argued that its program of prayers for high school students satisfied Supreme Court decisions of 1962 and 1963 about religion in the schools.

However, the New Jersey Supreme Court ruled Nov. 9 that it could find "no meaningful difference" between what Netcong students did, and what the Supreme Court had outlawed.

Today, the Supreme Court refused, in a brief order, to disturb that ruling. Justices Potter Stewart and Byron R. White said they thought the court should examine the issue, but it takes the vote of four justices to grant review.

The Netcong high school has been setting aside five minutes before classes for teachers and students wishing to join in voluntary prayer.

"Participation may be total, or partial, regular or occasional, or not at all," the local school board specified.

The practice was challenged as illegal by the New Jersey attorney general and state education officials, who tried unsuccessfully to stop the prayers.

In its appeal, the local school board argued that its program did not involve officially composed prayers, and did not coerce any student into participating. Those were the reasons the Supreme Court had cited in striking down prayers and Bible-reading in the earlier decisions, the school board contended.

## EDUCATIONAL, RELIGIOUS, AND LEGAL GROUPS OPPOSE THE PRAYER AMENDMENT

### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. ROSENTHAL. Mr. Speaker, a vote on House Joint Resolution 191, the prayer amendment, is scheduled for this Monday. The question of prayer in the public schools is one which has been debated at some length. I am opposed to any attempt to end the strict separation of church and state and will, therefore, vote against this measure.

Proponents of the amendment contend that it is an extension of the religious freedoms granted under the Constitution. Nothing is farther from the truth. Rather than a guarantee of religious expression, House Joint Resolution 191 is a serious threat to it. It gives the Government the power to dictate what prayers an individual may say in public. It is only a short step from Government permission to Government prescription.

More importantly, this amendment is a direct attack on the Bill of Rights, and especially the first amendment. Throughout our history it has stood as the major safeguard of the freedoms we Americans hold most dear. Tampering with this vital document would set a dangerous precedent. I stand in opposition to all attempts to modify the Bill of Rights.

Educational, religious, and legal groups all over America share this view. I am inserting in the RECORD at this point statements by a number of highly respected organizations in opposition to the resolution.

The statements follow:

OPPOSITION TO PRAYER AMENDMENT TO THE CONSTITUTION

The Women's Division of the Board of Missions of the United Methodist Church 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 "nondenominational 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.

Adopted October 24, 1971, by the Women's Division of the Board of Missions of the United Methodist Church, which is the elected national leadership of the 36,500 local women's organizations of the United Methodist Church.

---

THE PROPOSED PRAYER AMENDMENT AND OUR CHERISHED RELIGIOUS LIBERTY

(A statement by the Church Council of the American Lutheran Church.)

A statement adopted October 22, 1971, by the Church Council, the legislative agency between general conventions of the 4828 member congregations (whose membership is 2,543,293 baptized persons) of The American Lutheran Church, by a vote of forty (40) in favor, none (0) against, no (0) abstentions, with four (4) members absent. (C70.10.173)

The guarantees of religious liberty written into the Constitution of the United States have served this nation well. Both church and state are the stronger because government cannot pass laws "respecting an establishment of religion or prohibiting the free exercise thereof."

As American Lutherans we cherish the freedom and the responsibility the First Amendment assures us. We cherish our freedom to pray, to assemble, to worship, to study, to teach, and to serve our neighbors as the fullness of our faith directs. We respect the similar freedoms and responsibilities of our neighbors of other religious faiths. We do not seek to impose our understandings upon them; we expect the same consideration from them.

By its very nature, religious expression is both personal and corporate. It cannot be forced or coerced. It must be true to its distinctive self and to its own corporate commitment. It resists becoming the captive of any race, class, ideology, or government, lest it lose its loyalty to its Lord.

This protection we enjoy in America. We are free to pray in our own words to our own God. We are free to read the Bible in the version we prefer. We are protected against having to speak governmentally composed prayers. We are protected against having to join in devotional exercises decreed by governmental authorities. We are free to pray in public and to read the Bible in public places. We cannot, however, force others to join us in such expressions of our religious fath. These freedoms and these protections our Constitution, as interpreted by the Supreme Court in its school prayer and Bible reading decisions, presently assures us.

We see no need, therefore, for any amendment to the Constitution to permit participation in "nondenominational prayer" "in any public building." Such an amendment would endanger our religious liberty; it would tend to establish a governmental nondenominational religion; it would pave the way for courts to intervene in defining what is acceptable as an expression of religion; and it would limit rights already granted and clearly established in American life.

The Church Council in 1971 reaffirms the paragraph commended by the 1964 General Convention and adopted by the 1966 General Convention "as an expression of the policy and conviction of The American Lutheran Church":

Reading of Scripture and addressing deity in prayer are forms of religious expression which devout persons cherish. To compel these religious exercises as essential parts of the public school program, however, is to infringe on the distinctive beliefs of religious persons as well as on the rights of the irreligious. We believe that freedom of religion is best preserved when Scripture reading and prayer are centered in home and church, their effects in the changed lives of devout persons radiating into the schools and into every area of community life. It is as wrong for the public schools to become agents for atheism, godless secularism, scoffing irreligion, or a vague "religion in general" as it is for them to make religious rites and ceremonies an integral part of their programs.

As a nation we should be careful not to endanger our cherished religious liberty through the well-intended but potentially harmful "prayer amendment" (House Joint Resolution 191).

---

COMMITTEE FOR PUBLIC EDUCATION AND RELIGIOUS LIBERTY,
*New York, N.Y., October 28, 1971.*

Hon. BENJAMIN S. ROSENTHAL,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. ROSENTHAL: On behalf of the 31 civic, religious, labor and educational groups that comprise the Committee for Public Education and Religious Liberty (PEARL) in New York City, I strongly urge the members of the House to defeat by an overwhelming vote, the proposed constitutional amendment that would permit state-sponsored prayers in public schools. Such a vigorous rejection of this proposal would demonstrate to the American people that the House of Representatives is unwavering in its support of the guarantees of freedom contained in the Bill of Rights.

Never in the history of the United States have the people approved an amendment which would dilute the strength of the Bill of Rights.

H.J. Res. 191, if adopted, would weaken those guarantees of the First Amendment that are not and should not be subject to change.

The proposed amendment reflects dissatisfaction with the decisions of the Supreme Court holding that the First Amendment does not permit state-sponsored prayer in public schools. It is in an effort to nullify the ruling of the highest court in our land outlawing such prayers as a violation of religious liberty and church-state separation.

Should this amendment be adopted it would set a precedent that would encourage amending the Constitution to overrule every controversial Supreme Court decision. It would thereby reduce the Constitution to the level of a statute easily repealed or amended.

The claim that participation in school prayers is entirely voluntary under the terms of this proposal is unrealistic.

Young children rarely are able to set themselves apart from their peers, or risk the disapproval of their teachers, by not taking part in a prayer service which has the approval of school authorities but conflicts with their own beliefs.

The amendment purports to permit only "non-denominational prayer." But what is non-denominational in the eyes of one sect is offensive to another.

The high court has interpreted the Constitution as restricting the government from interfering in the affairs of religious groups in order to protect their independence, freedom and integrity. The proposed amendment would impose on government officials the responsibility of determining which prayers are denominational and which are not, thereby acting in the role of a censor.

For all these reasons, we ask members of the House to defeat the prayer amendment.

Respectfully yours,

WILLIAM F. HADDAD, *Cochairman.*

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 denomination 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 buildings—non-denominational prayers. The proposed amendment introduces a devisive 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 infringment 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.

OUR MOST PRECIOUS HERITAGE

(A Statement by more than 300 constitutional lawyers and law professors)

Our Bill of Rights is America's most precious heritage. For a century and three-quarters it has spread the mantle of protection over persons of all faiths and creeds, political, cultural and religious.

Under our system, special responsibility for the interpretation and application of the Bill of Rights rests with the Supreme Court. In discharging this responsibility the Court has from time to time handed down decisions which have aroused considerable controversy. Some of the decisions have been subjected to strong criticism and even condemnation. There have, no doubt, been decisions which have been deemed by a majority of the American people, at least in their immediate reaction, to have been unwise, either in the conclusion reached by the Court or in the manner by which that conclusion was reached.

It may be that the Court's 1962 and 1963 decisions against state-sponsored prayer and devotional Bible reading in the public schools belong in this category. If so, it is much too early to judge whether it will be the popular judgment or the Court's that will be vindicated by time. But whichever the case, we are convinced that it would be far wiser for our nation to accept the decisions than to amend the Bill of Rights in order to nullify them.

We recognize that the Constitution provides for its own amendment, and that no provision of it, including the Bill of Rights, is immune to repeal or alteration at the will of the people expressed through the medium of constitutional amendment. Yet, it is relevant to recall in this respect the concluding paragraph of Thomas Jefferson's great Virginia statute for Establishing Religious Freedom:

"And though we well know that this assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding assemblies, constituted with powers equal to our own, and that therefore to declare this act to be irrevocable would be of no effect in law, yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present, or to narrow its operation, such act will be an infringement of natural right."

American liberties have been secure in large measure because they have been guaranteed by a Bill of Rights which the American people have until now deemed practically unamendable. If now, for the first time, an amendment to "narrow its operation" is adopted, a precedent will have been established which may prove too easy to follow when other controversial decisions interpreting the Bill of Rights are handed down. In the past, the Court has construed the provisions against the infringement of the free exercise of religion and of speech and assembly, or securing the privilege against self-incrimination, or requiring fair trial procedures, in a manner deemed by many at the time to be unduly restrictive of the proper powers of government. It is certain that it will do so again in the future. If the first clause of the Bill of Rights, forbiding laws respecting an establishment of religion, should prove so easily susceptible to impairment by amendment, none of the succeeding clauses will be secure.

A grave responsibility rests upon the Congress in taking this "first experiment on our liberties." Whatever disagreements some may have with the Bible-Prayer decisions, we believe strongly that they do not justify this experiment. Accordingly, we urge that Congress approve no measures to amend the First Amendment in order to overrule these decisions.

---

## "FESS" WEISSMUELLER AND THE LOUISVILLE TURNERS

---

## HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. MAZZOLI. Mr. Speaker, in this great melting-pot country of ours, we are blessed with a rich diversity of traditions and institutions brought over from foreign lands. As an American of Italian ancestry, I am of course quite proud of the contribution that has been made by the cultural heritage of Italy.

But today, I wish to call attention to a German institution, the "Turnverein." My city of Louisville, Ky., has had the good fortune since 1848 to be the home of an active chapter of the American Turners.

For 123 years, the Turners in Louisville have conducted constructive programs of physical education and gymnastics for citizens of all ages. Perhaps, most important has been their work with young people.

A great measure of the Turners' success can be attributed to the efforts of people like Mr. John "Fess" Weissmueller, who have devoted their lives to the instruction and encouragement of youngsters.

"Fess" Weissmueller is now 73 years old and is preparing to retire after 53 years as a "professor of gymnastics" for the Louisville Turners. In that span he has done much to make Louisville a better place to live.

I would therefore ask that the following article from the Louisville Courier-Journal, written by John Filiatreau, be inserted in the RECORD. It is entitled: "He Tames Monsters'."

The article follows:

HE TAMES "MONSTERS"—THEIR MOTHERS STAND IN AWE AS THE YOUNGSTERS TOE THE LINE FOR "FESS"

(By John Filiatreau)

In the middle of a weekday, 35 mothers are gathered into a sunstreaked, dusty gymnasium at 310 E. Broadway with their children, who range in age from 3 to 5.

The mothers look like mothers of small children usually look in the afternoon. Some seem dazed, like long-distance runners after a race. Some have spots of peanut-butter or chocolate on their blouses and slacks. Some have unruly strands of hair hanging over their eyes.

They talk, mostly about their kids. The conversation begins, "Do you know what my little monster did this morning?"

And the little monsters, filled with energy and mischief, line up like military-school cadets. They become well-behaved, purposeful, transformed.

The reason for the transformation is a tiny, 73-year-old man who speaks with a trace of a German accent and has been an instructor of gymnastics for the Louisville Turners since 1918.

During a recent class for beginning Turners, John "Fess" Weissmueller displayed the mastery that has enabled him to charm four generations of children and their mothers.

"I just don't know how he does it," said one mother. 'They just think he's wonderful. He never has to raise his voice to the kids, and they do whatever he says. I wish they were that good for me."

"Fess" (for professor) Weissmueller has a body that is remarkably athletic for man of his age. The muscles of his arms still bulge. But his age is evidenced by discoloration of the veins in his arms, the sagging skin of his face and neck, and the weakness of his voice. Now, some of the mothers must help him to twist, push and lift the small children through their exercises.

But Weissmueller is obviously the man in charge. He controls the children with quiet comments, clipped gestures and fleeting smiles.

Weissmueller plans to retire soon. "I'm going to quit in a couple of weeks," he recently said. "I've seen a lot of them come and go."

In his work for the Turners, Weissmueller has put thousands upon thousands of Louisville athletes through their paces. Once a top gymnast himself, he is recognized throughout the United States as one of the best men in his field.

What does it do for the kids?

"Well, it strengthens their coordination, gives them a lot of grace, and helps them tremendously to get along with other children," says Mrs. Edward Denker, who said she lives in "the Grinstead Drive area."

"It also prepares them for kindergarten—gets them used to taking directions," she said. Mrs. Denker's four children all get some Turner instruction.

For Mrs. Denker, and many other Turners members, the primary value of the club is its benefit to their children.

"We mothers know one another mostly as the children's parents," she said. "We talk about the children, mostly."

But the Turners club technically American Turners-Louisville, Inc. has activities ranging from the gymnastics instruction for 3-year-olds, to dances for teen-agers, to volleyball and pinochle for the elderly members, to swimming and boating at their summer facility on River Road.

Turners have been familiar to Louisville for a long time. The club was founded in 1848, and is the oldest Turners chapter in the United States.

The Turners movement got its start in Berlin, Germany, in 1811 when Friedrich Ludwig

Jahn devised a philosophy of exercise based on the ancient regimes of Greek and Roman civilizations.

Due to an uncomfortable political situation in Germany during the Napoleonic wars, three of Jahn's followers, like many of their countrymen, fled to America. After they had arrived in 1824, they helped introduce gymnastics to the United States at Harvard and Yale universities.

They built the first gymnasium in the country in 1825, at Northampton, Mass., but their followers made no effort to organize until German-born Louisvillians met in a Market Street tavern on July 25, 1848, and formed the local chapter.

Louisville Turners had started America's first public instruction in physical education by 1850. And in 1852, they started the city's first kindergarten. Their first champion was Wilhelm Vogt, who had been a personal friend of Jahn in Germany; he won first prize in the 1852 festival of western Turners societies.

It hasn't always been a smooth road for these first 123 years. Just before the Civil War, members of the Know Nothing Party—who bitterly opposed Catholics and foreign-born Americans—forced many Turners to flee Louisville.

The Know Nothings also repeatedly threatened to burn the new Turner Hall which was located on Floyd Street between Market and Jefferson. In 1860, a fire—apparently an act of arson—burned the building to the ground, and all the Turners' records went up in smoke.

Since 1917, the Louisville Turners headquarters has been at its present location at 310 E. Broadway. Since 1911, they have also had a park facility on the Ohio River—at 3125 Upper River Road. Turners activities are centered at the Broadway location from Labor Day to Memorial Day, and at the river park during the summer.

The days when Turners were readily identified as Americans of German origin are long gone. Now, many nationalities are represented.

The club's membership presently numbers approximately 1,150 local families—for perhaps a total membership of 5,000. Its popularity is evident—it has a waiting-list long enough to require a wait of about a year.

## MILITARY AID TO GREECE DEBATE

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. DERWINSKI. Mr. Speaker, in view of the uncertain status of the foreign aid bill, which included House language placing restrictions on aid to Greece and if passed by the Senate would have had prohibitions against aid to the present Greek Government, it may be well to carefully study that item in foreign policy debate.

At the present time I am serving as a delegate to the United Nations General Assembly. Keeping in mind the voting record of the U.N. China question, I must point out that on the key vote in which we tried to make the Albanian resolution an important question, the three NATO allies who voted with us were Luxembourg, Portugal, and Greece. May I also add, Mr. Speaker, that from my vantage point here at the United Nations I am very much aware of the continuing complications on the Island of Cyprus whereby U.N. peacekeeping forces must operate. Objective observation of that scene shows that the Government of Greece has been extremely responsible in working to keep that situation calm and prevent a recurrence of the previous complications.

Concluding this brief commentary on my part I wish to insert a column from the Sacramento, Calif., Union by the distinguished international columnist Dumitru Danielopol, whose very timely article points out the impressive record of support which Americans of Greek origin give to the present government of that country.

The column follows:

[Reprinted from Editorial page, the Sacramento, Calif., Union, Oct. 11, 1971]

MILITARY-AID-TO-GREECE DEBATE

(By Dumitru Danielopol)

WASHINGTON, D.C.—A leading Greek publisher has come to the defense of Athens' military-backed regime with an impressive collection of arguments. Most of them are designed to answer congressional criticism of continued military aid to Greece.

Savas Konstantopoulos, publisher of Athens' daily "Eleftheros Kosmos," says American lawmakers are being duped by anti-government Greeks who preach "democracy" but who have something quite different in mind.

The 90-page document which appeared in the Congressional Record debunks one argument after another used by the anti-government witnesses who claim that the military destroyed democracy in Greece and deny that the coup was staged in April 1967 to avert civil war and a possible Communist takeover.

The arguments are not new on either side but this paper is interesting because it quotes Greek political figures in its defense of the Athens regime.

Konstantopoulos, in his document, deplores that the House of Representatives voted to limit aid to Greece on the basis of flimsy, often erroneous evidence from prejudiced, unqualified and often suspect witnesses. One of them was Mrs. Andreas Papandreou.

The House Foreign Affairs subcommittee that sparked the aid restriction did not call witnesses from the Greek-American community, an ethnic group that maintains exceptionally close ties with the mother country.

Greek organizations in the United States and Canada have made it quite plain that they are outraged by the congressional action.

The "Order of Ahepa", the Society of the Castorians of New York "Omonoia", the "Panepirotic Federation of America and Canada," the "Greek American Progressive Association" and the "Pan-Arcadian Federation" all have deplored the congressional action and unanimously voted to urge the Senate to restore military aid to Greece.

## PURIFYING LABOR DEPARTMENT STATISTICS

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. OBEY. Mr. Speaker, over the years the Government, the press, professional economists and the public have been able to rely on the Labor Department's unemployment and consumer price statistics, and on the analysis and explanation which accompanied their release each month.

However, it appears the handling of this statistical series is undergoing a process of political purification, starting with elimination of the monthly press conferences at which skilled statisticians candidly discussed the latest figures and moving now to the omission of key information from Department news releases.

Mr. Speaker, John W. Kole of the Milwaukee Journal dealt with this troublesome transformation in an interpretive article headed, "Labor Department Hiding Key Unemployment Data." The article which describes the coming credibility gap in labor statistics follows:

LABOR DEPARTMENT HIDING KEY UNEMPLOYMENT DATA

(By John W. Kole)

WASHINGTON, D.C.—When the Labor Department announced Thursday that the number of major US labor areas with more than 6% unemployment had risen to 65, it neglected to mention that this was the highest number since 1961.

Only in recent months has this kind of key information been omitted from department news releases. It is clearly an attempt by the Nixon administration to cover up some facets of the highest unemployment levels in a decade.

George Meany, president of the AFL–CIO, criticized the news policy last week in a letter to Labor Secretary James Hodgson, declaring that he was "deeply disturbed by the continuing series of events that indicate an alarming attempt to politicize the Bureau of Labor Statistics."

BUSINESSMEN CONCERNED

But business leaders, who also had learned to rely over the years on the unvarnished truth from bureau statistics and reports, also are concerned.

The trend started early this year as Hodgson and other administration officials were embarrassed when their rosy statements about the monthly unemployment figures were contradicted by the candor of bureau experts.

In an action that many believe was ordered by the White House, Hodgson ordered cancellation of two monthly press conferences, one of which had been held for two decades, covering unemployment and consumer price statistics.

Ever since, Sen. William Proxmire (D-Wis.), has called bureau officials before his Joint Economic Committee on the morning the monthly jobless figures are announced, but he has been unable to persuade the bureau to reinstitute the press conference.

OTHER COVERUPS

Thursday's release was only the latest example of the Labor Department's new operation obscurantism.

Another was early in October when the monthly unemployment report showed that the seasonally adjusted jobless rate for September was still at 6%—down a hair from the 6.1% in August. The press release started by declaring that "employment rose substantially in September. . . ."

But that report failed to point out that by jumping back up to 10.5%, black unemployment had returned to its May peak, which was the highest in almost eight years.

Late last month, it was disclosed that the department was reorganizing the bureau to get some new statisticians in key positions, a move that Proxmire blasted as an attempt to slant the figures. The administration denied the charge.

The monthly report on major labor areas with 6% or more unemployment has been showing a sharply rising curve all year. Racine is the only major labor area in Wisconsin on the list.

In January, only 40 of the 150 major areas were on the list. But unlike last Thursday, the monthly news release pointed out then that this was the highest number since March, 1964.

Of 785 other labor areas, mostly smaller than the major listings, 284, plus 10 separate counties, now are on the substantial unemployment list, up 16 from the previous months. Among those 16 newly added areas are Kewaunee, Montello and Rice Lake in Wisconsin.

On the same day, four Wisconsin counties—Door, Langlade, Monroe and Shawano—were added to the persistent unemployment list by the Commerce Department. This means that unemployment has been 6% or above for more than a calendar year and that it has been 50% over the national average for several years.

## UNITED NATIONS

### HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. ROUSSELOT. Mr. Speaker, there has been a great deal of discussion both in the Senate, in the House of Representatives, and among the American people as to what value we gain from our participation in the United Nations. Much of the discussion was substantiated by the recent vote to seat the Communist dictatorship of Red China and terminate the membership of the perfectly law-abiding and decent country of Taiwan.

For some time, I have advocated that we take a hard look at United States financial participation in the United Nations, and in all probability terminate our activity with this organization in as much as the Secretary General of the United Nations, U Thant, admitted in his annual report that the United Nations has not adequately met its objectives in serving the cause of world peace.

The executive committee of the Federation of Republican Women of Los Angeles County recently passed a resolution which gives serious thought as to what our position should be as it relates to the United Nations. Since the Federation of Republican Women is the largest political organization in the County of Los Angeles, I believe this resolution which was passed at their board meeting on October 27, 1971, merits careful consideration.

Whereas, the majority of the members of the United Nations, by their vote on October 25th, have violated the provisions of the United Nations Charter, resulting in the seating of Red China and the expulsion of Nationalist China from the United Nations; and

Whereas, Nationalist China, as a Charter Member and a Member of the Security Council since 1945, has abided by all provisions as set forth in the United Nations charter; and

Whereas, the original intent of the U.N. was to provide a forum for peaceful nations; and the United Nations by its actions in Katanga and the admittance of Red China has departed from its original intentions; and

Whereas, the United Nations has now become an instrument for the advancement of Communist goals,

Therefore, be it resolved that the Los Angeles County Federation of Republican Women goes on record as favoring withdrawing all United States financial support and membership in the United Nations; and

Be it further resolved that the L.A. C.R.W. urges the removal of the United Nations from the United States.

## YOU CANNOT PICK A DANDELION

### HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. VANDER JAGT. Mr. Speaker, recently it was my great pleasure to participate in the dedication of Kysor Industrial Corp.'s new Sherer dual jet plant at Marshall, Mich. I was deeply touched by the remarks of Mr. Raymond A. Weigel, president of Kysor Industrial Corp., and I would like to share them with my colleagues in the House of Representatives.

The remarks follow:

YOU CANNOT PICK A DANDELION

This has been a wonderful day and it has been, indeed, a real pleasure to have with us Governor Milliken, Congressman Vander Jagt, all of the City officials and the many dignitaries who have helped us celebrate this occasion. It is likewise a real pleasure for the many company executives and directors to share in these proceedings.

We have created and dedicated a fine facility and I know it will serve us well if we remember this little story that I believe to be an appropriate smile—

"Isn't it wonderful," said the teacher, "when you go out into the woods and fields, to see what strange and beautiful things are coming up out of the ground! Trees and flowers, grass and bushes, and all kinds of plants, no two alike, with all sorts of different shapes and colors—have you looked closely at some of these?"

Certainly they had. They were normal youngsters, nine-, ten-, and eleven-year olds, naturally interested in anything they could push, pull, touch, lift, examine, taste, hear, or smell.

"Tell me what you have seen," said the teacher. In no time they had recalled berry-bushes, Indian pipes, Jack-in-the-pulpits, many kinds of trees—with commentary on which were best for climbing—and a variety of field flowers and stinging nettles.

"Well," said the teacher, "I wonder if any of you know about something I saw the other day. If you know the name of it, don't say it, but raise your hand if you think you know. Walking across a field I saw a slender stem coming up about nine or ten inches from a small plant, and on top of the stem a little ball of white, fluffy stars. If you pick the stem and blow, whoof, they scatter into a whole galaxy of stars." There were shining eyes and eager hands raised—"Don't say it!" said the teacher. "But I wonder if any of you know what was there before the ball of stars appeared? If so, what did it look like?

"There was a little yellow flower, with lots of tiny petals all crowded together," said one.

"It looked something like a little sunflower, only there was no brown center," said another. "It was all full of the little petals, like an aster or a chrysanthemum."

"Right!" said the teacher. "And what was it like before that yellow flower opened?"

"It looked like a little umbrella, upside down and almost closed, with a yellow lining showing," said a girl, holding out one hand, palm up, thumb and finger tips together making a bud-like form.

"Right!" said the teacher. "And what was it like before that! Somebody else." "A tight little cone-shaped green bud," said a boy, making a tighter bud with his fingers, lower down, remembering the stem was then not so high. By this time some were fairly bursting to name it. "No," said the teacher. "Don't name it yet. But what was it like before that?"

"Just a little bunch of leaves coming out from the center, a sort of green rosette," said a girl. "And before that?"

"Just a tiny little bit of green coming up out of the dirt!"

"Right!" said the teacher. "Now what do you call all of this?"

"Dandelion!" they exploded in chorus.

"Yes," said the teacher. "Do you like dandelions?" he continued. Of course, they liked dandelions. Who doesn't enjoy the green buds with yellow linings, the cheery gold blossoms scattered among the grass, and the marvelous airy globes of elfin stars—until he has acquired a prejudice, and learned to resent them as an intruder in lawns?

"Did you ever pick dandelions?" Yes, they had all picked dandelions.

"No you haven't!" said the teacher. You cannot pick a dandelion! It is impossible to pick a dandelion! What was it you picked, Bill?

"It was like what you said at first," said Bill. "The whole ball of fluff that you can blow."

"What! No yellow flower? No litle bud, like the upside-down umbrella, nearly closed, with the yellow lining showing? No tight green cone? No cluster of green leaves all coming out from the center?—What was yours like, Anne?"

"I've picked whole bunches of dandelions as yellow flowers," said Anne. "You know, we used to take one and hold it under somebody's chin and say, 'Do you love butter?' Then we'd look to see if the yellow color was reflected from under their chin."

"But when you got a yellow flower, you couldn't blow any white stars from it, could you? And did any of you bother to pick dandelions when you only saw tight green buds, or the plant leaves? But you all said that a dandelion is really all of this. Whatever you picked, you got a fragment of something.

"You cannot really pick a dandelion—for a dandelion is not a thing that exists all at once. It is a performance. And it only happens when the sun and earth, the sky and water are all working together. The pattern may be in the seed, as the pattern of music is in the score, but it doesn't come to life till the players play it, or the singers sing it. Here is a sheet of paper. Let us assume for this purpose that on it is written one of Beethoven's finest works—Can you hear it?—No! And even if we had a flute player of the finest talent playing alone from this score, you would not hear it. The score becomes music only as the players and singers pour themselves into the performance, just as the sun and earth and air and water pour themselves into a dandelion. And every plant, and every living thing is really a world performance—even a factory. Here is a factory. Here is brick and steel and wood and leather and cloth assembled together into walls, roofs, floors and rooms with desks and chairs and machines and like the symphony it must be played—to an audience—and patrons and friends are important. You are the players—you are the patrons—you are the friends. Altogether we can render a great performance and a needed service. If we remember—you cannot really pick a dandelion."

## WILLIAM HOWARD BENSON

### HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. STEPHENS. Mr. Speaker, my hometown of Athens, Ga., recently lost one of its most outstanding citizens when William Howard Benson passed away on October 8 at the age of 83.

Throughout his lifetime, Mr. Benson contributed his time, energy, and wise guidance to various organizations in Athens and he was elected citizen of the year in 1967, an honor he richly deserved.

Mr. Speaker, I would like to insert in the RECORD the following editorials about Mr. Benson which have appeared in the Athens Banner-Herald and the Athens Daily News:

[From the Athens (Ga.) Banner-Herald, Oct. 11, 1971]

W. H. BENSON CONTRIBUTED MUCH TO HIS COMMUNITY

William Howard Benson was one of Athens outstanding civic leaders and businessmen. The community lost a leading citizen in his passing Friday night at the age of 83.

A native of Marietta, he had lived in Athens since 1918 when he founded Benson's Bakery which has grown considerably through the years under his guidance and that of his son, Edsel Benson.

With his business interests, he was closely associated with all major civic and service programs of the community. It would be difficult to name any service organization in Athens and the surrounding area which at some time has not benefitted by his concern.

Mr. Benson was Citizen of the Year in 1967, an honor well deserved.

He established the Athens Crime Prevention Committee, raised finances for the Coburn Kelley Memorial Tennis Courts at the YMCA and was in the charter group which established the Athens Little League.

Mr. Benson provided the first Athens home for the Salvation Army and played major roles in expanding playground and recreational facilities for the Athens area, particularly Memorial Park. He was a prime mover in organizing the Athens Industrial Development Board, Georgia Eggs Inc. and the Clarke County Fair Association.

He had served as chairman of the Board of Deacons at the First Baptist Church and as president of the Athens Rotary Club. He was the first president of the Athens Boosters Club.

Mr. Benson also had his hand in many other projects, providing wise counsel and financial assistance.

He contributed much to the Athens community.

W. H. Benson lived a full life. He left many friends in this community and in other areas. We shall all miss him and share his loss with the Benson family.

[From the Athens (Ga.) Daily News, Oct. 12, 1971]

W. H. BENSON

The entire community will feel the loss of William Howard Benson. The death of the Athens business and civic leader last Friday night will leave a void in community leadership.

Mr. Benson held many posts of civic honor during his life and enjoyed promoting the better welfare of the entire community. He was a firm proponent of law and order and contributed both physically and financially to constructive moves of the community.

Successful in business, having founded Benson's Bakery in 1918, he served as chairman of the board of deacons of First Baptist Church. He was a past-president of the Athens Rotary Club. He served as the first president of the Athens Boosters Club when it was organized and also established the Athens Crime Prevention Committee and contributed to its work on a continuing basis.

He led the way to successful financing of the Coburn Kelley Memorial Tennis Courts at the YMCA and was recognized for his community work when elected Citizen of the Year in 1967. He also was a charter member of the Athens Little League. It was W. H. Benson who was the prime leader in organizing the Athens Industrial Development Board, Georgia Eggs Inc., the Clarke County Fair Association and Athens Memorial Park. Through his efforts the first home for the Salvation Army in Athens was provided. He played a leading role in expansion of playgrounds and recreational facilities in the Athens Area and constantly bore the needs of the young as he went about helping build and improve his community.

We will all miss W. H. Benson, but we are all better for his having been with us. He was a truly devoted and giving citizen.

## FOREST FIRES

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. BOB WILSON. Mr. Speaker, about a year ago fires blackened thousands of acres of forest and brush lands in southern California causing loss of lives and millions of dollars in property damage. Since that time five of my California colleagues have been working with me in trying to improve the fire prevention and firefighting capability of the U.S. Forest Service. These colleagues are: JERRY L. PETTIS, BARRY GOLDWATER, JR., CHARLES M. TEAGUE, JOHN G. SCHMITZ, and JOHN H. ROUSSELOT. We are encouraged by new programs that are being considered by the Forest Service including a more efficient aerial tanker strike force. The need for such a force was recently covered in a KFWB radio report which I insert in the RECORD:

[From KFWB Editorial, Oct. 12, 1971]

AERIAL FIRE TANKERS: AN AIR FORCE SUCCESS

(By Arthur A. Schreiber, general manager)

A year ago, when 600 thousand acres of California was going up in flames, KFWB began an editorial series proposing that heavy surplus military aircraft be converted into a federal aerial tanker strike force.

Our reason: The nation loses 4.3 million acres of forest and $600 million a year to wildfires.

We suggested that squadrons of heavy tankers could knock out fires while they're still small by using liquid retardant overkill.

The public liked the idea, and so did government. The proposal percolated up through city councils, boards of supervisors, civic groups, the State Legislature . . . finally to Congress.

San Bernardino Congressman Jerry Pettis, and five California colleagues, asked Congress for money and the Air Force for help. They got both.

Congress gave the U.S. Forest Service a million dollars for research. Aerospace Corporation, of San Bernardino, is designing an electronic guidance system to see through smoke. Food Manufacturing Corporation designed a fast conversion tank system for cargo planes.

At 10 a.m., Friday, October 8, just one year and eight days after KFWB's initial proposal, the first heavy aerial tanker, a Vietnam veteran C–130 Hercules, arrived over the Santa Barbara fire with a 3,000-gallon load. It came from the 146th Tactical Airlift Wing, Air National Guard, Van Nuys.

True, this was only a prototype, testing the equipment. But also true . . . A Vietnam veteran pilot took it in for eight test runs and hit the target eight times, dead center . . . . 24,000 gallons.

He proved that the basic system works.

His commanding officer said later: "This is the most exciting thing this outfit has done in 10 years."

KFWB couldn't agree more. And we'll now look forward to the day when massive wildfires will be a rarity, rather than an annual event, in our land.

## WOMAN TURNS TRUCK DRIVER

### HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mrs. GRASSO. Mr. Speaker, an individual's personal commitment to a worthy goal has a beneficial impact on the lives of many people.

In the case of Sue Hemingway of North Granby, her marvelous efforts to improve the quality of life in her community through a metal can recycling program represent responsible citizen action of the highest order. It is my hope that the activity of Mrs. Hemingway and other dedicated citizens involved in Granby's can recycling program will provide an incentive to other communities in our battle to save the environment.

For the interest and information of my colleagues, an article which appeared in the Hartford Courant on this encouraging program follows:

WOMAN TURNS TRUCK DRIVER TO HELP CAN RECYCLING EFFORTS

(By Barbara Greenberg)

"You can't buy a can that we can't recycle."

That's the claim The Can People (American Can Co., Continental Can Co., National Can Corp., and Heeken Can Co.) made in a national advertising campaign last spring.

They were a little premature.

Theoretically, all cans can be recycled.

Technologically, the Can People do not have facilities to recycle all the cans all the time.

Sue (Mrs. James) Hemingway of North Granby is trying to unravel the can paradox.

When she saw the full-page ad in The Courant last April, she decided Granby should recycle cans. The town already was successfully recycling glass containers and newspapers.

She contacted the can companies, only to discover that there are 200 can recycling plants in the country—but none in Connecticut.

Because of this, most recycling groups in the Hartford area have not attempted recycling cans. Trucking becomes too expensive.

Mrs. Hemingway solved that problem. She drives the truck herself as far as the National Can Corp. in Danbury. National ships them to New Jersey and the Bronx where they are recycled. Although National pays for the cans ($10 a ton for bi-metal; $20 a ton for steel; $200 a ton for aluminum), it is not enough to cover the expense of renting the truck. However, Granby does so well with glass collection (they collect 8–11 tons of glass for every ton of cans and receive $20

a ton), that they come out ahead. The money goes into an environmental fund.

Sue talks about cans almost the way one talks about a chronic disease.

"Aluminum cans irk me the most," she says. "Five billion of them are produced a year in this country. They aren't biodegradable: they will never, ever disintegrate in a land fill. I think we should pressure companies to stop manufacturing them," she asserts.

She also wishes bi-metal cans could be eliminated, "Because they have more than one component, it's more expensive and difficult to recycle them. They tend to just accumulate in scrap yards."

Indeed, cans, which have been around since the French Revolution, are losing their popularity.

The mayor of Rochester, N.Y., has called for a public ban on them; Minneapolis is considering a mandatory deposit for glass, plastic and metal containers; last summer, one national park banned metal food cans.

William F. May, chairman of the board and president of American Can, in a telephone interview, said there are isolated examples. But he admits they indicate a trend. "Responsible citizens say we are contributing an unbearable burden to solid waste."

May is understandably defensive.

When it comes to litter, May's statisticians say metal containers are only 17 per cent of roadside litter. They say beer and soft drink cans amount to only one half of one per cent of the nation's solid waste.

But Sue Hemingway's family accumulates about 30 cans a week: tuna fish cans, dog food cans, fruit drink cans, soup cans . . .

Just the last two recycling drives in Granby yielded 3,700 pounds of steel and bi-metal cans and there have been six drives altogether. Town officials say there is a significant decrease in the volume of solid waste going into the landfill since recycling projects began. They are sure this will make the landfill last longer than it otherwise would.

Even so, May does not think recycling is the ultimate answer to solid waste; rather "Government and business leaders should develop a new industry of resource recovery."

He is talking about "solid waste systems"—systems which recover waste material for fuel or reuse. "We cannot rely on turning our housewives and boy scouts into garbage collectors," he said.

But the housewives—and volunteers-turned-garbage-collectors—don't seem to mind one bit. Sue Hemingway says it's become a game in her family. "We try to see how much we can keep out of the solid waste stream." She also adds that many Granby citizens have rallied to the cause.

Granby and North Granby are the only towns in northern Connecticut successfully recycling not only paper and glass, but cans also. Sue Hemingway deserves most of the credit.

She organized school children ("The best way to get parents involved is to educate the children," she maintains), and spoke to industrial and town leaders to convince them to donate materials so volunteers could build bins. Chuckles Sue: "It was almost as if they said to each other, 'Let's give this broad everything she wants!' "

The town set aside some land near the town garage; a local industry donated five tons of asphalt for a backtop and a town crew laid it. Another company donated lumber. And the bins were complete. Now the town even drives the glass containers to Dayville. "After such great cooperation, I didn't have the nerve to ask them to drive to Danbury, too," admits Sue sheepishly.

But that's her only sign of timidity. Outspoken and dedicated, this mother of four now hopes other towns will recycle cans, too. Aside from the ecologic benefits, it might relieve her of her truck-driving job. "If several towns collect cans, then scrap dealers would be interested in hauling them. But we have to generate a steady volume. I think several towns could do that."

Mrs. Hemingway is optimistic. She knows community recycling can be succesful; she also thinks recycling is an answer to solid waste. "The public interest is evident. It's no longer possible for industry to pass the buck and say, 'Well, the people don't care.' We do care; we're proving it. Now it's up to the can people to keep up with us. And we keep gathering momentum," she smiles cheerfully.

## TWO SUPERLATIVELY QUALIFIED COURT NOMINEES

### HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. DEL CLAWSON. Mr. Speaker, a column in the Washington Evening Star of October 28 places the President's nominating powers in proper perspective. At this point in the RECORD I would like to commend the article by James J. Kilpatrick to the attention of my colleagues. The article follows:

TWO SUPERLATIVELY QUALIFIED COURT NOMINEES

(By James J. Kilpatrick)

The President announced his two nominations for the Supreme Court a little before 8 o'clock Thursday evening, and the wire services began calling around Capitol Hill looking for reaction. The nominees were Lewis F. Powell of Virginia and William Rehnquist of Arizona. How did they strike Emanuel Celler?

The old New York liberal, dean of the House and chairman of its Judiciary Committee, allowed himself a small sigh. "On the whole, good." But Powell had been described to him as an arch-conservative, and "I would not have appointed him."

Celler has been misinformed as to Powell—the Virginian is a man of law, not of ideology—but his brief comment invites renewed appreciation of the genius of our constitutional system. "I would not have appointed him." Of course not. But Celler is not President of the United States. More to the point, neither is Hubert Humphrey; and Humphrey would not have appointed him, either. But Richard Nixon is; and Richard Nixon did.

This is of the essence. On the domestic side, a President's power to nominate members of the Supreme Court is by far his most important power.

If he chooses wisely—wisely, that is to say, by his own lights—and if he can get his nominees confirmed, a President can leave his own lengthened shadow on the law. "We live under a Constitution," said Chief Justice Charles Evans Hughes in the famous line, "but the Constitution is what the judges say it is." Precisely. And how do we get our judges? We get them by presidential nomination.

It is curious that so many persons in public life appear to be discovering this truth so belatedly. Two factors may account for the sudden buzz of liberal alarm and conservative delight. The first is Nixon's candor—one might wish, in this instance, that the President had not been quite so candid. The second is recent history.

Nixon's immediate predecessors—Truman, Eisenhower, Kennedy and Johnson—had the same power, but they seemed never to know what to do with it. None of them was a lawyer. It makes a difference.

Harry S. Truman thought of honoring his pals. Heaven alone knows what Dwight D. Eisenhower thought. John F. Kennedy and Lyndon B. Johnson had two chances each, and they used them alike: Each tapped an old friend, and each paid a political debt—Byron White and Arthur Goldberg, Abe Fortas and Thurgood Marshall. Nixon is thus the first President since Franklin D. Roosevelt to exercise his appointive power fully, knowingly and deliberately, in the acknowledged hope of achieving particular ends at law.

If such a power were absolute, our system would fail. The judicial branch gradually would fill up with rubber stamps and obedient hacks. But the power is not absolute. It is checked first by the Senate's power to withhold its consent, and second by the device of life tenure. The power is checked also by public opinion and by political pressure.

When all the checks and balances work perfectly, we get to the point we have reached just now. Powell and Rehnquist are superlatively qualified for service on the court.

I have known Powell for 30 years as a great lawyer and good citizen. He is the best Virginia has to offer, and by the repeated professional judgment of his colleagues, perhaps the best the bar has to offer. Rehnquist is possessed of a formidable intellect. He is as profound a student of the Constitution as any Sam Ervin or Abe Fortas, and he is only 47. He will grow.

Nixon's own judgment is that his two nominees share his judicial philosophy. "I would imagine that it may be charged that they are conservatives." But surely it is Nixon's right deliberately to choose conservatives, just as it was Roosevelt's right deliberately to name liberals. This is the way the system is supposed to work.

Humphrey would not have named Powell and Rehnquist—or Burger or Blackman, either. But Humphrey didn't win. Wait till next time.

The President has acted responsibly in every sense of the word. One devoutly hopes the Senate will respond in kind.

## NUCLEAR EXPLOSION IN ALASKA

### HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. BEGICH. Mr. Speaker, in the past several weeks, I have received numerous phone calls, letters and visitors in regard to the scheduled "Cannikin" nuclear explosion that is to take place on Amchitka, Alaska, Saturday. In the past several days, numerous individuals and organizations have become increasingly vocal in voicing their opposition to the test.

I have attempted to communicate directly with the President by letters and telegram, but to this date my inquiries remain unanswered.

Many people who have expressed concern about the nuclear blast, and there are many, are disturbed and concerned for environmentally oriented purposes and the safety of wildlife in the vicinity of the Aleutian chain. Some are concerned about the dangers and unknown consequences that the blast will have on the people who inhabit the 30 communities on the Aleutian chain and the Alaska peninsula as well as the Kodiak Island communities.

The threat to the safety of the people on the Aleutian chain is my greatest concern.

It is difficult for me to understand the administration's persistence in its posi-

tion and its plans to go through with the nuclear blast.

Mr. Speaker, in the great hope that it will bear some influence in preventing the nuclear explosion, I want to share portions of a very distressing letter with my colleagues that a member of my staff received from his cousin, Mary Simeonoff of Akhiok, Alaska:

LETTER FROM ALASKA

DEAR FRANK: How do you feel about this Amchitka Blast? We sure are not for it. But no matter what we say. They will go thru with it. You know? I think they are trying to use us in Alaska for guinea pigs. How do they know the radiation will harm human beings as well as our fish industry later in the future. Even our land food. Gee don't be surprised if we start having deformed babies in a few years from now. As you know we pick several kinds of berries. And if we eat that or any thing that grows on the ground. Will cause some after effects. Even the ocean animals. Gosh don't be surprised if we catch a two headed fish or any sea animal. Wouldn't that be something. Not only that Aleutian Islands is earthquake country. And if that blast triggers one of the main ones. Boy will we have tremors for a while. Maybe erupt a new volcano. And also cause tidal waves.

Now it's getting colder. And if they give a tidal wave warning. Boy it will be a little cold to spend a night or two up on the hills. With no kind of shelter. You know if they plan on serious things like that. They should put a Fallout shelter in each village. If people in each village are instructed on how to build one. I am sure they would try to build one. But you know they won't waste money on us like that. But use us for guinea pigs. What are they trying to prove? Anyway. Trying to prove they can have a better or best atomic weapon? Well, there you can see. They are using us Alaskans for guinea pigs. Or they'd test it out elsewhere. They talk about water pollution. Oil polluting the ocean. That's just a sample. Just think in the future to come. When that radiation leaks out. It will not be blocked in. One good earthquake will crack it open. No telling where it will seep out from. In dry land or under the sea. There goes our fish industry. It certainly isn't going to feel safe to eat our native food after we know that the Blast has gone through. Gosh you know. for those that really think about it. Sure isn't a comfortable thinking, or feeling. It may not do any harm. But, then, again it sure gives a person an uncomfortable feeling. Makes a person feel unsecure. Especially out on Rural Villages. We have no protection of any kind, whatsoever. I know it must not be too safe. *Because why*, are they holding off, or keep putting it off. I just hope if, and when they do go through with it, we will have the right wind. So none or much of it will blow this way.

I pray hard. And I am sure I am not the only one. I am sure Our Lord is our only help now. If we pray hard and really believe in Our Heavenly Father.

Walt and I talked, that maybe we should have unperishable food put in a sack or something ready to grab just in case. As well as bottled water. We want to tell the people here. But we are afraid they might panic or something. So I guess we'll just have to wait and see. But we sure hope and pray they don't go through with it.

They already know it is going to be some blast. Then why are they testing it out. Just trying to show off I suppose.

Oh, well, I guess there is nothing, we as nothings in Alaska can do about it. They wouldn't hear us even if we tried to talk to them. But, let's just hope and pray for the best.

Bye now, with much love from all.

love,

Cousin MARY S.

## A COMMONSENSE APPROACH TO A STRONG PRO-AMERICAN POLICY

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. SCHERLE. Mr. Speaker, an extremely perceptive column by nationally known and respected David Lawrence concerning our colleague, J. HERBERT BURKE, appeared in last night's Washington Star. Ever since 1945, when the United Nations was founded, two of its members, Ukrainian SSR and Byelorussian SSR, have been allowed seats equal to every other nation in the organization. This is despite the fact that both of these members have been part of the Soviet Union since 1918. They do not have separate diplomatic relations with any foreign state, nor do they conduct their foreign relations in any way different from the Soviet Union. It would make just as much sense to allow Texas and Hawaii to have separate seats in the United Nations. Both of these states formerly were independent countries, but are now an integral part of the United States.

HERB BURKE'S resolution, which I am cosponsoring, is another example of the commonsense approach to a strong pro-American foreign policy which this distinguished member of the House Foreign Affairs Committee has worked so long to achieve.

I respectfully urge that the House carefully consider, with due speed, this important resolution:

REPRESENTATIVE BURKE'S IMPENDING RESOLUTION

(By David Lawrence)

It's time to begin examining the membership of the United Nations, as some of the countries on the list don't really belong there at all, since they haven't achieved independence.

Rep. J. Herbert Burke, R-Fla., will introduce in the House in a few days a resolution asking Congress to clarify once and for all "the inequitable representation in the United Nations for member states." He points out that the Soviet Union maintains three separate and equal votes in the world body to one each for all other members. He adds:

"The Soviets claim that both the Ukrainian SSR and the Byelorussian SSR are separate states. However, according to our State Department's Soviet desk, the British Embassy's information office and the French Embassy's information office, these two integral states of the U.S.S.R. have not been sovereign since the 1918 revolution, have no separate diplomatic relations with any other state, nor conduct their own foreign relations separate from that of the U.S.S.R.'s."

Burke states that, in view of this, "according to international law they are nonexistent as duly recognized, separate, nation-states" and "should have no representation." He says they should, therefore, "be expelled from the United Nations."

In the formal resolution which he presented, Congressman Burke would have the House declare:

"Resolved, that it is the sense of the House of Representatives that the President acting through the United States delegation at the United Nations, should take such steps as may be necessary to bring before the General Assembly of the United Nations the question of the eligibility of the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic for membership in the United Nations and seek their expulsion."

There are many other countries whose independence may be wobbly. The "captive nations" of Eastern Europe, which have been under the control of the Soviet Union since the close of World War II, are hardly sovereign states. They are under the yoke of the Soviets. Yet the United Nations participates in the fiction that these countries are independent units and enjoying self-government when, as a matter of fact, they are not.

An investigation of the status of all the nations which are dominated and under virtual management by a foreign government would be enlightening. It would reveal that some of the countries are mere satellites or tools of a patron government and have been brought into the United Nations under false pretenses.

The expulsion of Taiwan, which has for years been an independent entity, opens up the whole subject of whether all countries which have really gained their freedom are eligible for membership in the United Nations. Apparently their former rulers are politically powerful enough to deny them a seat.

The United Nations, therefore, instead of being a free organization, is a political instrumentality whose membership is controlled by votes of governments which seek the support—either military or political—of major powers.

Under international law there is no justification for seating a country which does not truly have an independent status, but the world has witnessed a spectacle in the last two weeks wherein Taiwan, which is unquestionably independent, has been expelled while two so-called "states" which are integral parts of a major power still remain in the United Nations along with a number of satellites of that same power.

Can the United Nations afford to present to the world the image of an organization which ignores the requirement that only independent states are qualified for membership or the rule of fairness that no nation shall be able to put one of its colonies or provisions into the U.N. and thereby gain extra votes for political purposes?

Rep. Burke's resolution will open the eyes of many members of Congress and show them how the United Nations continues to accept as members two allegedly independent states which, in fact, have been a part of the Soviet Union since 1918. It certainly is time for international law to be invoked if the United Nations is to be respected as an institution composed of a group of truly independent governments.

## COURT CHOICES NEEDED TO RESTORE BALANCE

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. DERWINSKI. Mr. Speaker, the reaction across the country to the two choices of the President for appointment to the Supreme Court has been, for the most part, positive. I am especially pleased that the outstanding publication serving the district I represent, The Chicago Heights Star, saw fit to strongly endorse the President's choices.

The article follows:

[From the Chicago (Ill.) Heights Star, Oct. 24, 1971]

COURT CHOICES NEEDED TO RESTORE BALANCE

Lewis F. Powell, Jr. and William Rehnquist have followed Spiro Agnew as surprise selections of President Richard M. Nixon. But, surprise or not, we believe that the President's latest choices may do more to restore faith in government and balance on the United States Supreme Court than Agnew ever brought in in Southern votes.

Criticize him if you will, but President Nixon clearly has heard the rising voices of resentment and anger concerning the highest court. Balance is definitely needed and the President has selected two men whom we believe will tip the scales of justice back to that finely balanced positions.

Powell and Rehnquist have already been branded by many as "law and order" apostles; conservatives ready to authorize wire taps in every home; and, proponents of "authoritarian rule." Their critics will probably multiply in number as more biographical information is revealed.

Powell and Rehnquist are both known to favor wire-tapping to catch criminals and subversives. Both men have stated publicly in the past that they fear the dangers of internal subversion and revolution much more than they fear government repression.

While we cannot agree with their first position 100 per cent, we can share their fear of revolutionaries. Fighting underground subversives who throw Molotov cocktails and bomb buildings in cowardly fashion is much more difficult that opposing repressive laws for the laws must be made in full view of the public.

We believe that this nation has grown sick at the sight of a Supreme Court that permits convicted criminals to go free because of minor technicalities. We happen to agree with the President that it is time for the Peace forces to be heard on the Nation's highest court. We share the opinion that there has been too much judicial permissiveness—a permissiveness that is spoiling this society.

We support and applaud the President on his surprise selections and hope that the appointments receive quick confirmation by the Senate. The scale of Justice must be balanced or we will quickly find ourselves in a society where no law is respected and order will be a forgotten word.

## MRS. NATAHLI PAINE, RESEARCH ASSOCIATE

### HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. ANDERSON of Tennessee. Mr. Speaker, in a statement I made in the CONGRESSIONAL RECORD, volume 117, part 25, page 32558, on a new treatment for hard drug addiction, the name of research associate, Mrs. Natahli Paine, was inadvertently omitted by the printer. For purposes of RECORD accuracy, deserved recognition and correct history, the heading of sample random interviews should read as follows: Carbon Dioxide Therapy—Rapid Coma Technique Treatment of Drug Addiction: Sample Random Interviews by Natahli Paine, Research Associate.

I would be remiss if I did not note the encouragement and outstanding assistance rendered this project by Natahli Paine, research associate. Mrs. Paine has devoted much time, effort, and talent toward achieving a thorough trial of the new procedure.

## POLITICS, THE CONSTITUTION, AND THE WARREN COURT

### HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. HUNGATE. Mr. Speaker, the October 1971 Journal of the American Bar contains a worthwhile review of a book by Professor Kurland of the University of Chicago on politics, the Constitution, and the Warren Court.

I commend the review and the book to my colleagues for their consideration in this time when the Supreme Court plays such an active role in the daily lives of all our citizens:

POLITICS, THE CONSTITUTION, AND THE WARREN COURT

(By Arthur J. Marinelli, Jr.)

By Philip B. Kurland. University of Chicago Press, 5750 Ellis Avenue, Chicago, Illinois 60637. 1970. $9.75. Pages 222. *Reviewed by Arthur J. Marinelli, Jr., of the Ohio Bar (Athens).*

Professor Kurland examines the significance of the Warren Court in the context of the Court's relationship to the other branches of government and in the light of American constitutional history. In five essays based on the Cooley lectures he delivered at the University of Michigan Law School, Professor Kurland argues that the Warren Court has contributed much to the centralization of power and authority in the national government over local governments. He believes the Warren Court accepted one of its most essential functions in being the guardian of interests that would otherwise be unrepresented in the government of the country. The Court protected the individual against government and minorities against the tyranny of the majority.

He believes the Warren Court suffered from three basic failings. First, it preferred to write codes of conduct rather than resolve particular controversies. He suggests that the Court carried every position to its logical extreme. In many cases this resulted in one-dimensional thinking that tended to ignore countervailing interests in society. Second, the Court failed to recognize that it is not equipped with the data-gathering machinery for broad rulemaking as distinguished from the resolution of particular litigation. The Court's major failing was to command and coerce without providing the reasoning and persuasion necessary to convince. Professor Kurland writes that "The Nixon Court has awesome tasks before it: To match the Warren Court attainments in the protection of individuals and minorities that today justifies the Court's existence; to restore the confidence of the American Public in the rule of law. One or the other is not enough."

Professor Kurland believes that the Warren Court was not a creator of any major doctrines in the areas for which it has become best known. School desegregation cases and the reapportionment cases were in the making long before the Warren Court's opinions were rendered. The development of the concept of equality as a constitutional standard was the major new frontier the Court has developed. It is in his chapter on "Egalitarianism and the Warren Court" that Professor Kurland discusses the evolving concepts of "substantive equal protection" and "state action". Egalitarianism has been one of the principal factors shaping current constitutional decisions, especially if the demand for racial justice is included within egalitarian influence.

The Court was in a state of tension with Congress during the entire tenure of Chief Justice Warren. However, the author points out, the Court's decisions were only mildly restrictive of executive power, and the Court faces a danger of submission only when the Congress and the President join forces. Since the Warren Court did not engage in conflict with the President, it was never in any real danger of submission.

The Warren Court carried on the great tradition of its predecessors in placing restraint on state power. The school desegregation cases, the criminal procedure cases, the reapportionment cases collectively manifest a shift of power from the states to the nation. Professor Kurland sees this phenomenon illustrated in the labor law cases and to a less marked degrees in the absorbing of corporation law into the national domain.

Professor Kurland should be commended for this outstanding work. The author has used his great knowledge of constitutional law and history extremely well. Recommended reading for every lawyer interested in constitutional law, this book provides a valuable framework for understanding many of the great legal issues of our time and many of the issues likely to face the Nixon Court.

## APPEALS COURT RENDERS DECISION ON THREE SISTERS BRIDGE

### HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. FAUNTROY. Mr. Speaker, today, I am placing in the RECORD the text of the opinion filed by Chief Judge David Bazelon of the U.S. Court of Appeals for the District of Columbia in the case of District of Columbia Federation of Civic Associations against Volpe, which is concerned about the controversy of the Three Sisters Bridge.

In an earlier appeal, the court held that the bridge could not be built except in compliance with the hearing, environmental protection, safety, and other requirements of Federal law applicable to the construction of federally assisted highway projects. In this decision, the court finds that these statutory requirements were not met and remanded the case to the Secretary of Transportation for a determination as required by the law.

Among the issues that require a determination is whether there is "no feasible and prudent alternative to the use of such—parkland or historic sites—land," and that the "project includes all possible planning to minimize harm to such." Another of these determinations which must be made is that the highway project be "based on a continuing comprehensive transportation planning process" as determined by the Department and not by some other agency. Additionally, the court held that the Secretary must make his determinations only on the

merits of the issue without consideration of the pressures or concerns not made "relevant by Congress in the applicable statutes."

It seems to me that this opinion is a clear and well reasoned chapter in this long and tortuous imbroglio over this bridge. I commend its reading to my colleagues in the Congress, because I think it clearly sets out the issues and provides some clear and definitive guidelines that can end the acrimony over what ought to be something which is decided reasonably by reasonable men:

[U.S. Court of Appeals for the District of Columbia Circuit]

Appeals from the U.S. District Court for the District of Columbia

No. 24,838: D.C. Federation of Civic Associations, et al., Appellants, v. John A. Volpe, Secretary of Transportation, et al.

No. 24,843: D.C. Federation of Civic Associations, et al., v. John A. Volpe, Secretary of Transportation, Appellant; the District of Columbia, et al., Walter J. Hickel, Secretary of Interior, et al., Appellants.

Decided October 12, 1971.

*Messrs. Roberts B. Owen* and *Gerald P. Norton* for appellants in No. 24,838 and appellees in No. 24,843.

*Mr. Thomas L. McKevitt,* Attorney, Department of Justice, with whom *Assistant Attorney General Kashiwa, Messrs. Thomas A. Flannery,* United States Attorney, *Joseph M. Hannon,* Assistant United States Attorney, and *Edmund B. Clark,* Attorney, Department of Justice, were on the brief, for federal appellees in No. 24,838 and federal appellants in No. 24,843.

*Mr. John R. Hess,* Assistant Corporation Counsel for the District of Columbia, with *Messrs. C. Francis Murphy,* Corporation Counsel, and *Richard W. Barton,* Assistant Corporation Counsel, were on the brief, for D.C. appellees in No. 24,838 and D.C. appellants in No. 24,843.

Before BAZELON, *Chief Judge,* FAHY, *Senior Circuit Judge,* and MACKINNON, *Circuit Judge.**

Opinion filed by BAZELON, *Chief Judge.* Circuit Judge MACKINNON dissents.*

BAZELON, *Chief Judge:* This appeal injects us back into the midst of a long and sometimes acrimonious imbroglio over the proposed construction of a bridge across the Potomac River from Virginia into the District of Columbia. In an earlier appeal we held that the so-called Three Sisters Bridge could not be built except in compliance with the hearing, environmental protection, safety, and other provisions of federal law applicable to the construction of federally-assisted highway projects.[1] That question, accordingly, is no longer open. We must now decide whether the Department of Transportation did, in fact and in law, heed the applicable federal statutes when it decided that the bridge should be built. On the basis of an extended factual inquiry, the District Court concluded that the Department had failed to comply with some of the provisions.[2] We affirm that part of the District Court's judgment. As to the provisions with which the District Court's judgment. As to the provisions with which the District Court found compliance, however, we have concluded that the statutory requirements were not satisfied, and the case will therefore be remanded to afford the Secretary an opportunity to make appropriate determinations as required by the statute.

The factual background of this dispute has been described in detail in our earlier opinion [3] and in the opinion of the District Court.[4] Briefly stated, the controversy concerns a projected bridge between the Georgetown waterfront in the District of Columbia and Spout Run in Virginia.. The bridge, which would be part of the Interstate Highway System and would be built largely with federal funds, would traverse the Three Sisters Islands, would "affect the Georgetown Historic District," [5] and would use some parkland. The precise amount of harm to parkland and historic sites has not yet been determined, however, since the planning of the bridge—including the approaches and access roads—is not yet finalized.[6] A source of continuous controversy since its conception, the proposed bridge was deleted from the Interstate Highway System in January, 1969, when the National Capital Planning Commission, the official planning body for the District, adopted "a comprehensive transportation plan which did not include the Three Sisters Bridge." [7] The bridge was redesignated part of the Interstate System six months later after Representative Natcher, Chairman of the Subcommittee on the District of Columbia of the House Appropriations Committee, indicated unmistakably that money for construction of the District's subway system would be withheld if the bridge plan were not revived.[8] To satisfy the Chairman, it was necessary, first, for the District of Columbia City Council to reverse its earlier position,[9] and vote to approve the project. On August 9, 1969, the District government so voted, with the swing members loudly protesting that they would not have changed their votes but for the pressures exerted by Representative Natcher.[10] The second prerequisite of redesignation was a decision by Transportation Secretary Volpe that the project should go ahead as part of the Interstate System. He announced that decision on August 12, 1969, and the project sprang full-blown back to life on the following day.

On April 6, 1970, we held that the hearing and planning requirements of title 23 of the United States Code were fully applicable to this project notwithstanding a 1968 Act directing that construction of the bridge begin not later than thirty days after the Act's passage.[11] We remanded the case to the trial court for an evidentiary hearing to determine whether the Secretary had complied with the pertinent provisions in concluding that the project should be revived. The case is before us on appeal and cross-appeal from the trial court's decision.

I

Given our earlier decision, the Secretary's approval of the bridge must be predicated on compliance with a number of statutory provisions. Plaintiffs [12] challenge with two lines of argument the District Court's finding of compliance. First, they maintain that the Secretary's determinations under the statute were tainted by his consideration of extraneous factors unrelated to the merits of the questions presented. They allege—and argue, moreover, that the District Court specifically found—that pressures exerted by Representative Natcher contributed to the decision to approve the bridge. Second, they argue that quite apart from the allegations of pressure, the record and applicable legal principles do not support a finding of compliance. The two strands of argument are plainly related, in plaintiff's view, since the alleged shortcomings under each statutory provision illustrates and lend substance to the argument that the rational, impartial evaluation of the project envisioned by the statute was impermissibly distorted by extraneous pressures. We consider first plaintiff's argument that the determinations could not stand even if there had been no extraneous pressure.

*A. Requirements of § 138*

If a proposed federally-assisted highway project would encroach on parkland or historic sites, the Secretary of Transportation must determine before construction can begin that there is "no feasible and prudent alternative to the use of such land," and, assuming such a finding, that "the project includes all possible planning to minimize harm to such park . . . or historic sit." [13] The District Court concluded that Secretary Volpe had complied with each of these requirements.

In defending the Secretary's action, the government can hardly maintain that there was no "feasible" alternative to construction of the Three Sister Bridge. This exemption applies, as the Supreme Court indicated in *Citizens to Preserve Overton Park, Inc. v. Volpe,* only if the Secretary finds that "as a matter of *sound engineering,* it would not be feasible to build the highway along any other route." [13] It could still be argued, however, that the Secretary rejected each of the feasible alternatives because none of them was "prudent." In construing this exemption, the Supreme Court pointed out that the very existence of the statute indicates that protection of parkland was to be given paramount importance. The few green havens that are public parks were not to be lost unless there were truly unusual factors present in a particular case or the cost or community disruption resulting from alternative routes reached extraordinary magnitudes. If the statutes are to have any meaning, the Secretary cannot approve the destruction of parkland unless he finds that alternative routes present unique problems.[14]

Our review of the Secretary's determination is hindered not only by the lack of any formal findings, but also by the absence of a "meaningful administrative record within the Department of Transportation evidencing the fact that proper consideration has been given to the requirements of this section." [15] However regrettable, the failure to provide explicit findings indicating why all possible alternatives to the bridge would be unfeasible or imprudent does not, in itself, invalidate the Secretary's action.[16] But the complete non-existence of any contemporaneous administrative record is more serious. Absent a record, judicial review of the Secretary's action can be little more than a formality [17] unless the District Court takes the disfavored step of requiring the Secretary to testify as to the basis of his decision.[18] And even the Secretary's "*post hoc*" rationalizations," [19] filtered through a factfinder's understandable reluctance to disbelieve the testimony of a Cabinet officer, will rarely provide an effective basis for review. Furthermore, it is hard to see how, without the aid of any record, the Secretary could satisfactorily make the determinations required by statute. The absence of a record, in other words, simultaneously obfuscates the process of review and signals sharply the need for careful scrutiny.

Secretary Volpe's testimony before the District Court did little to allay the doubts generated by the lack of an administrative record. Indeed, his testimony—on occasion uncertain and inconsistent with the testimony of others [20]—itself gives rise to at least a serious question whether he considered all possible alternatives to the plan eventually approved. It is clear, moreover, that the Department of Transportation failed to apply its own procedures generally applicable to determinations under § 138.[21] That failure is especially disquieting since the procedures at issue were designed specifically to insure that determinations under § 138 would be made, in the Secretary's words, only after "a great amount of real independent and genuine review [by] people who were not particularly highway oriented. . . ." [22]

Furthermore, an apparent misconception about our earlier decision may itself have distorted the Secretary's determination under § 138. The government has read our earlier opinion to mean that a bridge must

Footnotes at end of article.

be built, albeit in accordance with the provisions of title 23, somewhere in the vicinity of the proposed Three Sisters Bridge. Congress did direct, as we previously indicated, "that a bridge be built over the Potomac following the general configurations laid out in the cost estimates." [23] Viewed in context, however, the statement does not convey the meaning which the government suggests, for we held that "nothing in the statute indicates that Congress intended the bridge to be built contrary to its own laws." [24] If the bridge cannot be built consistently with applicable law, then plainly it must not be built. It is not inconceivable, for example, that the Secretary might determine that present and foreseeable traffic needs can be handled (perhaps by expansion of existing bridges) without construction of an additional river crossing. In that case, an entirely prudent and feasible alternative to the Three Sisters Bridge might be no bridge at all,[25] and its construction would violate § 138. Thus, the Secretary may have disregarded one possible prudent and feasible alternative to the use of parkland and historic sites on the mistaken assumption that that alternative was foreclosed by our earlier decision.[26]

While these difficulties give rise to at least a substantial inference that the Secretary failed to comply with § 138, that inference ripens into certainty when one turns to the second determination required by § 138. Before the project can begin, the Secretary must determine that all possible planning has been done to minimize harm to the affected parkland and historic sites. Yet the District Court found, and the Secretary apparently concedes, that final design of the ramps and interchanges is not yet complete. Thus, when Secretary Volpe purportedly complied with § 138 in August, 1969, he could at best have been "satisfied . . . that the designs which *would be* developed based on the preliminary plans *would* result in a minimum taking of parkland," [27] but he could not have concluded that the necessary planning had already been done. The District Court reasoned that the expectation of future planning could satisfy § 138. But that reasoning seems inconsistent with the Supreme Court's subsequent admonition that § 138 can be obeyed "only if there *has* been 'all possible planning to minimize harm' to the park." [28] Moreover, the District Court approved the § 138 determination on the basis of the Secretary's testimony that a "minimum of parkland would be taken" for the ramps and interchanges.[29] More is at stake, however, than the "minimum taking" of parkland. Section 138 speaks in terms of minimizing "harm" to parkland and historic sites, and the evaluation of harm requires a far more subtle calculation than merely totaling the number of acres to be asphalted. For example, the location of the affected acres in relation to the remainder of the parkland may be a more important determination, from the standpoint of harm to the park, than determining the number of affected acres. The Secretary has not yet determined which acres will be taken. In addition, a project which respects a park's territorial integrity may still, by means of noise, air pollution and general unsightliness, dissipate its aesthetic value, crush its wildlife, defoliate its vegetation, and "take" it in every practical sense.[30]

Absent a finalized plan for the bridge, it is hard to see how the Department could make a meaningful evaluation of "harm." Furthermore, Secretary Volpe did not consult with other planning agencies to coordinate efforts to minimize harm to the park and historic sites.[31] He also made no studies of potential air pollution damage to the park. His approval of the project under § 138 was, in short, entirely premature, and we hold that he must make new determinations consistent with the statutory standards.

*B. Requirements of § 134*

The Secretary cannot approve federally-assisted highway projects in urban areas unless he finds "that such projects are based on a continuing comprehensive transportation planning process" carried out in conformance with Congress's objective of promoting the development of transportation systems.[32] The Secretary reasoned, and the District Court approved his reasoning, that the bridge project was consistent with such a planning process since the bridge had been approved by, and was subject to the continuing scrutiny of, the Transportation Planning Board (TPB) of the Metropolitan Washington Council of Governments.[33] Plaintiffs, on the other hand, emphatically deny compliance with § 134 on the grounds that the "comprehensive transportation plan promulgated by the National Capital Planning Commission (NCPC) in December, 1968, specifically 'rejects the Three Sisters Bridge . . . as being both unnecessary and undesirable.'" [34] While plaintiffs point out that NCPC is the official planning agency for the District of Columbia and that it alone has prepared a comprehensive transportation plan, the government contends that the Council of Governments, unlike the NCPC, is a regional organization which must consider the interests of the surrounding jurisdictions.

We are unwilling to resolve this dispute by some abstract balancing of NCPC disapproval against TPB approval. That approach would, we are convinced, entirely miss the point of § 134. That section does not suggest that the Secretary has satisfied his statutory responsibility as soon as he has found a single plan which incorporates a proposed highway project. Nor can it reasonably be interpreted to mean that the project must be approved by every plan applicable to the affected region. The section speaks, after all, in terms of "planning," not "plans," and it is not our function to decide that one plan has merit while another does not. Rather, it is for the Secretary to determine whether a particular project will be consistent with sound transportation planning for the region.

Decisionmaking responsibility under § 134 has been delegated by Secretary Volpe to the Public Roads Division Engineer, Mr. Hall. Mr. Hall disregarded NCPC disapproval of the project because he believed that "TPB was the primary agency to which he should look in making his finding." [35] The District Court approved his finding on that same reasoning. But that reasoning cannot do service for the more sophisticated determination required by the statute. In making his "mental" finding [36] of compliance with § 134, Mr. Hall apparently did no more than adopt TPB's conclusion that the project was "consistent with comprehensive planning" for the region.[37] Yet that is precisely the determination that the Department of Transportation, taking into account the recommendations of local plans, must make. The statute plainly does not permit the Department to delegate its statutory responsibility to a local planning agency. On remand, the Department must reevaluate the project in light of the purposes of § 134.

Since the determination was not grounded on a correct understanding of the statute's requirements, we need not now decide whether the substantive result, if reached pursuant to appropriate procedures, would itself be supportable. But to aid the Department's redetermination under § 134, we should make clear our misgivings about the result and our doubts that it could be upheld on the present record even under the constrained standard of substantive review.[38] TPB approved the bridge project in 1967, two years before Mr. Hall made his finding under § 134.[39] No comprehensive transportation plan had been adopted at that time, either by TPB or any other planning agency. NCPC, which did not formulate its plan until December, 1968, was on record at the time of TPB's action in 1967 as approving the bridge project. TPB approved the project not under § 134, but under the Demonstration Cities and Metropolitan Development Act of 1966.[40] NCPC, on the other hand, developed a transportation plan in response to President Johnson's call for the development of a "comprehensive plan for a D.C. highway system" which would permit the Department of Transportation to determine whether the Three Sisters Bridge and other projects would be "appropriate links" in such a plan; [41] it then rejected the bridge proposal. And even if TPB approval were not—at least on its face—stale, inapposite, and unsupported by any underlying, comprehensive plan, we would still have difficulty accepting the Department's finding without some explanation of how the § 134 determination could be made *before* plans for the bridge are finalized.[42] Nothing in the record suggests that TPB approval—whatever its other apparent shortcomings—embraced each conceivable design that might eventually be adopted.

*C. Requirements of § 109(a)*

The Secretary's approval of plans for a federally-assisted highway project is conditioned on a determination that the proposed facility will "adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance." [43] The District Court held that planning for the Three Sisters Bridge had not "proceeded to a sufficient degree for the responsible officials to determine that the planned facility is structurally feasible." [44] Accordingly, the Court enjoined construction of the bridge until the planning had advanced to a stage where structural feasibility was assured. We find the District Court's judgment consistent with the statute and the facts presented, and it is therefore affirmed.

Plaintiffs also argue, however, that the project was approved before the Secretary could be certain, first, that river bed conditions would support the bridge, and second, that no safety hazard would arise from the increase in air pollution attributable to traffic on the bridge. Again, we are unable to accept the District Court's disposition. With regard to river bed conditions, the District Court noted that [b]efore the construction of a bridge, it is necessary to make extensive investigations of subsurface conditions to determine if they are sufficient to support the foundations for the bridge piers. This is done primarily by means of borings . . . At the time Mr. Hall approved the plans, specifications and estimates for the pier construction, these borings had not been completed, and subsequently problems developed so that the plans for the project had to be modified.[45]

Called to testify before the District Court, Mr. Hall still could not be certain "that the present planned foundation is adequate." [46] Nevertheless, the District Court found compliance with § 109 because of Mr. Hall's testimony "that there is no question that the piers can be built to support the bridge as presently planned." [47] The Department of Transportation is obviously unwilling to construct a bridge known to be unsafe, and during the course of construction the Department would surely verify the suitability of the river bed conditions. But § 109(a) requires not only that the bridge be safe, but also—and no less important—that its safety be ascertained *before* the Secretary approves the project. That requirement minimizes the safety hazards and at the same time insures that public funds will not be squandered on a demonstrably unsafe proposal. Where planning reveals defects in design or location,

Footnotes at end of article.

those defects can be corrected on paper rather than on steel and concrete.

The District Court's findings are not entirely clear as to whether questions about the safety of river bed conditions could be more fully resolved before construction resumes. We hold that if such questions do exist, the Secretary must take steps to resolve them to the fullest practical extent before granting approval of the project under § 109(a).

Plaintiffs' second contention under § 109 (a) concerns the dangers of air pollution. The District Court concluded that evidence of a potential air pollution hazard was insufficient to support a finding "that the defendants are required to undertake a study of such [air pollution] effects." [48] We can find no basis in the statute's language or purpose for the conclusion that certain hazards are, as a matter of law, immaterial to the Secretary's evaluation of a project's safety. The District Court would surely agree that Congress did not intend to permit construction of a bridge in a situation, however rare, where air pollution would be a significant threat to safety. It does not follow, of course, that air pollution will be a significant hazard in all—or even any—highway projects. And the District Court apparently concluded that no extraordinary dangers are likely to arise from the Three Sisters Bridge. Still, the gathering and evaluation of evidence on potential pollution hazards is the responsibility of the Secretary of Transportation, and he undertook no study of the problem. His staff has far greater resources and expertise on this matter than the District Court, and it is possible that a study by the Department would reveal significant dangers which had escaped the attention of the District Court. Inquiry into this issue cannot be foreclosed merely because the District Court found no significant evidence of air pollution hazards. That determination must be made in the first instance by the Secretary of Transportation.[49]

*D. Requirements of § 128*

Section 128 [50] requires that public hearings be held before construction can begin. In the earlier appeal we specifically held applicable to the Three Sisters Bridge project not only § 128, but also the Department of Transportation's implementing regulations.[51] Those regulations require, in certain specified situations, a hearing on project location and a hearing on project design. After exhaustive consideration of the record, the District Court concluded that the Department had not complied with the design hearing requirement, but that the location hearing requirement had been satisfied.

While the government did not admit error with regard to the design hearing, it nevertheless chose to hold the necessary hearing in a commendable effort to reduce the number of issues outstanding.[52] Since the question has now been mooted, we express no opinion on the District Court's conclusion. As for the location hearing, the District Court reasoned that a hearing held in 1964 satisfied the requirement, even though different proposals were the subject of that hearing,[53] since the change in plan was "so insubstantial that the public would not be affected any differently than by the original proposal which formed the basis for the first hearing . . . ." [54] We have no quarrel with the District Court's reasoning, but on the present record we are unable to accept its application to this case. Of the proposals submitted at the 1964 hearing, the one most similar to current plans for the bridge was still off by 1,500 feet on the District of Columbia shore and 950 feet on the Virginia shore.[55] Ramps and interchanges as well as the routing of traffic have also been substantially redesigned. Nevertheless, the District Court could not "conceive how any members of the public would be affected differently by the present location than by one of the three" considered in 1964.[56] It is entirely conceivable to us that the differences in the plans would, in fact, have a substantially different impact on persons on both shores. We would be reluctant, of course, to disturb the District Court's finding of fact on this point if it were clear that a finding had actually been made. But there is no indication in the record before us that the District Court gathered evidence on this issue, and we have nothing to support the conclusion but the conclusion itself. Moreover, in making the determinations required by this opinion, the Secretary may conclude that current plans must be abandoned in favor of a new location. Accordingly, we remand this issue to the District Court for clarification of the factual basis of its conclusion, and for reconsideration in light of any further location changes the Secretary of Transportation may order.[57]

*E. Requirements of § 317*

If the Secretary determines that lands owned by the United States are needed for a proposed highway project, he must file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.[58]

After concluding that the bridge project would use federal parklands under the jurisdiction of the Interior Department's National Park Service, and after noting defendant's admission that a map had not been filed, the District Court went on to find "compliance with the spirit, if not the letter, of § 317." [59] The court based its finding on the consultation between the Transportation and Interior Departments with regard to this project, and on the issuance by the latter of permits for the use of the parkland.

We agree with the District Court that the failure to supply a map should not be an absolute bar to the construction of the bridge if the purposes of § 317 have in fact been realized. That section is designed, as the District Court acknowledged, to require the Secretary of Transportation to give notice to the Secretary of the Department having control of the land, and provide a means by which the latter may protect any governmental interest in use of the property for purposes other than highway construction.[60]

We need not decide whether the District Court erred in finding compliance with the spirit of § 317. In view of our conclusion that the case must be remanded for new determinations, it would not appear to be a significant burden on the Department to remove all doubts under this section by filing the appropriate map.[61]

*F. Provisions other than title 23*

At the hearing below, the District Court barred plaintiffs from presenting evidence on a number of allegations in their complaint because those allegations related to statutory provisions which the District Court found inapplicable to the Three Sisters Bridge project. Thus, the Court concluded that the project was exempted by Congress from compliance with certain provisions of the federal Code, as well as provisions of the District of Columbia Code.[62]

In 1968 we held in *D.C. Federation of Civic Associations, Inc.* v. *Airis* [63] that this project must comply with pertinent requirements of the D.C. Code. Later that year, Congress directed, in Section 23 of the Federal-Aid Highway Act, that [n]otwithstanding any other provisions of law or any court decision or administrative action to the contrary . . . construction [of the Three Sisters Bridge] shall be undertaken as soon as possible . . . and shall be carried out in accordance with all applicable provisions of Title 23 of the United States Code.[64]

The District Court then held explicitly that the Three Sisters Bridge had been exempted from all of the pre-construction provisions of title 23, and implicitly that the the bridge had been exempted from the comparable provisions of the D.C. Code.[65] On appeal from that decision, we held that the bridge must comply with all applicable provisions of title 23. Our opinion did not indicate flatly, however, that the project must also comply with non-title 23 provisions. In view of the District Court's conclusion that compliance with non-title 23 provisions is not required, we must now resolve the ambiguity arguably left by our earlier opinion.

The applicability of these provisions was not squarely faced in the parties' briefs,[66] nor was it discussed at oral argument. While our earlier opinion did make one specific reference to the issue, the parties now draw opposite conclusions from that reference. Discussing section 23's directive that the bridge be built "notwithstanding any . . . court decision . . . to the contrary," we pointed out that [p]resumably the "court decision" language refers to our decision in *Airis* [holding D.C. Code provisions applicable to the Three Sisters Bridge], but the reference is mistaken since that decision was not "to the contrary." [67]

Under these circumstances, we are reluctant to resolve the dispute without providing the parties an opportunity to discuss the question on the merits. Accordingly, we defer judgment on this issue to permit the parties to file, within twenty days from the date of this opinion, memoranda dealing with the question.

II

As Part I of this opinion makes clear, the Secretary's determinations failed to comply with a significant number of title 23 provisions applicable to the Three Sisters Bridge. Taken as a whole, the defects in the Secretary's determinations—in particular, his effort to make the determinations before plans for the bridge were complete—lend color to plaintiffs' contention that the repeated and public threats by a few Congressional voices did have an impact on the Secretary's decisions. As the District Court pointed out, [t]here is no question that the evidence indicates that strong political pressure was applied by certain members of Congress in order to secure approval of the bridge project. Congressman Natcher stated publicly and made no secret of the fact that he would do everything that he could to withhold Congressional appropriations for the District of Columbia rapid transit system, the need for which is universally recognized in the Washington area, until the District complied with the 1968 Act.[68]

When funds for the subway were, in fact, blocked, Representative Natcher made his position perfectly clear, stating that "as soon as the freeway project gets under way beyond recall then we will come back to the House and recommend that construction funds for rapid transit be approved." [69]

The author of this opinion is convinced that the impact of this pressure is sufficient, standing alone, to invalidate the Secretary's action. Even if the Secretary had taken every formal step required by every applicable statutory provision, reversal would be required, in my opinion, because extraneous pressure intruded into the calculus of considerations on which the Secretary's decision was based. Judge Fahy, on the other hand, has concluded that since critical determinations cannot stand irrespective of the allegations of pressure, he finds it unnecessary to decide the case on this independent ground.

In my view, the District Court clearly and unambiguously found as a fact that the pressure exerted by Representative Natcher and others did have an impact on Secretary Volpe's decision to approve the bridge. The Court pointed out that [t]he statement issued by the Secretary at the time he directed

Footnotes at end of article.

the Federal Highway Administrator to restore the bridge to the Interstate System indicates that the pressure on the rapid transit funds *was a consideration at that time.*[70]

The Court also found, on the basis of the Secretary's contemporaneous statements and his testimony before the Court, that there is no question that the pressure regarding the rapid transit appropriations *was given some consideration* at the time of the approval of the project in August, 1969.[71]

The Secretary's testimony indicated, as the court below pointed out, that "his decision was based on the merits of the project and not *solely* on the extraneous political pressures." [72]

Notwithstanding these findings of fact, the Court determined as a matter of law that since the Secretary was not acting in a judicial or quasi-judicial capacity, his decision would be invalid only if based *solely* on these extraneous considerations.[73] I cannot accept that formulation of the applicable legal principle. While Judge Fahy is not entirely convinced that the District Court ultimately found as a fact that the extraneous pressure had influenced the Secretary's decision—a point which is for me clear—he has authorized me to note his concurrence in my discussion of the controlling principle of law: namely, that the decision would be invalid if based in whole or in part on the pressures emanating from Representative Natcher. Judge Fahy agrees, and we therefore hold, that on remand the Secretary must make new determinations based strictly on the merits and completely without regard to any considerations not made relevant by Congress in the applicable statutes.

The District Court was surely correct in concluding that the Secretary's action was not judicial or quasi-judicial,[74] and for that reason we agree that much of the doctrine cited by plaintiffs [75] is inapposite. If he had been acting in such a capacity, plaintiffs could have forcefully argued that the decision was invalid because of the decisionmaker's bias,[76] or because he had received ex parte communications.[77] Well-established principles could have been invoked to support these arguments, and plaintiffs might have prevailed even without showing that the pressure had actually influenced the Secretary's decision.[78] With regard to judicial decisionmaking, whether by court or agency, the appearance of bias or pressure may be no less objectionable that the reality. But since the Secretary's action was not judicial, that rationale has no application here.

If, on the other hand, the Secretary's action had been purely legislative, we might have agreed with the District Court that his decision could stand in spite of a finding that he had considered extraneous pressures. Beginning with *Fletcher v. Peck,*[79] the Supreme Court has maintained that a statute cannot be invalidated merely because the legislature's action was motivated by impermissible considerations (except, perhaps, in special circumstances not applicable here [80]). Indeed, that very principle requires us to reject plaintiffs' argument that the approval of the bridge by the District of Columbia City Council was in some sense invalid. We do not sit in judgment of the motives of the District's legislative body, nor do we have authority to review its decisions. The City Council's action constituted, in our view, the approval of the project required by statute.[81]

Thus, the underlying problem cannot be illuminated by a simplistic effort to force the Secretary's action into a purely judicial or purely legislative mold. His decision was not "judicial" in that he was not required to base it solely on a formal record established at a public hearing. At the same time, it was not purely "legislative" since Congress had already established the boundaries within which his discretion could operate. But even though his action fell between these two conceptual extremes, it is still governed by principles that we had thought elementary and beyond dispute. If, in the course of reaching his decision, Secretary Volpe took into account "considerations that Congress could not have intended to make relevant," [82] his action proceeded from an erroneous premise [83] and his decision cannot stand.[84] The error would be more flagrant, of course, if the Secretary had based his decision solely on the pressures generated by Representative Natcher. But it should be clear that his action would not be immunized merely because he also considered some relevant factors.[85]

It is plainly not our function to establish the parameters of relevance. Congress has carried out that task in its delegation of authority to the Secretary of Transportation. Nor are we charged with the power to decide where or when bridges should be built. That responsibility has been entrusted by Congress to, among others, the Secretary, who has the expertise and information to make a decision pursuant to the statutory standards. So long as the Secretary applies his expertise to considerations Congress intended to make relevant, he acts within his discretion and our role as a reviewing court is constrained. We do not hold, in other words, that the bridge can never be built. Nor do we know or mean to suggest that the information now available to the Secretary is necessarily insufficient to justify construction of the bridge. We hold only that the Secretary must reach his decision strictly on the merits and in the manner prescribed by statute, without reference to irrelevant or extraneous considerations.

For the purposes of the foregoing discussion, we have assumed that pressures exerted by Congressional advocates of the bridge are irrelevant to the merits of the questions presented to Secretary Volpe. It does not seem possible to make even a colorable argument of relevance except with regard to § 138. It might be argued that the potential loss of the subway was the type of "unique problem" and cost of "extraordinary magnitude" [86] that the Secretary could properly consider in deciding, pursuant to § 138, that there were no prudent alternatives to the use of parkland for the bridge. The Secretary plainly understood that the price of abandoning, modifying, or even delaying construction of the bridge was the loss of appropriations for the District's subway. He undoubtedly viewed the prospect of that loss with understandable alarm, and may have concluded that the destruction of parkland was inescapable and appropriate in the face of Representative Natcher's clear and enforceable threat. We cannot agree, however, that a determination grounded on that reasoning would satisify the requirements of § 138.

Neither the section's legislative history nor the Supreme Court's decision in *Overton Park* indicates clearly whether or not this sort of consideration should be deemed relevant. We are persuaded, however, that holding these pressures relevant would effectively emasculate the statutory scheme. The purpose of § 138, in our view, was to preserve parkland by directing the Secretary to reject its use except in the most unusual situation where no alternative would be available. The "unusual situation" posited here is entirely the product of the action of a small group of men with strongly-held views on the desirability of the bridge, who, it may be assumed, are acting with the interests of public at heart. They may well be correct in concluding that a new bridge is needed and that no alternative location is available. But no matter how sound their reasoning nor how lofty their motives, they cannot usurp the function vested by Act of Congress in the Secretary of Transportation. Until the statute is amended or repealed by another Act of Congress, the Secretary must himself decide, bearing in mind the statute's mandate for the preservation of parkland, whether a prudent alternative is available. Congress could not have contemplated that an alternative would be "imprudent" merely because persons who are convinced that parkland should be used have the power to decree that all alternatives to the use of that parkland shall henceforth be agonizing. Our interpretation of § 138 is essential if the Secretary is to be insulated from extraneous pressures that have no relevance to his assigned statutory task.

To avoid any misconceptions about the nature of our holding, we emphasize that we have not found—nor, for that matter, have we sought—any suggestion of impropriety or illegality in the actions of Representative Natcher and others who strongly advocate the bridge. They are surely entitled to their own views on the need for the Three Sisters Bridge, and we indicate no opinion on their authority to exert pressure on Secretary Volpe. Nor do we mean to suggest that Secretary Volpe acted in bad faith or in deliberate disregard of his statutory responsibilities. He was placed, through the action of others, in an extremely treacherous position. Our holding is designed, if not to extricate him from that position, at least to enhance his ability to obey the statutory command notwithstanding the difficult position in which he was placed.

III

We conclude that the case should be remanded to the District Court with directions that it return the case to the Secretary [87] for him to perform his statutory function in accordance with this opinion. It seems clear that even though formal administrative findings are not required by statute, the Secretary could best serve the interests of the parties as well as the reviewing court by establishing a full-scale administrative record which might dispel any doubts about the true basis of his action.[88] Accordingly, the District Court is directed to enjoin construction of the bridge until the defendants have complied with the applicable statutory provisions as set forth in our opinion.

Reversed and remanded.

FOOTNOTES

*Judge MacKinnon dissents, but in the interests of expediting this matter consents to the immediate release of the majority opinion and reserves his right to file a dissenting opinion.

[1] D.C. Federation of Civic Ass'ns, Inc. v. Volpe, — U.S. App. D.C. —, 434 F.2d 436 (1970), holding that "both the planning and building provisions of Title 23." *Id.* at 447. In their complaint before the District Court on remand plaintiffs alleged that the Secretary had not complied with the following provisions: 23 U.S.C. §§ 102, 103, 128(a), 134, 138, and 317 (1970), and the regulations implementing § 128(a), 23 C.F.R. Part 1, App. A (1970). Apart from alleged violations of title 23, plaintiffs also complained of violations of various sections of title 7 of the District of Columbia Code, and of 16 U.S.C. §§ 1, 470 (1970); 33 U.S.C. §§ 401, 403, 525 (1970); and 49 U.S.C. § 1655 (1970). At the commencement of trial, the District Court granted plaintiffs' motion to amend their complaint to allege also a violation of 23 U.S.C. § 109(a) (1970). The Court granted plaintiffs a hearing on each complaint under title 23, but not under any of the other statutory provisions. *See* p. — *infra;* D.C. Federation of Civic Ass'ns, Inc. v. Volpe, 316 F. Supp. 754, 761 & nn. 13–14 (D.D.C. 1970).

[2] 316 F. Supp. 754 (D.D.C. 1970).

[3] 434 F.2d 436 (1970).

[4] 316 F. Supp. 754 (D.D.C. 1970).

[5] *Id.* at 769.

[6] *Id.* at 774.

[7] *Id.* at 759.

[8] *Id.*

[9] On Jan. 17, 1969, the District's City Coun-

cil had voted to approve the NCPC transportation plan which rejected the Three Sisters Bridge as unnecessary and undesirable. *Id.*

[10] *Id.* at 764, 767.

[11] Pub. L. No. 90–495, 82 Stat. 827 (1968); *see* p. —— *infra.*

[12] For purposes of this opinion we refer to appellants (and cross-appellees) in this Court as "plaintiffs," and to appellees (and cross-appellants) as "defendants." 23 U.S.C. § 138 (1970).

[13] 401 U.S. 402, 411 (1971).

[14] *Id.* at 412–13.

[15] 316 F. Supp. at 769.

[16] Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 409 (1971). *But see* note 88 *infra.*

[17] *Id.* at 420 ("review [of the Secretary's decision] is to be based on the full administrative record that was before the Secretary at the time he made his decision"). *See also* Environmental Defense Fund v. Ruckelshaus, —— U.S. App. D.C. ——, 439 F.2d 584, 598 (1971).

[18] Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 420 (1971); United States v. Morgan, 313 U.S. 409, 422 (1941).

[19] Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 420 (1971) ("Such an explanation will, to some extent, be a *'post hoc* rationalization' and thus must be viewed critically.").

[20] Secretary Volpe testified, for example, that he "believed that he had consulted with Mr. Braman's office with respect to the Bridge project," (Transcript at 808–09), but Mr. Braman pointed out that his office was "not involved in the Three Sisters matter at any time." (Tr. at 1005). The Secretary also testified that the Federal Highway Administrator, Mr. Turner, had discussed with him the § 138 problem, and that the Administrator had made an oral recommendation. (Tr. at 722). Nevertheless, Mr. Turner indicated in his testimony that he did not believe he had made any recommendation to the Secretary or had even discussed with him the specific question of the determination under § 138. (Tr. at 977). *See generally* Brief for Appellants at 34–35. Asked about his consideration of a number of alternatives to the Three Sisters Bridge, Secretary Volpe testified that he could not recall having considered the possibility of a tunnel at "any location other than the Three Sisters Islands," (Tr. at 780), upgrading the Jefferson Davis Highway to Interstate standards (Tr. at 779), or a number of other potential alternatives. *See* Brief for Appellants at 36–38.

[21] 316 F. Supp. at 769–70. The procedures in question involved the Department's Office of Environmental and Urban Systems, headed by Mr. James Braman.

[22] Tr. at 644 (testimony of Secretary Volpe).

[23] 434 F. 2d at 446.

[24] *Id.* at 447.

[25] *Cf.* Environmental Defense Fund v. Corps of Engineers, 325 F. Supp. 728 (E. D. Ark. 1971).

[26] Testifying before the District Court, Secretary Volpe did indicate that he "had considered several alternatives including the bridge, *no bridge*, the tunnel, various types of ramp connections etc. . . ." (Tr. at 742) (emphasis added). It is possible, however, that the Secretary might have given that alternatives (and the studies which seem to support it, *see* Brief for Appellants at 36 n. 2) more extensive consideration if his Department had not been convinced, judging by its representations before this Court, that "no bridge" was not a viable alternative in view of Section 23 of the Federal-Aid Highway Act of 1968.

[27] 316 F. Supp. at 775 (emphasis added).

[28] Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 405 (emphasis added).

[29] 316 F. Supp. at 775.

[30] *Compare* Brief for Federal Appellees at 11: "The park areas underneath the bridge would, in essence, remain available for park purpose uses. . . ."

[31] 316 F. Supp. at 794.

[32] 23 U.S.C. § 134 (1970).

[33] 316 F. Supp. at 794.

[34] *Id.*

[35] 316 F. Supp. at 794.

[36] Tr. at 1109.

[37] 316 F. Supp. at 794.

[38] *See* Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 415–16 (1971).

[39] 316 F. Supp. at 794.

[40] 42 U.S.C. § 3334 (1970); *see* 316 F. Supp. at 794 n.57.

[41] Statement of President Johnson, August 23, 1968, 114 Cong. Rec. (Part 24) 30959 (1968).

[42] The Secretary is not required, of course, to resolve every conceivable ambiguity in a proposed plan before testing its compliance with the applicable statutory provisions. But where he does purport to make a determination required by statute, for example under § 134, in advance of the completion of planning, his determination must remain flexible and be subject to continuing reconsideration as the plans for the project mature.

[43] 23 U.S.C. § 109(a) (1970).

[44] 316 F. Supp. at 793.

[45] 316 F. Supp. at 790.

[46] Tr. at 603.

[47] 316 F. Supp. at 790.

[48] 316 F. Supp. at 791.

[49] We express no opinion at this time on the amount or type of investigation which the Secretary should undertake in evaluating the air pollution hazards. In his testimony before the District Court, Secretary Volpe indicated that his Department "consider[s] air pollution in the overall consideration of all our projects," Tr. at 811, and it is possible that the consideration already given would satisfy the requirements of the statute. But the District Court made no findings on the Secretary's action, and approved the project apparently because the evidence seemed insufficient, in its view, to warrant a holding that the Department must undertake a study of the problem. 316 F. Supp. at 791. Rather than returning the case to the District Court for clarification of its findings on this point, it seems most efficient, in view of our remand to the Secretary under other provisions, to permit the Secretary to reconsider at the same time his determination under § 109(a).

[50] 23 U.S.C. § 128(a) (1970).

[51] Policy and Procedure Memorandum 20–8, 23 C.F.R. Part I, App. A (1970).

[52] Naturally, we do not decide whether the design hearing held by the Department complied with the requirements of PPM 20–8 and § 128(a). That question has not been presented to us. If plaintiffs have objections to the hearing, those objections should be lodged in the District Court.

[53] The plan under consideration, the so-called Howard Needles report, proposed three alternative locations for a central Potomac crossing. 316 F. Supp. at 778.

[54] *Id.* at 779.

[55] *Id.* at 778.

[56] *Id.* at 779.

[57] The District Court made an additional finding of error under § 128(a). The section requires that the "State highway department . . . *certify* to the Secretary that it has had public hearings . . ." (emphasis added). The District Court held, and we agree, that the certifying officer "should be one who knows as a fact that the actions to which he is certifying have been taken." 316 F. Supp. at 789. The District Court found that the certifying officer had assumed that certification was appropriate "merely because the project had reached the stage where the certification is normally made." *Id.* That assumption, the District Court held, was an "insufficient basis for the certification." *Id.* at 790. The defendants do not contest that finding, and it is therefore affirmed.

[58] 23 U.S.C. § 317 (1970).

[59] 316 F. Supp. at 796–97.

[60] United States v. 10.69 Acres of Land, 425 F.2d 317, 319 (9th Cir. 1970).

[61] Subsequent to the District Court's decision, the National Park Service announced in a letter (a photocopy of which is included in Brief for Appellants) that it does object to at least one aspect of the bridge plan. Leter from George B. Hartzog, Jr., Director, National Park Service, Department of the Interior, to Martin K. Schaller, Executive Secretary, Office of the Mayor-Commissioner, Dec. 15, 1970, reproduced in Brief for Appellants at App. A. That objection, moreover, includes an allegation that current plans for the bridge "conflict with [the Service's] understanding of the terms of an agreement signed May 25, 1966, by the National Park Service" and the Virginia and District of Columbia highway departments. It is precisely that prior—and, perhaps, misconstrued—agreement on which the government now relies to demonstrate compliance with the "spirit" of § 317. The letter may, in other words, have undercut the factual predicate of the District Court's reasoning. Whatever the significance of this attemped supplementation of the record, it is clear that any doubts will be removed by our holding that the Secretary must comply with the letter of § 317.

[62] At issue are 16 U.S.C. §§ 1, 470; 33 U.S.C. §§ 401, 403, and 525; 49 U.S.C. § 1655 (1970), and various sections of title 7 of the District of Columbia Code.

[63] 129 U.S. App. D.C. 125, 391 F. 2d 478 (1968).

[64] Pub. L. No. 90–495, 82 Stat. 827 (1968).

[65] 308 F. Supp. 423 (D.D.C. 1970).

[66] Plaintiffs clearly asked for a ruling in this Court on 16 U.S.C. § 470(f) (1970), and provisions of title 7 of the D.C. Code. They have not explicity asked for a ruling on any other non-title 23 provision.

[67] D.C. Federation of Civic Ass'ns, Inc. v. Volpe, 434 F. 2d 436, 447 & n. 50 (1970).

[68] 316 F. Supp. at 762. The "1968 Act," section 23 of the Federal-Aid Highway Act of 1968, is discussed at p. — *supra.*

[69] 316 F. Supp. at 762.

[70] *Id. at* 764–65 (emphasis added).

[71] *Id.* at 766 (emphasis added).

[72] *Id.* at 765–66 (emphasis added).

[73] *Id.* at 765.

[74] See Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 414–15 (1971).

[75] See, *e.g.*, Pillsbury Co. v. FTC, 354 F. 2d 952 (5th Cir. 1966); Jarrott v. Scrivener, 225 F. Supp. 827 (D.D.C. 1964).

[76] *See generally* 2 K. DAVIS, ADMINISTRATIVE LAW § 12.01 *et seq.* (1958).

[77] *Cf.* Sangamon Valley Television Corp. v. United States, 269 F.2d 221 (D.C. Cir. 1959).

[78] *See, e.g.*, Pillsbury Co. v. FTC, 354 F.2d 952, 964 (5th Cir. 1966).

[79] 10 U.S. (6 Cranch.) 87, 129–31 (1810).

[80] *Cf.* Griffin v. County School Bd. of Prince Edward County, 377 U.S. 218, 231 (1964); Gomillion v. Lightfoot, 364 U.S. 339, 347 (1960). *But see* Palmer v. Thompson, 403 U.S. 217, 224–25 (1971).

[81] *See* 23 U.S. § 103(d) (1970).

[82] United States *ex rel.* Kaloudis v. Shaughnessy, 180 F.2d 489, 491 (2d Cir. 1950). *See also* United States *ex rel.* Accardi 1. Shaughnessy, 347 U.S. 260 (1954), a case remarkably similar to the one before us. *Cf.* Shaughnessy v. United States *ex rel.* Accardi, 349 U.S. 280 (1955).

[83] *Cf.* Perry v. Perry, 88 U.S. App. D.C. 337, 338, 190 F. 2d 601, 602 (1951).

[84] Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 416 (1971) ("the court must consider whether the decision was based on a consideration of the *relevant* factors") (emphasis added); Wong Wing Hang v. I. & N.S., 360 F.2d 715, 719 (2d Cir. 1966), *cited with approval in* Citizens to Preserve Overton Park, Inc. v. Volpe, *supra,* at 416;

L. JAFFE, JUDICIAL CONTROL OF ADMINISTRATIVE ACTION 182 (1965).

*See also* SEC v. Chenery Corp., 318 U.S. 80, 87–88, 92–94 (1942), where the Court pointed out, inter alia, that "[i]f an order is valid only as a determination of policy or judgment which the agency alone is authorized to make and which it has not made, a judicial judgment cannot be made to do service for an administrative judgment." *Id.* at 88. *Accord,* SEC v. Chenery Corp., 332 U.S. 194, 196 (1947); Sunbeam Television Corp. v. FCC, 100 U.S. App. D.C. 82, 243 F.2d 26 (1957) (Fahy, J.); Chae-Sik Lee v. Kennedy, 111 U.S. App. D.C. 35, 294 F.2d 231 (1961).

It might be argued that a remand would be futile here since the agency can only repeat the process it purports already to have undertaken: namely, considering the project solely on its merits. While we agree that a remand would be academic if the agency would inevitably arrive at the same result, NLRB v. Wyman-Gordon Co., 394 U.S. 759, 766–67 n.6 (1969); Friendly, *The "Limited Office" of the Chenery Decision,* 21 AD. L. REV. 1, 5 (1968), it seems entirely possible that the agency could reach a different result if it could insulate itself from extraneous pressures unrelated to the merits of the question. On remand, the agency will have an opportunity to take steps to achieve the insulation required by statute and long-established principles of administrative law, perhaps by compiling a full-scale administrative record, utilizing fully intra-agency review procedures, and consulting with other agencies and planning groups.

[85] *Cf.* Sunbeam Television Corp. v. FCC, 100 U.S. App. D.C. 82, 243 Fed.2d 26 (1957).

[86] *See* Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 412–13 (1971).

[87] *Cf. id.* at 419 n.33.

[88] While formal findings are not required by statute, they are compelled by one of the Department's own internal regulations, DOT Order 5610.1, issued on October 7, 1970. *See generally* Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 417–19 (1971). That Order was not in effect at the time the Secretary's determinations were made. Plaintiffs argue that the Order should be applied retrospectively, and that it should therefore constitute an independent basis for reversal. While the Supreme Court rejected a similar claim in *Overton Park, supra,* that decision may be distinguishable in that a full administrative record was available there to facilitate review. *Id.* at 419. While the proposed distinction would seem to have a good deal of force, we need not reach the question in view of our conclusion that the Secretary failed, irrespective of DOT Order 5610.1, to make the determinations required by statute. When the Secretary makes new determinations on remand, the Order will presumably apply.

## MRS. MYRTLE SPEIDEL HONORED

### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. GAYDOS. Mr. Speaker, each year the Allied Veterans of the city of McKeesport, Pa., single out for public recognition a woman who best exemplifies the highest standards of community service and responsibility.

This year the veterans have saluted Mrs. Myrtle Speidel as their "Woman of the Year." Mrs. Speidel has spent nearly 50 years giving comfort and assistance to people of all ages from all walks of life. She has been particularly involved in helping veterans. During World War II, she sold war bonds for the American Legion and contributed countless hours as a volunteer worker for the USO in Pittsburgh, bringing cheer and pleasure to thousands of men in uniform. She still takes an active role in promoting "Tag Days" for veterans and in visiting patients in Veterans hospitals in the area.

However, servicemen have not been the sole beneficiaries of this gracious lady's love and compassion. During the depression years of the 1930's, Mrs. Speidel took it upon herself to provide cooked lunches for children at St. Pius School in McKeesport. Without her, many youngsters would otherwise have gone hungry because their parents were out of work and had no money for food.

This exceptional woman also has given of herself in other fields of community service. She has taught advanced first aid classes for the Red Cross, devoted much time and effort in work for the Community Chest, its X-ray mobile unit and Health-O-Rama. She has been active in the Christmas Seal campaign, McKeesport Hospital, the YWCA, and the Auberle Home for Boys in McKeesport. She still visits the sick and the aged in their homes or in hospitals, bringing with her the warmth of friendship as well as gifts of food and clothing.

Although Mrs. Speidel belongs to many notable organizations, she has been deeply involved in the Catholic Daughters of America. A member of Court 221, CDA, since 1928, she has held every elected office in that organization, including several terms as its regent.

Her unselfish dedication to helping others has not, however, prevented this remarkable woman from raising her own family. Mrs. Speidel and her husband, William, were married in 1920 and, in addition to their own two sons, they now have a family which includes six grandchildren and two great-grandchildren.

Mr. Speaker, it is with great pride and pleasure that I join the McKeesport Allied Veterans in recognizing a woman whose ideals and spirit of sacrifice have made her an inspiration to everyone who has come in contact with her. Mrs. Myrtle Speidel is, indeed, a credit to her family, her community, and her country.

## THE TORY WELFARE STATE

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. CRANE. Mr. Speaker, it is clear that, in our own country, efforts at developing massive government programs to solve real societal problems have failed to do the things they were meant to do. The expansion of the welfare state philosophy has seen not the solution of problems but, instead, has led to their being compounded.

Government involvement in urban renewal has provided us with a classic case of failure. Intended to assist poor families in substandard housing, the program, instead, helped businessmen to tear down substandard housing and replace them with luxury apartments, reaping significant profits for themselves and driving the poor even further into the inner city. Jason R. Nathan, New York City Housing and Development Administrator, stated that—

Even if the Federal government spent ten times the money they do now—which they won't—it would not be enough. After ten or fifteen years of traditional programs, for example, we have not even begun to approach the problem in Bedford-Stuyvesant in Brooklyn.

The U.S. Commission on Civil Rights found that Federal projects in Cleveland had drastically reduced the amount of low-rent housing in the city and had contributed to the creation of a new ghetto. Out of the resentments which were produced a new bitterness grew, culminating ultimately in riots. Commenting on the Cleveland developments, Father Theodore Hesburgh, president of the University of Notre Dame and a member of the Civil Rights Commission, said:

These federal programs are coming in, supposedly to help the community. They want to rebuild our society. What has happened in many cases is that people who are presently in the worst situation have their houses swept out from under them by bulldozers, they are given very little help in finding houses and they generally do worse than where they came from. This is immoral.

Similar examples can be provided in the fields of agriculture, education, and welfare. Beyond this, however, is the fact that we often pay with our own freedom for such programs. Thirty-six years ago the eminent Swedish economist Gustav Cassel explained in a prophetic lecture how a welfare state or "planned economy," long enough continued must lead to despotism:

The leadership of the State in economic affairs which advocates of Planned Economy want to establish is, as we have seen, necessarily connected with the bewildering mass of government interferences of a steadily cumulative nature. The arbitrariness, the mistakes and the inevitable contradictions of such policy will, as daily experience shows, only strengthen the demand for more rational coordination of the different measures and, therefore for unified leadership. For this reason, Planned Economy will always develop into Dictatorship.

While our own society seems committed to repeating the mistakes of the welfare state, the new conservative government in England is attempting, in a number of important respects, to restore freedom to an economy and a society which had permitted itself to proceed even further along welfare-state lines than our own.

The National Health Service, hailed by some in this country as a model to be followed by Americans, has been a notable failure in Britain, leading to significant reforms now being instituted by Prime Minister Heath and his government. In an important article entitled "The Tory Welfare State," Mr. Arthur Seldon, editorial director of the Institute of Economic Affairs of London, writes that—

Sir Keith Joseph's increased use of pricing is his most hopeful step in the right direction . . . What the N.H.S. requires is more competition both within its vast bureaucracies and from outside . . . The

N.H.S. receives too little—barely 5 per cent of the national product because it limits us to taxation. With the whole battery of taxation, social insurance, private insurance, fees, charges and reimbursements, France and Germany, Belgium and Norway, Canada and the United States raise 6 to 7 per cent.

In his article, which appears in the Daily Telegraph of October 15, 1971, Mr. Seldon discusses other steps of the Heath government away from the welfare state. He also discusses the problem is instituting change while working with an immobile civil service. He writes:

Is a government changing the direction of social policy, affecting half of public expenditure, effectively served by a civil service working in a 25 year old groove? . . . Perhaps more systematic reference by Ministers to unofficial outsiders acting as a second string to provide a constant flow of second opinions. Like the N.H.S., bureaucracies should have competition both within and from outside.

Hopefully, the Heath government will be able to alter the welfare state and restore to Great Britain a free and healthy economy. Hopefully, there will be those in this country who will take similar steps to turn back a growing welfare state which has cost us billions of dollars, hampered our freedom, and failed to solve any of the problems at which it was aimed.

I wish to share Mr. Seldon's article with my colleagues, and insert it into the RECORD at this time:

[From the Daily Telegraph, Oct. 15, 1971]

THE TORY WELFARE STATE—ARTHUR SELDON LOOKS AT THE NEW CONSERVATIVE PLAN OF "SELF-HELP"

The post-war "consensus" Labour-Conservative Welfare State lasted a quarter of a century, 1945 to 1970. This morning Mr. Edward Heath's Conservatives discuss further steps in the new Tory Self-Help Welfare State.

The old Welfare State was designed to give the same benefits to all, in need or not. It may have been egalitarianism, dogmatism, even Socialism. It was certainly not common humanity, common sense, or respect for individuality. It was the universalist creed run riot. The new Welfare State is based on human circumstances: benefits go to people who cannot help themselves; the happily increasing number who can, pay for the dignity of choice.

So far most of the measures are in the right direction. What more could be done?

Mrs. Margaret Thatcher was quick off the mark with the reassertion of variety in secondary education. The increased emphasis on primary schooling, the work of experts and officials, is more difficult to judge in the absence of an effective voice for parents. Even then, it would mean little in the absence of fees to show the costs of alternative forms of education.

The argument for the additional year to 16 would be more convincing if Mrs. Thatcher showed the cost in services sacrificed elsewhere—in education, or hospitals, or more money for people unable to work.

FINANCING EDUCATION

"Direct grants" should go to parents, not to schools: to consumers, not to producers. And not only where Labour local authorities decline to take places in independent schools. Much more generally Government could make a start at withdrawing from the business of building, owning and running schools, at which it is not very good because politics should not get mixed up with education, and providing finance to low-income parents and loans to students.

It could begin with nominal fees for State schools, a principle approved for nursery schools by Lady Plowden and several members of her Committee. It could encourage self-help by tax rebates on school fees, fares, etc. (up to £140 for each child in Australia). And it could, as in the United States, experiment with vouchers and "performance contracting." Private companies are employed (in Arkansas and Indiana) to teach backward children and are paid by results. The results are very good.

Sir Keith Joseph's increased use of pricing in the National Health Service is his most hopeful step in the right direction. But to make his emphasis on better management in the N H S a reality he too will have to use payment by results. Good management, as in private industry, requires competitive incentives for efficiency and penalties for inefficiency. Sir Keith and Mr Michael Alison know all this: they have yet to apply it.

The introduction of better methods or businessmen, a little more centralisation here or more decentralisation there, will not suffice. What the N H S requires is more competition both within its vast bureaucracies and from outside. More internal competition requires a massive move to a more federal structure, with much more regional or local autonomy. And this requires power to raise money locally. The straitjacket of attempted equality must be loosened for the sake of higher standards all round, for psychiatric and geriatric patients as well as for normal acute and emergency medical care.

And competition from outside requires heroic decisions to encourage private capital to build hospitals and private insurance to cover more than the meagre 5 per cent of the people. There are millions of pounds that could be channelled into medical care. British health should come before the National Health Service. Mr Enoch Powell has said "Britain is stuck with the N H S . . . for my lifetime and beyond it." He must be proved wrong. The N H S receives too little—barely 5 per cent of the national product because it limits us to taxation. With the whole battery of taxation, social insurance, private insurance, fees, charges and reimbursements, France and Germany, Belgium and Norway, Canada and the United States raise 6 to 7 per cent, and more. And in periodic refinment of their methods they never dream of copying the N H S. Not even Senator Edward Kennedy, who praised the N H S the other day, is advocating it in his country. Why then should British Conservatives see the 1946 creation of Bevan as untouchable?

Mr. Peter Walker and Mr. Julian Amery have taken the longest step in the right direction. Their housing allowances in cash will put low-income private tenants on the same financial footing as low-income council tenants with rent rebates.

They should now be persuaded to take an even longer stride nearer their goal. Rent rebates retain non-market rents; housing allowances promote them. Rebates frustrate the rationing function of rents and necessitate rationing by officials; allowances strengthen rationing by rents. Not least, the dual rebate-cum-allowance system segregates council from private tenants.

Messrs. Walker and Amery could put this right by introducing cash housing allowances for *all* tenants. They have been used in Europe for many years. Or, if the change is too sudden, *all* tenants, Council and private, could be given housing vouchers. The perspective must be long run. The United States Department of Housing and Urban Development under Mr. George Romney is sponsoring research by the private Urban Institute in Washington to discover the possible effects of housing allowances of varying kinds—cash or vouchers—in raising rent in the short run and increasing the supply of housing in the long run. They would, moreover, cost much less than local government building.

The new pensions scheme will shift the emphasis from State to occupational and private pensions generally: another step in the right direction.

But the introduction of graduated national insurance contributions to pay for the uniform State pension will create pressure for graduating the pension. Sir Keith Joseph and Mr. Paul Dean may have solved the immediate problem of finding more money without raising taxes, but they will be making severe difficulties for Conservatives in the 1980's.

Far better to make a start with winding up the whole national insurance system. Australia has managed very well without it. Her pensioners are better off than ours; and less money has to be raised in taxes. The Prime Minister, Mr. William McMahon, is resisting Australian academic Labour-like talk of "national superannuation" that Mr. Heath's Tories have rightly rejected.

The Reserve Pension Scheme must not become a backstairs to State control of industry, as envisaged under Mr. Hugh Gaitskell, and as is happening in Sweden. The board of management must be strong enough to segregate its funds from general revenue. There are worrying doubts here. The solution is to expedite the expansion of occupational and private pensions—not least by removing their control from the Inland Revenue—so that only a small and diminishing number have to resort to the State's Reserve Scheme.

The Family Income Supplement is yet another move on the right lines. But if 60 per cent do not ask for it, the Cabinet should recognise its weakness—that claimants have to initiate a claim—and go the whole way to reverse income tax. In time it could replace family allowances and other wasteful benefits (Canada has been discussing means-testing its family allowances). And it would take over from the half-way measure of vouchers.

AMERICAN EXPERIENCE

The main doubt is the effect on incentives. A recurrence of Speenhamland demoralisation is not inevitable. The New Jersey experiment so far indicates no marked disincentive. Abuses are probable, but controllable. They should not distract Conservative attention from the central aim of mastering poverty so that all can pay for welfare. The abuses are tiny compared with the thousands of millions raised in taxes and paid back to taxpayers in universal benefits.

But is a government changing the direction of social policy, affecting half of public expenditure, effectively served by a civil service working in a 25 year old groove? British civil servants are incorruptible, but they are not chameleons. They are able, experienced, specialists with opinions, value-judgments, feelings of their own. Ministers out of office evolve new thoughts: Civil servants continuously "in office" generate inertia.

If the American system of bringing in senior officials with each government has defects, though in Washington recently I saw its advantages, new solutions may have to be evolved. Perhaps more systematic reference by Ministers to unofficial outsiders acting as a second string to provide a constant flow of second opinions. Like the NHS, bureaucracies should have competition both within and from outside. The Tory Welfare State may stand or fall by it.

---

## THE ADMINISTRATION'S NATIONAL HEALTH PROPOSALS THREATEN VA HOSPITAL SYSTEM

---

**HON. OLIN E. TEAGUE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. TEAGUE of Texas. Mr. Speaker, many national veterans organizations are

vitally concerned about the future of the VA hospital system as Congress proceeds to consider plans for a national health care system. Recently the Director of the Office of Management and Budget responded to inquiries from various Members of Congress and indicated that a virtual moratorium had been placed on major VA hospital construction programs pending a study of the effects of the President's health care proposals.

Mr. Speaker, the VA hospital construction program is already lagging behind the needs of our growing veteran population and the demand for hospital treatment is expanding rapidly. At the present time, approximately 35 percent of the patients who receive treatment in VA hospitals are eligible for medicare and the Veterans' Administration is not reimbursed by medicare funds for the treatment of these patients. These patients, eligible under medicare but cared for by the VA, would cost the medicare fund an additional $500 million.

Mr. Speaker, if a national health care program is adopted which does not afford the Veterans' Administration an opportunity to properly utilize its vast resources and potential, it is reasonable to expect that the cost of any national health care legislation will be increased by between $1 billion and $1½ billion annually. Before any such national health care plan is enacted, it would appear that a firm policy commitment should be enunciated by the administration as to the future role of the VA hospital system.

Mr. Speaker, the Veterans of Foreign Wars recently testified before the Ways and Means Committee concerning this situation, and I hope that my colleagues will give careful consideration to their statement which follows.

STATEMENT OF FRANCIS W. STOVER, DIRECTOR, NATIONAL LEGISLATIVE SERVICE, VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. Chairman and members of the committee: Thank you for the privilege of appearing before this Committee to present the views of the Veterans of Foreign Wars of the United States respecting national health insurance legislation.

The membership of the Veterans of Foreign Wars is presently at an all-time high of more than 1.7 million members. Approximately one-fourth of these members, or around 450,000, are veterans of the Vietnam war. We also have a few members who served in the Spanish-American war before the turn of this century. Our membership, therefore, includes veterans who have served in the Armed Forces of the United States during America's wars from 1898 to the present Vietnam war.

Legislation concerning veterans rights and programs comes within the jurisdiction of the Committee on Veterans Affairs, headed by its long-time distinguished Chairman, Olin E. Teague of Texas. It is realized that your Committee does no have primary jurisdiction over legislative proposals concerning veterans programs.

The Veterans of Foreign Wars has no official position respecting any of the proposals before this Committee which propose to expand health coverage in one way or another for the general population. However, because of a statement by the Director of Office of Management and Budget, George P. Shultz, it has become clear to veterans and their families that the Administration holds that these national health insurance proposals under consideration by this Committee have profound implications for the Veterans Administration hospital system. Moreover, the Administration has imposed a moratorium on the construction of any new VA hospitals until these national health insurance proposals have been brought to a successful conclusion by the Congress.

The Veterans of Foreign Wars is deeply disturbed that the Administration has officially declared that there is an affiliation between national health insurance legislation and veterans hospital and medical care. That is the principal reason that the Veterans of Foreign Wars is here today. This, however, is not a recently arrived at position. To the contrary, there has been a growing concern among our members that any greatly expanded health care system for the general population could be extremely detrimental to the VA hospital and medical care program. In that regard, our national organization has adopted a number of mandates, all of which contemplate that the Veterans Administration hospital system be maintained intact and that various aspects of this system be improved and expanded to insure that veterans receive the highest quality medical care this nation can provide.

Among our national priority legislative programs for this year, as approved by our Commander-in-Chief, Joseph L. Vicites of Pennsylvania, is one that calls for all-out opposition to any merging of VA hospitals or facilities in any proposed national health insurance plan. Further, our Commander-in-Chief Vicites issued a statement, dated October 26, which was the official V.F.W. reaction to the announcement by the Administration that it has placed a moratorium on the construction of new VA hospitals until these national health insurance proposals have been brought to a conclusion.

In March 1971 at the V.F.W. Washington Conference of National Officers and State commanders, the subject of national health insurance was of primary concern to our National and State leadership from all over the nation. At that time an article appeared in our V.F.W. Magazine concerning many of the bills under consideration by this Committee today. This article entitled "National Health Insurance: A Threat to VA Hospital System?" by Cooper T. Holt, Director of the V.F.W. Washington Office, and Norman Jones, Director of the V.F.W. National Veterans Service, was placed in the Congressional Record by Olin E. Teague, Chairman, House Veterans Affairs Committee, on Wednesday, March 17, 1971.

It would be deeply appreciated, Mr. Chairman, if a copy of our Commander-in-Chief's statement of October 26 concerning the stopping of all VA hospital construction and the article in our V.F.W. Magazine, as it was placed in the Congressional Record of March 17, 1971, be made a part of my remarks at the close of my statement.

In addition, Mr. Chairman, it would be appreciated if a copy of a newspaper clipping from the Sunday edition of the Washington Post of October 10, 1971 entitled "VA Hospital Delay," which spells out the decision of the Administration to delay construction of new hospitals, also be made a part of my remarks at the conclusion of my statement.

The Veterans Administration hospital and medical system is one of our greatest national assets. Few realize the magnitude of this system which is providing quality medical care to an average daily patient load of approximately 155,000 beneficiaries. To provide this kind of care, the VA operates 165 hospitals, plus there are 5 more which are under construction. All of these hospitals are accredited. The VA operates 202 outpatient clinics. The VA operates 76 nursing homes. The VA operates 6 restoration centers. The VA operates 3 blind rehabilitation centers. The VA operates 32 drug units. The VA operates 16 domiciliaries.

This is indeed a comprehensive and truly national health care system. It requires an annual appropriation which exceeds $2 billion for fiscal year 1972. It covers a wide range of services. Among its patients are older veterans of the Spanish-American War and younger veterans of the Vietnam War—the most crippling war in our history. The nation has dedicated itself to providing quality medical care and treatment for the nation's veterans and the VA is performing this service.

The V.F.W. is mindful that dedicated VA hospital personnel are operating in many areas under severe budgetary restrictions and limitations. Adequate funds and personnel for VA hospitals has been a primary concern of the Veterans of Foreign Wars for many years. The Congress has responded magnificently to this threat to reduce and diminish VA hospital care. Over the last several years Congress has added funds to the annual VA hospital budget, funds which were not requested or recommended by the Office of Management and Budget and its predecessor, the Bureau of the Budget.

The Veterans of Foreign Wars is deeply appreciative of the favorable and continuing support of the Congress for adequate funds and personnel for veterans hospitals and medical care.

It is the Office of Management and Budget which poses a serious threat to veterans hospitals. As indicated, the present Director of the Office of Management and Budget, Mr. George P. Shultz, has placed a moratorium on constructing new VA hospitals on the theory that veterans medical care is interrelated and interwoven with any legislation the Congress may approve respecting national health care for all citizens.

The Veterans of Foreign Wars totally disagrees with this policy. The veterans hospital system is performing its mission of delivery of health care to veterans. What many do not realize or admit is that the VA is making a significant contribution to the health care needs of the entire population. Permit me to explain what is meant by this.

The V.F.W. has always held that the Veterans Administration is the greatest single source of medical health care training in the nation. The VA presently provides training for half of the three and four year medical students in the nation. This fiscal year of 1972 the VA will provide training for 53,000 individuals in 60 different categories of health sciences. More than 800,000 veterans are admitted to VA hospitals and 8 million outpatient visits are made each year by veterans.

The VA is the primary teaching facility for 81 of our nation's medical schools. The VA is affiliated with 51 dental schools, 287 nursing schools, 274 universities and colleges, and 84 community and junior colleges. Recent statistics indicate there is a national shortage of 50,000 doctors and 250,000 paramedical personnel. It would be most shortsighted and self-defeating to take any action which would reduce or destroy the capability of the VA to continue its training and educational programs which are helping to educate and train doctors and other medical personne..

In addition, the VA will conduct 6000 research projects. This is a contribution little known by the general public. Research in VA hospitals has practically eliminated tuberculosis because of chemotherapy treatments which originated in a VA hospital. The pacemaker which has helped save the lives of so many heart patients was discovered and developed in VA hospitals. Another outstanding example of VA research is the isolation of a virus in the Bronx VA hospital which could cause leukemia.

Another great contribution being made by the VA hospital system, which many are not aware of, is its care of the older veteran. Many World War I veterans, whose average

age is 75, and older veterans of World War II, are being taken care of in VA hospitals each day. To reduce or eliminate VA hospital care would sharply increase the load on the Medicare program. The record shows that regardless of how one looks at the facts the VA is presently saving or subsidizing the Medicare program about a half a billion dollars a year. This is another factor which should be given serious consideration in any of your deliberations respecting the bills before you which propose reducing or swallowing up veterans hospitals and medical care capability and facilities.

Mr. Chairman, the Veterans Administration is authorized to operate not less than 125,000 hospital beds for the care of veterans. It actually is presently operating about 115,000 hospital beds. In the appropriation bill for fiscal year 1972 Congress has made it the law of the land that the VA must operate not less than 97,500 beds with an average daily patient census of 85,500. The V.F.W. will continue to work for maximum utilization of all VA hospitals to full capacity as authorized by the Congress. This is the VA hospital system that we want maintained as a separate entity for the care and treatment of veterans.

During these times of the high cost of medical care and the great national concern expressed with respect to this national problem, it is extremely perplexing to the V.F.W. that the Administration is ignoring the fact that the VA's centrally administered national hospital system is delivering health care to the nation at about one-third of the cost of other medical systems. Even more baffling is the fact that there is great concern about the shortage of medical personnel, and those in national policy making positions at the highest level of Government are ignoring the vast education and training programs of the VA.

Our first knowledge that the VA hospital system could be in for trouble was the President's message on health and hospitalization which was delivered to the Congress on February 18, 1971. In this lengthy statement which proposes to create new agencies to administer health insurance and take care of medical problems, it is noted that the Veterans Administration is only mentioned in two places. Very disturbing to the V.F.W. is one of these references which would place the Veterans Administration in a subordinate role to the Department of Health, Education, and Welfare. The message recommends that the Veterans Administrator confer with the Secretary of Health, Education, and Welfare on ways the VA medical system and some of its resources can be used. It should be the other way around. It is the VA which is handling in a very successful manner a comprehensive medical and health system. The health system the Department of Health, Education, and Welfare operates is the Public Health Service with 8 hospitals and 30 clinics, which, by the way, have been earmarked for closing. The VA has more experience and expertise running a national hospital system than any other department or agency of our Government.

There is some encouragement, however, in the fact that the VA was mentioned and give rise to the hope that there are some in the Office of Management and Budget who realize the potential of the VA of delivering health care for veterans and the general population.

In summary, the Veterans of Foreign Wars is extremely hopeful that no action will be taken by this Committee in reporting a national health insurance bill which can be construed or interpreted by the budget planners as a justifiable basis to reduce or eliminate veterans hospitals and medical care.

Your favorable consideration of the views and recommendations made in behalf of the Veterans of Foreign Wars will be deeply appreciated.

Thank you.

## ENERGY NEEDS IN AMERICA

### HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. HOWARD. Mr. Speaker, recently the National Governors' Conference sponsored a symposium on the critical situation involved in meeting America's ever-growing energy needs.

Two of the speeches at this symposium which was held in suburban Washington are worthy of the attention of all Members of this House.

The symposium was organized by Edmond F. Rovner, secretary of economic and community development in the cabinet of Maryland Gov. Marvin Mandel. Mr. Rovner, prior to assuming his present post, was administrative assistant to our good friend, the Honorable JONATHAN BINGHAM, of New York, and a legislative representative for the United Electrical Workers of America.

Mr. Speaker, I insert at this point in the RECORD the remarks of Dr. Chauncey Starr of UCLA and Dr. S. David Freeman, research director for the study of national energy policy for the 20th Century Fund:

ENERGY SYSTEMS AND STATE GOVERNMENT

(By Dr. Chauncey Starr, dean, School of Engineering and Applied Science, University of California, Los Angeles)

Thank you, Governor Mandel, for such a laudatory introduction. Among my hidden virtues which you did not mention is that of being an amateur poet and I would like to introduce the subject of my talk today by presenting a statement of the problem in the form of a limerick:

> There is a tiger named power,
> Who works by the kilowatt-hour,
> If we urge him faster,
> Will he become master,
> And show an intent to devour?

In a more serious vein, the core of the worldwide energy problem is the increasing need to allocate resources and control energy use as a matter of public policy, and to do so within the framework of an already established energy system that has grown rapidly and effectively under a laissez faire philosophy of development. Your program at this meeting has included most of the pertinent issues which relate to this issue of public policy. It might be most useful, therefore, if I were to present the broad general framework which encompasses many of these detailed considerations.

Energy is a basic and indispensible need for social development—both for improving the materialistic aspects of life and for improving its intangible esthetic qualities. No society has been able to function without energy utilization or to improve its quality of life without also increasing its dependence on energy. It is an ingredient as basically essential as water or food. There has been an historically direct correlation between the quality of life of any group and its per capita energy consumption. Thus, a nation's energy demand is a product of population and the per capita quality of life.

In the past century, energy has been very cheap and its contribution very great. It was cheap because energy resources have been plentiful, easily accessible and man's technology has been successfully concentrated on reducing the cost of delivering energy in its various forms. It has also been cheap because the by-product social cost of those items which the economists call externalities (such as environmental, ecological, and public health impacts) have not been assessed to the energy users. The massive use of energy as a stimulus for social development is only a matter of the past two centuries. This historical application of energy to man's needs was also paralleled by an increase in literacy, an increase in material productivity, and an improved quality of life generally. Although this is mostly evident today in the highly industrialized portions of the world, the positive contributions of energy use are visible everywhere in varying degree.

Our present problem in the operation of energy systems is directly the result of man's success in utilizing energy for constructive purposes. The increase in energy consumption has become so great that both the supply of energy and its by-product impacts have become current matters of issue. It is clear that the compounding growth rate of energy use cannot go on indefinitely on a worldwide basis without catastrophic repercussions in terms of supply, social consequences and costs. In fact, the present cost trend worldwide is for the past availability of low cost energy to disappear. There already are substantially increasing energy costs due to the increased difficulties associated with finding new fossil fuel resources. If in addition, the future cost of energy includes the cost of by-product social effects, or the cost of removing these, then in fact, energy may soon become an expensive commodity.

Energy use eventually will be limited as a matter of public policy. This will require a compromise between energy demands, the quality of life, and energy availability. Allocations of energy will result from both governmental regulations and the indirect operation of economic forces. It might be of interest, therefore, to outline some of the developing conditions which will effect governmental policy and governmental approaches to the energy problem.

First, the present trend of doubling energy consumption in short time periods cannot continue very long. In the industrially developed nations of the world, the per capita consumption of energy must inevitably level off for many sociological, technological, and economic reasons. Just as food consumption per capita approaches a reasonable limit determined by dietary needs and food quality, in the same way, energy consumption per capita will begin to approach a level which will provide every individual a reasonable quality of life. Unfortunately, because the energy consumption per capita in the industrially developed nations is ten to twenty times greater than that of the underdeveloped portions of the world, the understandable goal of the underdeveloped peoples to reach the quality of life found in the industrial nations will create an overwhelming demand on worldwide resources. The resource problem is thus worldwide in origin and arises from the unlimited cumulative demand versus limited resources.

Fortunately, energy forms are frequently interchangeable. Technological developments, the most recent of which has been the commercial realization of nuclear power, can markedly change some of the limitations on man's energy use. However, certainly for the next century every energy resource of the world will be tapped as fully as it can be. While nuclear power, and perhaps the as yet undeveloped fusion power, will help in relieving the pressures on our fossil fuel resources, this is only partial help. There is no evidence that technologically developed new energy sources can materially relieve the demand on the world's fossil fuel in the next century. We face then, a worldwide management problem of so distributing our energy resources and so allocating their end uses as to provide for all people the most effective use of the energy available.

The issue of the environmental impact

of energy utilization is not new. Smoke abatement in the big cities of the world has been a matter of concern for some hundreds of years. There is no question that the increased use of energy throughout the world and particularly in the industrial nations requires increased attention to removing the unpleasant byproducts of energy use. Unfortunately, the technologies for providing a clean environment are not fully developed, although the scientific principles are clearly in hand. It is only recently that priority has been given to the technology of pollutant removal or prevention, and there is very little doubt that eventually control of the environmental side effects of energy utilization will be brought to socially acceptable levels. Pollution is man-made and is man-controllable. However, pollution control is itself a new "growth industry" and will create an additional energy demand. Water, solid, and air pollution control techniques use chemical plant processes, all of which consume energy. For example, the proposed effluent treatment methods for reducing pollutants from automobiles result in increased fuel consumption.

The recent increase in public sentiment for maintaining environmental values will probably increase with time. Clearly, as the materialistic needs of our society are met, the aesthetic values become relatively more important. From a purely economic point of view it is not necessarily a cost penalty to invest in a clean environment. Those of you with industrial backgrounds know that a clean well kept manufacturing shop is, in fact, less costly than one in which the floor is used as a disorderly wastebasket and a haphazard material storage area. The indirect costs of employee morale, health and accidents, have taught industry that a clean and orderly shop is a worthwhile investment. In the same way, a clean society may be less costly overall than a dirty one. A clean society may have less public health costs and less problems of antisocial behavior. It may provide a better environment for industry and maintenance of employment. It may provide a better educational environment. I would like to believe that a public investment in a clean social environment will be in the long run the most advisable allocation of our national resources. Whether this is true or not, the public demand for establishing clear targets for environmental quality is already substantial and likely to increase with time.

In many cases, such environmental targets will be costly and in many cases operational compromises will have to be reached. Nevertheless, the issue is one of how to meet such targets or how to arrive at these compromises, rather than whether it should be done at all. A further problem in achieving the environmental quality values which the public is asking for is the relative novelty of many of these complex issues to the public involved. I happen to believe, for example, that nuclear power is the safest and cleanest of all electricity generating approaches, and that the breeder reactor may be a saving technical development for the continuous availability of energy for mankind. It is also clear that it is going to take years of public education to communicate the rationale for my confidence in nuclear power to the concerned public. Another aspect of establishing appropriate targets for environmental quality is the conflicting interests of special groups. We all know that many of the organized special interest groups do not represent a balanced indicator of the priorities appropriate to the majority welfare. The complex issues of environmental tradeoffs, of benefits versus costs, the questions of immediate versus long-term impacts, the questions of social and technical responsibilities—these all require years of analytic development and public discussion in our complex society before optimal rational approaches are taken for meeting the goals of environmental quality. Nevertheless it can be done and in fact, I believe we have no choice but to do it.

One of the inevitable consequences of an attempt to improve the total environment in which we live is that most approaches to simultaneously maintaining the materialistic contributions to our quality of life and reducing their environmental impacts require an increase in per capita energy consumption. Because of this multiplying effect, the special area of energy use requires much greater attention in terms of environmental effects than might be associated with many other of the technical systems in our society.

It is thus clear that the governmental problems of allocating and regulating energy use will be faced indefinitely by limited resources, increasing demand, and need for public regulation and environmental restrictions. There is no clean solution to such a complex of issues. The role of government will necessarily be one of compromising, adjusting and allocating to those uses where the marginal social utility is greatest. This is not an unfamiliar governmental activity, as best exemplified by government funding problems. It is well to realize however, that government intervention into the energy supply systems and the energy use systems has proceeded very slowly in the past and primarily as the result of the regional monopoly situations associated with electricity and gas distribution and regional air pollution. The coming problems of "black-outs" and fuel shortages may require planning and intervention on a broader base which includes the whole energy system.

It is well to realize that no single governmental body, national or state, will be able to control worldwide demand and supply, or to control the rate and direction of technological development. For the individual states in our country, the problem is compounded by the fact that fossil fuel availability within a state is often influenced by national and international considerations which bear no relevance to the state's particular interest. Further, the states cannot expect to import energy and export pollution. Many of the recent public initiatives have focussed on this particular aspect. While it is true that electrical transmission lines and gas pipe lines permit the separation of energy source from the user, the public awareness of the issues involved are already interfering with the freedom to separate cause and effect in energy systems. Also, the states cannot expect to maintain the wellbeing of their citizens without an adequate energy supply in various forms. We do not have the choice of stopping the growth of energy use without facing the same type of social and political issues that we would face if we ceased growth in a needed water supply—whether caused by population increase of life-style. Finally, states cannot expect that the "free market economy" will arrive at the desirable mix of energy services which are best for our society. Unfortunately, we do not have a free market in the energy systems of our nation. As a result of regulated utilities, taxes, land use polices, pollution regulations, import restrictions and the like, our energy system (like most other national systems) is a mix of free competitive market opportunity and highly administered situations.

The states do have substantial power to governmental body must undertake to review, plan, control, allocate, and regulate the activities of our energy systems. Whether this is done federally or by the states, or both, is a matter in which you are certainly far more expert than I. It might be of interest however to give consideration to how such a governmental overview can be accomplished.

The states do have substantial power to control the generation and distribution of energy as well as the utilization of energy within their own boundaries, through regulatory requirements, environmental requirements, taxes, land use zoning, easements and the like. The national and state governments involved in this type of governmental exercise of authority must constantly make compromises to provide enough energy for public welfare and maintain environmental acceptability both for the present and the future. This type of optimal compromise involves a multi-technical, multi-resource analysis, as well as the weighing of the benefits and social costs for the many different groups involved in our public. To perform such a function the government will require a total energy system assessment which includes an analysis of the detailed operations of the system and an anlysis of the effects of pending technological or operational changes.

Long range options and their impacts will have to be studied and weighed both in government councils and public debate. Both the legal and regulatory mechanisms for implementing any policies will have to be established. It will be necessary to carry on a continuous analysis of the performance of existing energy systems. Finally, it will be necessary to provide a continuing education of the public on all these aspects. The management of such a complex set of interlocking activities should be coordinated by a single agency—perhaps an Energy Systems Board, either national or state. In this respect the operating experience in the State of California with its Air Resources Board might be of interest to other states as applied to the energy system problem. In view of the technical, social, political, and economic complexities which enter into the energy system in any state, the energy problem cannot be effectively handled by any narrowly circumscribed set of independent regulatory agencies, each dealing only with one sector of the energy problem.

In summary, energy is a fundamental requirement of our society and now has surrounding it many of the issues and governmental problems already similar to those the government has found in other limited resource matters. It will always be in short supply, inadequate for everyones needs. There will be periodic crises involving blackouts, energy shortages of varous forms, and environmental outcries. It will be a perpetual problem requiring careful management to extract the maximum public good from the resources available to us. As with many other of our societal issues, it does not have a simple, clean solution. On the other hand, it is clearly manageable and our technology does have the capability of eventually providing adequate compromises for the maintenance of the public welfare. It is, however, an area of composite responsibility which government bodies have only recently recognized as one that requires long term persistent attention. The effective marshalling of our industrial, technological, and governmental capabilities will be needed to achieve a balance of continued energy supply and an improved quality of life.

---

REMARKS OF DR. S. DAVID FREEMAN, VISITING PROFESSOR AT THE UNIVERSITY OF PITTSBURGH AND RESEARCH DIRECTOR FOR THE STUDY OF NATIONAL ENERGY POLICY FOR THE 20TH CENTURY FUND

Maybe the way to begin this particular meeting is to ask the question: is there really an energy crisis? Or is this something that has just been dreamed up so we can hold seminars to relieve the economic hardship in the hotel business? One of my former colleagues who was on the Council of Economic Advisory in the White House has recently suggested that the energy crisis is just something that the oil companies dreamed up to jack up oil prices. I do think it is worthwhile to stop a minute during this day-and-a-half session to examine a little more carefully than perhaps we have: is

there really a crisis? What is the fuss all about? The lights stayed on this summer. There were no brown-outs to speak of except for a few in New York City, but no one was deprived of electricity, and no one was without fuel last winter. Energy supply was really not different in the last twelve months from the last several years as far as the average consumer is concerned. Perhaps the energy crisis is just a myth.

I'd like to go on the record on the other side of that position. I think what we have experienced in the last year or two have been small warning signals of a coming crisis that could be of horrendous proportion. It's true that what we have experienced thus far has not been anything of dire consequence. And perhaps the causes of the problems today have been somewhat different in nature from the causes that we have to worry about for the future. What I mean is this: we have gone through an era in the last two decades since World War II where I think in the large sense of the word we can look back now and say we squandered our plushest, most economical fossil fuel resources, squandered them in the sense that we have had a policy of producing this energy as fast as we possibly could, selling it at the lowest possible price, and using energy as the backbone of priming the pump for economic growth.

We paid almost no attention to the question of adequacy of reserves from any long-term perspective, and of course, we paid no attention to the side-effects of using this energy this rapidly, to the side-effects on human beings who mine coal underground, or to the side-effects on the mountainside of east Tennessee where I grew up where the agency I work for, TVA, is directly responsible for orphaning perhaps a million acres of land through purchasing coal without any provisions for reclamation until they got religion, at least some religion, just a few years ago.

We were just unconcerned with the future. Promotional policies and low pricing policies were a fast moving train, and the economy got very much accustomed to this plentiful supply of low-cost energy. And just about the time that the growth rate for all forms of energy began to really accelerate, the nation woke up to the environmental problems that were being caused.

The energy industry, I think, would have supply problems enough if there were no environmental movement at all. What has happened is the very large supplies of natural gas, for example, that were primarily discovered as a by-product in the search for oil and shut in in the twenties and thirties are gone. This gas was available at the end of World War II, when long distance pipelines first became feasible, but gas is now rationed to consumers. The gas industry is growing faster than its reserves are growing. Low-priced natural gas has filled ⅔ of the growth in energy supply in this country since World War II. That era is coming to an end anyway and at the time when we find that the marketplace is shoving the customer to natural gas because it is the only form of fuel that is now available to meet air quality standards.

So we have a double whammy at work creating a gas shortage in my view mean that the Federal Power Commission will be spending most of its time this winter, and every winter from now on as far as I can see, rationing gas. Either the Power Commission will be doing it or the companies will have to do it themselevs, because there just is not enough natural gas to go around.

We have a similar situation with oil where we have pursued a policy, rightly or wrongly, that is succeeding in draining America first. We have utilized a very large percentage, nobody knows what percentage, but an appreciable percentage of all the oil located within the 48 states of the continental United States. We probably have depleted our oil resources more than any industrial nation in the world. We are now importing 20% of our oil and yet the economy is demanding more and more and more oil.

It seems to me an anomaly for the White House to single out the automobile to boost the economy when the automobile is a major source of pollution in our cities and uses so much energy so lavishly. We find ourselves really hooked on this dilemma. The economy, in just about every major aspect, is demanding more and more energy, but we have enacted a series of environmental protection laws tend to outlaw our major source of supply, coal, because we do not know how to use it today in a way that will comply with the environmental laws we have enacted. We find that natural gas which was once so plentiful is now scarce and that our oil supplies are coming in a large degree from abroad and hopefully from Alaska, where we too have this head-on collision between energy needs and the environment.

What all this suggests is that although the lights didn't go out this summer, there is trouble ahead in fuel supply. And when we come to the electric power industry and its need to utilize these fuels in generating electricity, we come to the other basic problem that's troubling America: how to use our land. What parts of America should remain green and in their natural state and where are we to industrialize? Here we are groping for a policy. We have no mechanism for siting power plants, oil refineries, or any major installation.

We have a situation in the United States on the east coast—people don't realize it—where there is no place an oil refinery can be located to my knowledge, and very few places where power plants can be located without serious objection and very few places where large airports can be located. Americans are not turning in their driver's licenses—even the people who are turnig in their draft cards aren't turning in their driver's licenses to my knowledge. We are still demanding more energy, we are still flying planes and demanding comforts and conveniences. I think it is going to be necessary to connect-up the needs for these services with the needs to provide them. It may be the answer to decide as a matter of national policy to slow down the rate of growth in these areas.

But certainly there is going to be some growth and certainly in order to sustain that growth we're going to have to have a national land use policy in the future. Somebody is going to have to decide where the facilities that are needed are to be located, and that somebody, I think, is going to have to be somebody representing the people of the United States. The way the situation is now, there are a lot of agencies equipped to say, "No, don't put it here." But there isn't anyone with the authority to decide where to place these facilities. That is one of the reasons why I think that the power plant siting legislation is important not only in and of itself, but as a forerunner of some real land use planning to take care of all major industrial establishments in this country. The problem is much broader and deeper than just power plants. They are the most important and among the largest of industrial installations and it's a very good place to start.

We find ourselves facing an energy crisis that in a sense is just over the horizon, but in another sense it is with us today. If you are in electric power business and trying to get a power plant completed and licensed or if you art in the gas business and trying to buy gas supplies to sell to your customers this winter, the crisis is already here. I don't think anyone has a quick solution to these problems. But we have yet really to focus on and discuss the main issues. There are two core subjects that I'd like to at least mention.

First, it seems to me we have neglected the research and development that is needed to give us technology to implement a policy of reconciliation between energy and the environment. It is quite obvious that we can't go into the 1970's, through the '70's and into the 1980's with todays technology. The environmental awareness revolution, if nothing else, demands a new order of magnitude for our research budget. It is my personal feeling that we as a nation are offbase in our research, that we are underfunding research by several orders of magnitude. This is not a question of another $50 million for this and another $20 million for that. This nation ought to be spending three or four times as much money as it is now spending in the research and development of a vast array of technology to implement a policy of reconciliation between the energy needs of the country and the environmental concerns.

In the meantime, while this research program is mounted and implemented, and the lead times here are enormous, we are going to have to get off the promotional kick in the energy business and begin a belt tightening series of programs of conservation of energy. Efficiency at the point of consumption is going to have to become a working objective of everybody in the business and in government. Efficiency all down the line will have to be a very important part of our program.

I think we are wasting perhaps as much as one-third of the energy we use in this country and you can identify the places where it is wasted very readily. I use waste in a very real sense. By a policy of low prices, with many of the costs of energy being subsidized by society as a whole, we have induced a rate of growth much higher than is necessary. By fully insulating homes we could cut down appreciably on the space heating load, by requiring industrial locations where industry and power plants are located in an industrial center and using back pressure turbines a lot of the waste heat can be used as process steam in industry. This is a major use of energy in this country. If we really began a system of mass transit, we could cut down on the energy used in transportation, and there are many other such examples of waste.

I do not think we can solve the long-term energy crisis. But we could help buy time to develop new sources of energy and avoid dire shortages in the meantime. The promotional rates in electric power and to a certain extent natural gas no longer serve the nation's needs. We must begin to practice conservation and undertake a massive research and development program. That is at least the beginning of a national energy policy that will bring us a reconciliation of what is now a head-on collision between two very important purposes in our society: energy needs and environmental protection.

Thank you.

---

## THE UNITED NATIONS AND RED CHINA—RARICK REPORTS TO HIS PEOPLE

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. RARICK. Mr. Speaker, I recently reported to my people on the United Nations and Red China. I insert my report in the RECORD at this point:

RARICK REPORTS TO HIS PEOPLE ON THE UNITED NATIONS AND RED CHINA

Because 59% of the people of our District indicated on the legislative opinion poll that they favored the two-China policy in the

United Nations—that is giving one seat to the Nationalist Chinese and another seat to the Communist Chinese—and since the United Nations has now voted to kick Nationalist China out and give all of that charter member's rights to Red China, I thought that today I would make my report to you on the United Nations and Red China and the probable consequences of this action.

Let me first tell you that there never was any such thing as a two-China policy; that is except in the political circles as an excuse to sell out our ally Nationalist China and to use the communications media to appeal to the equality syndrome of the American people. The two-China policy was a fraud from the beginning to the end. It was a fence-straddling political invention by Henry Kissinger to sway American public opinion that we were trying to treat both Chinas fair and equal.

There is but one China and therefore there could never have been a two-China policy. Taiwan is but a province or a State of China. It is not and never has been a separate country. Chiang Kai shek has never claimed that he was the head of Taiwan. He and his political party occupied the United Nations China seat as the representative of the entire Chinese people. His position was that his government was merely in Taiwan in exile until such time as they were able to resume control of mainland China. The entire battle and the vote of the U.N. was a power play to decide which of the two political power structures represented all the people of China; i.e., including Taiwan or Formosa.

The gamble of the United Nations vote was all or nothing for both political movements. The other governments in the world and their people understood this. Apparently only the American people didn't. And how could they? All they were hearing was the plea for just representation in the U.N. by a two-China policy which was invented by the Administration presently in power. The U.N. would have had no more right to divide China into two Chinas than they would to have voted Hawaii, the Panama Canal Zone, or Alaska a seat as a government separate from the United States and without our permission.

The full gravity of the United Nations General Assembly vote replacing Nationalist China with the Red Chinese regime as the representative of the Chinese people has not been explained.

The effect of this vote can only be to establish Red chinese sovereignty over Taiwan, its people, laws, and government.

Within a short time those who felt that the U.N. vote was merely a matter of musical chairs in that organization will awaken to the full impact.

When the Red Chinese Communist Party assumes a seat in the U.N. General Assembly, the American people will learn what arrogance really means.

Once the Red Chinese get their subversives, to be called United Nations diplomats, into the United States, I fear that through the cooperation of our national wire services and television networks the American people can expect to have Mao Tse-tung's Communist spokesmen sneering at them in their living-room or den in the evening from the TV set and denouncing our leaders and government in the morning at breakfast from the front pages of our newspapers. True, you will be told that their denunciations are news and this is what is meant by bringing all of the countries of the world together so we can talk about our differences.

Remember also that the Red Chinese diplomatic mission to the United Nations are given full immunity from all U.S. laws. They will have the freedom of our country until they are caught performing their subversive acts and then the only penalty they will receive is that they will be expelled from the country and replaced with other trained saboteurs.

Our Government can expect to be notified that all U.S. military bases, hospitals, and installations on Taiwan are encroaching upon the sovereign territory of the Red Chinese, accompanied by demands that we immediately withdraw, preparatory to Red China taking physical possession of its own province.

It will be interesting to see the reaction of the Nixon administration when Chairman Mao decides, under international law, to exert his new rule over Taiwan and attempts to occupy his own "province" now held by the "rebel forces," our allies, the Nationalist Chinese whom we are treaty-bound to defend.

Who knows of any international law which prevents a sovereign from exercising control and sovereign rights over its own territory—its own people?

Failure of the United States to withdraw would place us on untenable grounds before the august U.N. body and result in repeated denunciations for interference in the internal affairs of another nation. And consider how the presence of the 7th Fleet in the Straits of Formosa to defend the people on Taiwan from their national government could be made to appear.

All Red China needs is time. I fear the U.N. vote did far more than change the occupancy in the China seat—it was the death sentence for millions of Chinese living on Taiwan—and the eventual seizure of all U.S. interests and investments.

This is what you the U.S. taxpayers have bought at a cost of $300 million-plus a year as well as tolerating the existence of the atheistic U.N. and its bureaucrats in our country.

Consider that the United States is paying from one-third to 40% of the entire cost of the U.N. operations, yet we have one vote out of the 131 votes in the General Assembly and have never used our veto on the Security Council for fear it might offend some Communist country.

In comparison, the Russians, who have three votes, i.e., including Ukraine and Byelorussia, pay but 16.5% and of this they are $82 million in arrears. Of the smaller countries 54 pay less than 2% each of the U.N. budget and 67 other countries pay but 4/100 percent each. The following chart shows percentage contributions to the United Nations budget which U.N. member nations are expected to pay:

PERCENTAGE CONTRIBUTIONS TO U.N. BUDGET

(Source: Washington Daily News, Oct. 28, 1971)

[*In percent*]

| | |
|---|---|
| United States | 33.0 |
| U.S.S.R. (Including Ukraine and Byelorussia) | 16.5 |
| France | 6.0 |
| United Kingdom | 5.9 |
| Japan | 5.4 |
| China | 4.0 |
| Italy | 3.5 |
| Canada | 3.1 |
| 54 Countries (Each less than) | 2.0 |
| 67 Countries (Each) | .04 |

No informed person would ever consider the United Nations as being an example of equal rights when over one-half of the voting countries of the U.N. don't even contain as many people as we have in the U.S. with our one vote and direct payment of one-third of the operations.

The manifest illegality in the U.N. is obvious to any observer. It is wantonly misapportioned and could not pass the "one man, one vote" legal formula under which the Members of this House must comply.

The population of the United States is over 200 million, yet 70 member states, or well over one-half of the 127 votes in the U.N., do not have the total population of the United States of America, which has one vote and pays most of the bills. How undemocratic and ill-informed can our leaders be?

The President's home State of California is more populous than 99 voting members of the U.N. Yet Californians are not represented by population for their State.

The District of Columbia, with a 1970 census count of 764,000 people, is larger in population than each of 14 voting members in the U.N., and the District of Columbia citizens talk about being a colony within our country that we of the United States are but a colony of the U.N.

In 1970, the census counted 668,700 American Indians, of which 468,700 live on reservations. Twelve voting members of the U.N. do not represent the population of American Indians who have no vote.

In the United States, there are estimated to be 20 million Negroes, who are constantly being told about the power of voting, yet have never been told that of the 41 votes the African Continent controls in the U.N., only four of the 41 represent people surpassing the American Negro population; that is, Ethiopia, Nigeria, South Africa, and United Arab Republic. Yet the American Negro has no U.N. vote except the U.S. vote for 205 million Americans.

The Jewish population in the United States exceeds 5,800,000, while the population of Israel is but 2,900,000. Yet Israel gets a vote, while America, who pays most of the bills, gets but one vote for 205 million people.

United Nations advocates who call for the "one-man, one-vote" principle to be applied in Southern Rhodesia, are silent with regard to the abuse of this same principle in the United Nations.

For example, of the member nations of the U.N., only India and the U.S.S.R. exceed the United States in population. Yet, the United States has one vote, as do all the other nations, while Soviet Russia has three votes. The United States, which has approximately 2,000 times more people than Maldive Islands, has a vote in the General Assembly that can be canceled by the vote of the Maldive Islands.

The undemocratic voting apportionment in the United Nations is manifested by the following comparisons:

Asia, with about 10 times the population of the United States, has 26 votes to our one vote—a voting advantage of 2.6 to 1.

Africa, whose total population is about twice that of the United Sates, has 41 votes to our one vote—a voting advantage of approximately 20 to 1.

Europe, with a population about 2.5 times that of this coutnry, has 21 U.N. votes, or a voting advantage of about 8 to 1.

South America, with a population approximately 10 percent less than that of the United States, has 13 votes to our one for a voting advantage of about 15 to 1.

It is incredible that this great Nation, whose taxpayers foot a larger share of the U.N. bill than any other country allows its people to be discriminated against in such an unfair and undemocratic manner.

Here is a chart showing statistics on the continents and the United States, population in thousands to the nearest thousand, and numbers of U.N. votes.

| Continents and United States | Population | Number of U.N. votes |
|---|---|---|
| Africa | 335,916 | 41 |
| Asia | 1,946,812 | 26 |
| Europe | 454,886 | 21 |
| North America | 309,294 | 12 |
| South America | 180,057 | 13 |
| United States | 205,000 | 1 |

Here is another chart listing the member state of the U.N. and population in thousands to the nearest thousand:

MEMBERS OF UNITED NATIONS GENERAL ASSEMBLY

[Population in thousands]

| | |
|---|---|
| Afghanistan | 17,000 |
| Albania | 2,200 |
| Algeria | 14,000 |
| Argentina | 24,300 |
| Australia | 12,500 |
| Austria | 7,400 |
| Barbados | 300 |
| Belgium | 9,700 |
| Bolivia | 4,600 |
| Botswana | 629 |
| Brazil | 93,305 |
| Bulgaria | 8,500 |
| Burma | 27,700 |
| Burundi | 3,600 |
| Byelorussia (SSR) | 9,670 |
| Cambodia | 7,100 |
| Cameroon | 5,800 |
| Canada | 21,400 |
| Central Africa (republic) | 1,500 |
| Ceylon | 12,600 |
| Chad | 3,700 |
| Chile | 9,800 |
| China | 14,320 |
| Colombia | 21,116 |
| Congo (Brazzaville) | 900 |
| Congo (Kinshasa) | 17,400 |
| Costa Rica | 1,800 |
| Cuba | 8,400 |
| Cyprus | 600 |
| Czechoslovakia | 14,700 |
| Dahomey | 2,700 |
| Denmark | 4,900 |
| Dominican Republic | 4,300 |
| Ecuador | 6,100 |
| El Salvador | 3,400 |
| Equatorial Guinea | 300 |
| Ethiopia | 25,000 |
| Fiji | 527 |
| Finland | 4,700 |
| France | 51,100 |
| Gabon | 500 |
| Gambia | 400 |
| Ghana | 9,000 |
| Greece | 8,900 |
| Guatemala | 5,100 |
| Guinea | 3,900 |
| Guyana | 721 |
| Haiti | 5,200 |
| Honduras | 2,700 |
| Hungary | 10,300 |
| Iceland | 200 |
| India | 554,600 |
| Indonesia | 121,200 |
| Iran | 24,400 |
| Iraq | 9,700 |
| Ireland | 3,000 |
| Israel | 2,900 |
| Italy | 53,700 |
| Ivory Coast | 4,300 |
| Jamaica | 2,000 |
| Japan | 103,500 |
| Jordan | 2,300 |
| Kenya | 10,900 |
| Kuwait | 700 |
| Laos | 3,000 |
| Lebanon | 2,800 |
| Lesotho | 1,000 |
| Liberia | 1,200 |
| Libya | 1,900 |
| Luxembourg | 400 |
| Madagascar | 6,900 |
| Malawi | 4,400 |
| Malaysia | 10,800 |
| Maldive Islands | 107 |
| Mali | 5,100 |
| Malta | 300 |
| Mauritania | 1,200 |
| Mauritius | 900 |
| Mexico | 50,700 |
| Mongolia | 1,300 |
| Morocco | 15,700 |
| Nepal | 11,200 |
| Netherlands | 13,000 |
| New Zealand | 2,763 |
| Nicaragua | 2,000 |
| Niger | 3,800 |
| Nigeria | 55,100 |
| Norway | 3,900 |
| Pakistan | 136,900 |
| Panama | 1,500 |
| Paraguay | 2,400 |
| Peru | 13,600 |
| Philippines | 38,100 |
| Poland | 33,000 |
| Portugal | 9,600 |
| Rumania | 20,300 |
| Rwanda | 3,600 |
| Saudi Arabia | 7,700 |
| Senegal | 3,900 |
| Sierra Leone | 2,600 |
| Singapore | 2,100 |
| Somalia | 2,800 |
| South Africa | 20,100 |
| Southern Yemen | 1,300 |
| Spain | 33,200 |
| Sudan | 15,800 |
| Swaziland | 420 |
| Sweden | 8,000 |
| Syria | 6,200 |
| Thailand | 36,200 |
| Togo | 1,900 |
| Trinidad and Tobago | 1,100 |
| Tunisia | 5,100 |
| Turkey | 35,000 |
| Uganda | 8,600 |
| Ukrainian (SSR) | 43,515 |
| USSR | 188,563 |
| United Arab Republic | 33,900 |
| United Kingdom | 56,000 |
| Tanzania | 13,200 |
| United States | 204,600 |
| Upper Volta | 5,400 |
| Uruguay | 2,900 |
| Venezuela | 10,800 |
| Yemen | 5,700 |
| Yugoslavia | 20,600 |
| Zambia | 4,300 |

Source: World Almanac 1971.

Citizens of member nations of the U. N. except one have voting power from 2 to over 2,000 times greater than that of U. S. citizens. This is rather hypocritical for an organization that preaches one-man one-vote in Rhodesia.

The members of the United Nations, their populations, and the voting power of each citizen in relation to that of each U. S. citizen is shown in the following chart:

MEMBERS OF THE UNITED NATIONS, THEIR POPULATIONS, AND THE VOTING POWER OF EACH CITIZEN IN RELATION TO THAT OF EACH U.S. CITIZEN

[In thousands]

| Member | Population | Vote |
|---|---|---|
| Maldive Island | 94 | 2,008.0 |
| Iceland | 190 | 1,030.0 |
| Malta | 324 | 600.0 |
| Gambia | 324 | 600.0 |
| Luxembourg | 329 | 595.0 |
| Gabon | 454 | 432.0 |
| Kuwait | 468 | 420.0 |
| Cyprus | 587 | 334.0 |
| Mauritania | 780 | 252.0 |
| Congo (Braz.) | 900 | 218.0 |
| Trinidad and Tobago | 947 | 207.0 |
| Mongolia | 1,019 | 193.0 |
| Panama | 1,210 | 162.0 |
| Central African Republic | 1,320 | 148.0 |
| Costa Rica | 1,391 | 141.0 |
| Libya | 1,559 | 126.0 |
| Nicaragua | 1,597 | 123.0 |
| Togo | 1,603 | 122.0 |
| Jamaica | 1,728 | 114.0 |
| Albania | 1,814 | 108.0 |
| Singapore | 1,820 | 108.0 |
| Jordan | 1,860 | 105.0 |
| Paraguay | 1,949 | 100.0 |
| Lebanon | 2,152 | 91.0 |
| Sierra Leone | 2,183 | 90.0 |
| Honduras | 2,200 | 89.0 |
| Dahomey | 2,244 | 87.0 |
| Somalia | 2,250 | 87.0 |
| Liberia | 2,500 | 78.0 |
| Israel | 2,523 | 78.0 |
| Burundi | 2,600 | 75.0 |
| New Zealand | 2,627 | 75.0 |
| Uruguay | 2,682 | 74.0 |
| El Salvador | 2,824 | 69.0 |
| Ireland | 2,849 | 69.0 |
| Laos | 3,000 | 65.0 |
| Rwanda | 3,000 | 65.0 |
| Niger | 3,193 | 61.0 |
| Senegal | 3,400 | 58.0 |
| Guinea | 3,420 | 58.0 |
| Dominican Republic | 3,452 | 57.0 |
| Zambia | 3,600 | 56.0 |
| Bolivia | 3,653 | 55.0 |
| Norway | 3,704 | 54.0 |
| Ivory Coast | 3,750 | 54.0 |
| Malawi | 3,753 | 52.0 |
| Chad | 4,000 | 49.0 |
| Guatemala | 4,284 | 46.0 |
| Mali | 4,394 | 45.0 |
| Haiti | 4,551 | 43.0 |
| Tunisia | 4,565 | 41.0 |
| Finland | 4,603 | 42.0 |
| Denmark | 4,773 | 41.0 |
| Ecuador | 4,877 | 40.0 |
| Upper Volta | 5,000 | 39.0 |
| Yemen | 5,000 | 39.0 |
| Cameroon | 5,103 | 38.0 |
| Syrian Arab Republic | 5,399 | 36.0 |
| Cambodia | 5,740 | 34.0 |
| Madagascar | 6,262 | 31.0 |
| Iraq | 7,004 | 24.0 |
| Austria | 7,195 | 27.0 |
| Uganda | 7,270 | 27.0 |
| Cuba | 7,336 | 27.0 |
| Ghana | 7,500 | 26.0 |
| Sweden | 7,661 | 25.0 |
| Saudi Arabia | 8,000 | 25.0 |
| Bulgaria | 8,144 | 24.0 |
| Byelorussia | 8,454 | 23.0 |
| Greece | 8,480 | 23.0 |
| Chile | 8,492 | 23.0 |
| Venezuela | 8,772 | 22.0 |
| Kenya | 9,104 | 22.0 |
| Portugal | 9,107 | 22.0 |
| Malaysia | 9,137 | 22.0 |
| Nepal | 9,388 | 21.0 |
| Belgium | 9,428 | 21.0 |
| Tanzania U.R. | 10,046 | 20.0 |
| Hungary | 10,120 | 20.0 |
| Ceylon | 10,965 | 18.0 |
| Australia | 11,185 | 17.0 |
| Peru | 11,357 | 17.0 |
| Algeria | 11,500 | 17.0 |
| Netherlands | 12,124 | 16.0 |
| Formosa | 12,293 | 16.0 |
| Morocco | 12,959 | 15.0 |
| Sudan | 13,180 | 15.0 |
| Afghanistan | 13,800 | 14.0 |
| Czechoslovakia | 14,058 | 14.0 |
| Congo (L.) | 15,300 | 13.0 |
| Colombia | 15,434 | 13.0 |
| South Africa | 17,474 | 11.0 |
| Romania | 18,927 | 10.0 |
| Yugoslavia | 19,279 | 10.0 |
| Canada | 19,571 | 10.0 |
| Argentina | 22,045 | 9.0 |
| Ethiopia | 22,200 | 9.0 |
| Iran | 22,860 | 9.0 |
| Burma | 24,229 | 8.0 |
| United Arab Republic | 28,900 | 7.0 |
| Thailand | 29,700 | 7.0 |
| Turkey | 31,118 | 6.0 |
| Poland | 31,161 | 6.0 |
| Philippines | 31,270 | 6.0 |
| Spain | 31,339 | 6.0 |
| Mexico | 39,643 | 5.0 |
| Ukraine, S.S.R. | 44,636 | 4.0 |
| France | 48,492 | 4.0 |
| Italy | 52,639 | 4.0 |
| Great Britain | 54,006 | 4.0 |
| Nigeria | 56,400 | 3.0 |
| Brazil | 78,809 | 2.0 |
| Japan | 97,350 | 2.0 |
| Pakistan | 100,762 | 2.0 |
| United States | 194,593 | 1.0 |
| U.S.S.R. | 229,100 | .9 |
| India | 471,627 | .4 |

Source: American Institute of Economic Research, Great Barrington, Mass., 1969.

Our leadership must assume its share of responsibility, but those nations who supported the Albanian resolution must never be permitted to escape their culpability.

Something must be done to defuse the United Nations and its manipulations by the Communist bloc powers. As it now is proceeding, we don't need to worry about a Communist invasion; we invite them into our country, give them diplomatic immunity from our laws and would have our people believe that Communist agents working at the U.N. are agents working for world peace.

It has been my opinion for many years that the interests of the United States would be best served by our getting out of the U.N. The U.N. was planned and created by communists and internationalists as a vehicle for establishing a socialist police state type one-world government. The great majority

of Americans do not know the truth about the United Nations because their history books have provided one-sided and even false information and the mass communications media have substituted emotional slogans for factual and accurate information about the U.N.'s establishment, its structure, its operations, and its goals.

There can be no United Nations as intended by the U.N. bureaucrats and at the same time a sovereign United States. There can be only one or the other. And those of us who are Americans and understand the protections we so take for granted under the Constitution, which are known by no other people on the face of the earth, are not willing to surrender our country or our freedoms to the whims of that motley bunch of U.N. bureaucrats who clapped in glee and danced at the U.N. vote expelling Nationalist China and admitting Communist China. I leave to your imagination what this bunch would do to our liberties and property if they ever got complete control of the U.N.

On October 27, I filed discharge petition No. 10 to discharge H.R. 2632, a bill by Mr. Schmitz, a Republican of California, to rescind and revoke membership of the United States in the United Nations and the specialized agencies thereof and for other purposes.

Signatures of 218 Congressmen are necessary to discharge this bill for an imminent vote. Passage of H.R. 2632 would remove the United States from the U.N. and the U.N. from the United States, thus freeing our people from the ever-tightening yoke of international controls and the erosion of national sovereignty and constitutional government.

Any American recognizing the threat of the U.N. Organization to our people, as do Mr. Schmitz and I, can aid in discharging this bill by urging other Americans to encourage his Congressman to sign discharge petition No. 10 so that we may have an opportunity to remove this cancer from our shores and our leaders from its contagious infection before it becomes fatal.

To date, no one can determine what the full impact of the President's trip to Peking will be, but we can be sure that it will further the interests of world communism and may give to the communist powers the privilege of influencing the election, if not selecting the next President of the United States.

The U.N. instigated and conceived by "Americans," organized by "Americans," and paid for by "Americans," is the most anti-American, undemocratic threat to America existing today. With the U.N. as with our State Department's foreign policy, Americans come last.

No thinking American who believes in democracy or constitutional government could support or honor the U.N. failure.

The American Dream is Freedom—Not Peace at any Cost.

---

## REVOLUTIONARY ANTIMILITARISM IN COMMUNIST THEORY AND PRACTICE—IX

---

### HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 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 the concluding segment of Dr. Robert E. Beerstecher's thesis entitled "Revolutionary Antimilitarism in Communist Theory and Practice."



This last portion of Dr. Beerstecher's study deals briefly with Communist antimilitary activities from 1941 through the late 1950's. With the shattering of the alliance between Nazi Germany and the Soviet Union the Communist Parties of the world were forced to rally round a new banner. When Hitler attacked the Soviet Union the "unjust imperialist war" became overnight the "great patriotic war." The Soviet parties in the various parts of the world did an about face and became the champions of military strength. They moved from disintegration work to the strengthening those armed forces which were obviously necessary to prevent the conquest of the "socialist motherland."

The defeat of Germany and Japan signaled the return of Communist antimilitary activity directed against the United States and various other non-Communist nations. The Soviets had never considered the free nations anything more than temporary allies, or to put it another way, enemies to be taken on at a later date. What we considered to be the peace following World War II meant nothing more to the Communists than time to begin preparing for world war III, and the weapon of revolutionary antimilitarism was quickly brought into play. Communists who had joined the U.S. military at the beginning of the war were ready to play their parts in the new struggle.

The first antimilitary operation of some size undertaken against the United States after the war had as its object the acceleration of our demobilization process and hastening the withdrawal of our forces from forward positions outside the continental United States. With the North Korean attack on South Korea antimilitary agitation and propaganda shifted to support the Communist war effort in that part of the world. The slogan "Korea for the Koreans" and elaborately "documented" charges of U.S. genocide against the people of Korea became major themes of antimilitary work.

From approximately 1948 onward an extremely important aspect of the Communist antimilitary campaign focused on disarmament, of the United States that is. While the Communist Party of the Soviet Union uses the people of their empire to prepare for war, it is the job of the Communist Party of the United States and its various collaborators, conscious, and otherwise, to prepare the United States to lose the war. Dr. Beerstecher points out that at the 19th Congress of the Communist Party of the Soviet Union held in October of 1952:

> The Communists made "peace" and "peaceful co-existence" the center of their new (antimilitary) campaign, reorienting their whole effort towards revolutionary pacifism.

In the final chapter of this excellent study Dr. Beerstecher summarizes the concept of revolutionary antimilitarism. Communist revolutionary antimilitarism is permanent, systematic, mass, organizational warfare, the prerequisite for Soviet victory.

While the Leninists are incorrect in their stated thesis that the armed forces of non-Communist nations are basically a weapon used by the "ruling class" to suppress the people, the basic Clausewitzian concept that for would-be conquerers the destruction of the potential victims armed forces is the surest key to successful conquest, can hardly be denied. That the Communists have the wrong doctrinal reason for the right target can be of little comfort to ourselves should they have success.

Since it is the high degree of organization which gives the armed forces their strength, the key to antimilitarism is disorganization of these forces, both on the level of the individual soldiers and of those facets of society on which he depends for the successful completion of his mission.

The higher the level of technology on which the soldier depends, the greater the scope for antimilitary activity. No matter how sophisticated the available weaponry, it is useless without well-trained and well-motivated soldiers to operate it, Communist antimilitary operations have as their target all the elements necessary for successful defense of the target nation.

The Communist organization acts always upon the historical present and attempts to take into account the relevant characteristics of the contemporary historical situation. It does not, however, forget certain basics. Although it attempts to induce confusion about permanent facts of existence among potential victims, it has never forgotten that the cutting edge of communism is force.

The Armed Forces of the United States of America stand between ourselves and immediate subjugation by the Soviet Union. Just as our fighting forces protect us, we in the Congress must protect them. Not only must we assure that they have the finest equipment available in the quantity necessary to prevail over present and potential enemies, but we must thwart the efforts of those who are working behind the lines, as it were, to destroy the integrity of these forces.

By understanding the tactics utilized by the Communists to destroy armed forces past we have the historical knowledge necessary to help preserve armed forces present and provide for freedom's future. Dr. Beerstecher's contribution toward this end is of inestimable value.

The concluding portion of Dr. Beerstecher's study follows:

REVOLUTIONARY ANTIMILITARISM IN COMMUNIST THEORY AND PRACTICE—IX

(By Robert E. Beerstecher, Ph. D.)

CHAPTER XVII: THE WAR YEARS—1939–44

Defeatism, having triumphed in France, was given renewed emphasis in communist propaganda campaigns aimed at neutralization and destruction of the military establishments in both Great Britain and the United States.

American communists were dedicated by Moscow to isolating the United States from the rest of the world. Even after the fall of France, and the beginning of the devastating V-bomb raids on Great Britain, the Communist Party of the United States worked to prevent American involvement in the war on the Continent. At the same time, the communists carried out a major "peace" campaign against buildup of the armed forces of the United States. "Not a man, not a cent, not a gun for imperialist war and military

purposes!" ran one popular communist anti-militarist slogan of the period.[1]

The compulsory military training program came under communist attack. "Are you old enough to die?" asked another slogan circulated by American communists among the youth, "Do you come within the conscription age?" [2] A note of defeatism prevailed in the propaganda prepared for the new recruits being drafted into the military services. For example, one pamphlet widely circulated among American servicemen contrasted "a job, marriage, a home, security, civil liberties and peace" with "shell-shock, gas, an armless body, a grave in some Flanders Field," and called upon the reader to make his choice "right now!" [3]

There was little if anything subtle about communist propaganda. Consider the pamphlet which was headed with the question "Want to die?" followed by the assertion "Wall Street needs dough!" [4] "This time," the communists proclaimed, "The Yanks are not coming!" "Be neutral," they urged the American civilian and servicemen alike, "Join in a protest for peace. Keep the U.S. out of imperialist war. No loans for any belligerent country. Remember, youth wants no part of war." [5]

On June 21, 1941, an event occurred which necessitated still another complete reversal in the international communist party line. On that date, Germany invaded the Soviet Union. By that single act, the "unjust, imperialist war" became the "great patriotic war." Overnight, the same communist propaganda organ which had boasted that "The Yanks are not coming" began clamouring for the immediate entry of the United States in the war.

Throughout the world, the battle cry of the communist press became "Defend the Soviet Union." Where local communist parties had been struggling to undermine the morale of the armed forces, the emphasis was now placed on building up the military strength of the country. A party directive issued to Australian communists during the period is typical of the guidance furnished all foreign communist parties through the Comintern:

"It is the duty of the members of the Communist Party in the armed forces to do everything in their power to improve the fighting strength and morale of our fighting forces. The Communist soldier must be the best and most efficient soldier. Let it be understood that a bad soldier is a poor Communist." [5a]

Communists everywhere took advantage of the call to national patriotism to increase their prestige and position, by entering the armed forces. This was especially true in the United States after December 7, 1941, when America was plunged into the war. On the day after the Japanese attack on Pearl Harbor, the Communist Party of the United States pledged "its loyalty, its devoted labor and the last drop of its blood in support of our country in this greatest of all crises that ever threatened its existence." [6] The Party called for "national unity." In the months that followed, 15,000 men and women members of the Communist Party and the Young Communist League entered the American armed forces.[7] Unlike the communists who had been sent to "colonize" the armed forces during the late 1920's and early 1930's for the purpose of securing training for revolution, the main task of the American communist in the military service during World War II was to gain recognition as a "good" American. In addition to this drive for legitimacy, American communists also sought to excel as "good" soldiers in order to win promotion and positions is which they could influence their fellow soldiers in the interests of international communism.[8] The tendency of communists in the army during World War II to seek positions of political utility was not as evident at the time as it has later become. Drawing upon their party training, discipline and previous experience, many communists became educational instructors, political intelligence officers, editors, etc. They sought out positions in mass information media organizations and in military government units.[9]

The American communists were also active on the home front throughout the war. One of the most successful measures which the communist youth organization utilized to gain adherents among the men in service was their famous "SOS", or "Sweethearts of Servicemen." Communist service canteens were established in many of the major military centers in the United States. In addition, communist-dominated front organizations and labor unions were utilized to widen the potential recruiting grounds for new communist members among servicemen. Unions "adopted" individual servicemen and service units, sending presents and parcels which contained their share of pro-communist propaganda. These "adoptions" were financed by individual member levies of the type Lenin had advocated shortly after the turn of the century.

Although the Soviet Union was heavily engaged in war; it still maintained the Comintern as its primary means of marshalling the international communist movement in its behalf. On June 10, 1943, however, the Comintern was summarily dissolved by Moscow as a war measure. In commenting on its dissolution, Stalin himself declared:

"The dissolution of the Communist International . . . facilitates the organization of the common onslaught of all freedom-loving nations against the common enemy—Hitlerism. It exposes the lie of the Hitlerites to the effect that 'Moscow' allegedly intends to intervene in the life of other nations and to 'Bolshevize' them." [10]

The dissolution of the Comintern was merely the Soviet Union's means of lulling the more gullible into believing that it no longer exercised control over the communist movement outside of its national borders. In effect, however, the communist control mechanism was being sent underground, for it was carried on covertly through official Soviet diplomatic channels until the apparatus reemerged after the end of the war in the form of the Communist Information Bureau, the Cominform.

CHAPTER XVIII: THE AFTERMATH OF THE WAR—1944–50

The prospect of victory in World War II brought with it the realization to the Soviets that with or without its monopoly of the atomic bomb, the United States represented the sole major obstacle to the post-war achievement of world socialism. Conscious that wide dispersal of large American military forces spelled potential opposition to communist machinations for gaining broad political control in the occupied areas, the Soviets undertook an antimilitarist propaganda and agitational program to weaken, neutralize and destroy the post-war military strength of the United States and its major Western allies. Keystone of the Soviet program was the rapid dissolution of the western military potential through acceleration of the rate at which the planned mass demobilization program for the American armed forces was to be carried out. Parallel programs were undertaken in Britain and France as well.

From its inception, the program was assured of at least partial success, for it was based on the concept of applying leverage in an existing situation, rather than in the creation of new devisive influences in a hostile environment.

Communist propaganda organs in the United States initiated the program in September, 1944, when the first demobilization plan was announced by the War Department. Although the plan was unquestionably narrow in scope and evidenced lack of thorough consideration of the complex problem it proposed to resolve, it was heralded in the New York *Daily Worker* as being "extremely sensible and democratic." [11] Thereafter, with growing emphasis throughout 1944 and early 1945, the American communists agitated both on the home front and within the armed forces for a speeding up of the demobilization program. All propaganda facilities and agitational media available to the communist party were utilized, including those of the front organizations and the controlled labor unions. The central slogan of the campaign was "bring the boys home by Christmas." Typical of the means by which pressure was exerted were the postcards furnished the troops and the public at large by the National Maritime Union. Each card carried a message which urged the President of the United States to make "every ship a troopship" for getting American servicemen home from abroad. On one day alone, December 17, 1945, an estimated 60,000 such postcards were received by the Adjutant General of the Army.[12]

Disorders occurred within the ranks of American forces stationed in Europe, the Middle East and the Pacific in January, 1946, when the War Department announced that there would be a slow-down in demobilization. While these disorders were primarily spontaneous, there is evidence to support the fact that individuals and organizations with communist sympathies attempted to promote discontent among American troops in those areas during this same period.[13]

From the information available it is clear that even without the unceasing pressures created by the communist's campaign, the demobilization of the American armed forces at the end of World War II was destined to have been accomplished in an utterly chaotic manner; yet it appears unlikely that the dissolution of American military strength would have occurred as rapidly as it did, or to the degree that it did, had it not been for the machinations of the communists.

In the immediate post-World War II era, the international communist movement lacked an efficient organization for transmitting propaganda and agitational guidance from Moscow to the far-flung communist parties throughout the world. Its dependence on Soviet diplomatic personnel proved to be highly unsatisfactory, for not only were local contacts difficult to maintain, but overt identification with the Soviet Union destroyed the faction (created during the war resulting from the dissolution of the Comintern) that the local communist parties were not Moscow-dominated, but were really nationalist groups. The founding of the new Cominform in 1947 resolved the Soviet dilemma.[14]

Throughout the period leading to the outbreak of the Korean war, Soviet antimilitarist propaganda emphasized major themes calculated to weaken the relative military strength and power potential of the United States. Foremost among these themes was one predicated on the American monopoly of the atomic bomb. Asserting that the United States would not always have a monopoly on such weapons, the communists agitated for the voluntary prohibition of all nuclear weapons, and the immediate curtailment of all weapons' production and testing.[15]

American interventionalist policies in colonial and semicolonial areas (i.e., undeveloped areas) provided another of the dominant themes emphasized in the international communist antimilitarist press. In their propaganda, the communists singled out the United States military for criticism of the support given to the Kuomintang against Mao's Chinese people's army.[16] American control of the former Japanese-mandated islands in the Pacific was frequently characterized as "detrimental to the cause of the people in the Far East." [17] Similarly, it was charged that United States military

Footnotes at end of article.

aid to Holland was underwriting the war in Indonesia, while American military assistance to France was making a major contribution to the crushing of the national liberation movement in Indo-China.[18]

Another major theme emphasized by the communists was the claim that the United States and its allies were maintaining large military forces camouflaged as laborers and building battalions in the western zones of Germany—German military forces which were being groomed to act as the "mercenaries of world reaction" against the Soviet Union.[19] The threat of the revival of German militarism figured prominently as one of the basic propaganda themes calculated to marshal public opinion throughout Europe against the United States, but was only one part of the larger campaign which aimed at making American military forces unwelcomed abroad and forcing their ultimate withdrawal from the Continent. Considerable agitation was carried out in England, France and Italy, and elsewhere throughout the world, to force those governments to deny further basing rights to American military forces. Typical of the propaganda line was the one carried out in France and Italy, where party chieftains had declared not only that their countries would never go to war against the Soviet Union, but that their countrymen would never bear arms against the homeland of socialism.[20] Leading French communists complained that the French army had been dissolved—that it had been incorporated into a foreign command where it existed only to play the role of an armed valet, a tool of American reaction, eventually to be used against the Soviet Union.[21] This theme became more prevalent as Marshall Plan assistance pointed Europe towards economic recovery, at which time one of the leading French communists asserted that one of the military consequences of the Marshall Plan was "the liquidation of French national defense." [22]

Of all the propaganda themes utilized by the communists, the one which had the most telling effect was the theme of "peace". Just as the official Soviet diplomatic line condemned war propaganda and war mongering, so, too, the communist line emphasized the desire of all people to live in peace, neglecting, however, to explain that the "democratic" peace which they called for meant complete submission to world socialism.[23] In order to capitalize on the universal desire for peace, the communists underwrote the World Peace Congress which was formed jointly in Prague and Paris in 1949.

The withdrawal of American forces from many countries after the end of World War II created a virtual vacuum which permitted the local communist organizations an extremely fertile and almost unopposed field in which to work. This was especially true in the Far East where communist propaganda had accused the United States of retaining troops for the purpose of "imperialist intervention." The United States was accused both of intervening in China's internal affairs and retaining troops in the Philippines to suppress that countries freedom.[24] Philippine communists did not wait for the complete withdrawal of American forces to begin their own anti-militarist campaign. In one directive issued by the Communist Party of the Philippines, all party members were called upon to work for the "aggressive politicalization of the armed forces of the enemy, particularly the rank and file of the foot soldiers." [25] "At the proper time," the directive continued, "these foot soldiers can be made to desert and turn their guns against their officers." [26] The Huk campaign of violence in the Philippines found its parallel in the colonial and semi-colonial areas throughout the world.

Guerrilla actions by the communists were also carried out on a broad scale in Greece, Malaysia, India and Indochina. The successful communist take-over in China is now history.

Communist propaganda aimed at securing a speedy withdrawal of Western military forces from both friendly and occupied areas was paralleled on the diplomatic front by overtures made by the Soviet Union during the first sessions of the General Assembly of the United Nations. Calling for general regulation and reduction of all armaments, the Soviet representative repeatedly raised the question as to whether the time had come for the withdrawal of foreign troops from non-enemy countries in Europe. The Soviet proposal, it was asserted, was motivated by the consideration that "the unwarranted maintenance by the Great Powers of armed forces in those countries was abnormal now that the war was over." [27]

Public pronouncements by Joseph Stalin sought to lull the Western allies into the belief that the intentions of his government were entirely peaceful. At the same time, he decried those who were, as he put it, raising the clamor about a new war. The danger of a new war, Stalin asserted in January, 1947, did not exist.[28] There were, however, those who talked loudly of war, Stalin said, in order (a) to frighten with the spectre of war certain naive politicians among their opposite partners and thereby help their governments to wring from the latter the largest possible concessions; (b) to prevent for a time the reduction of military budgets in their own countries; (c) to delay the demobilization of the armed forces and thereby prevent the rapid growth of unemployment in their countries.[29]

Even as Stalin talked, the sovietization of Eastern Europe was underway. Here, too, antimilitarism played a major role. Unlike the colonial areas of Asia where the communists underwrote a program of guerrilla action and violence, the situation in Europe, and more especially in Eastern Europe, was conducive to the application of non-violent antimilitarist techniques. When the war ended, the local communist parties, as the result of their partisan resistance activities, were participants in the coalition governments of both Italy and France, as well as in the several countries of Eastern Europe, i.e., Albania, Bulgaria, Czechoslovakia, Hungary, Poland and Rumania, which later emerged as the "peoples' democracies." Although the communists were the predominant political factions in the Italian and French governments, they failed to establish "democracies" of the type which they developed in Eastern Europe. The finite communist explanation as to the underlying cause for this failure is that France and Italy "were occupied by the armies of the United States and Britain, which balked the democratic will of these peoples." [30] This provided the communists with added reason for attempting to disintegrate the organized military forces of the United States and its allies.

### CHAPTER XIX: KOREA AND THE CRUSADE FOR PEACE—1950–53

In June, 1950, the "cold" war erupted into a full scale shooting war. The battleground was Korea. Communist reaction was immediate, with parties throughout the world parroting the Cominform dogma that British-American imperialism was responsible for the aggression in Korea.[31] War had broken out, it was asserted, because American interests were desirous of making Korea into an American colony.

Communist antimilitarist agitation and progaganda took various forms, all calculated to weaken public support in the West for the UN forces assigned to Korea. In the United States, the communists organized a series of mass meetings demanding the recall of all American forces from the Far East.[32] French communists, who had been engaged in an active defeatism campaign within the French armed forces, extended their program to include the slogan "Korea for the Koreans" which paralleled their action slogan of "Viet-Nam for the Viet-Namese.[33] English communists, led by Harry Pollitt, deviated from the standard communist dogma by declaring that war was not inevitable. All people, they said, must work for world peace, must demand the immediate end of the war in Korea, and should demand the immediate withdrawal of British troops from Malaya, another world trouble spot.[34] Further, the British communist party condemned the joint British-American "invasion" of Korea, comparing that action with the intervention of Hitler and Mussolini in Spain during the late 1930's. The UN flag, it was asserted, had only been used to disguise the flagrant British-American aggression. British communists emphasized the necessity for the withdrawal of the British navy and military contingents from the Korean area. "Not a soldier, not a gun for the American war" became the communist password in Britain.[35]

May day slogans in 1951 throughout Great Britain emphasized the fact that British soldiers serving under American command in Korea were "fighting and dying for American big business." [36] Stalin himself reaffirmed the antimilitarist doctrine when, in early 1951, he directed all communists through a statement in *Pravda* to describe the United Nations war against North Korea and China as an "unjust" war. Allied soldiers were called upon by Stalin to perform their duties on the front "in a formal way without faith in the righteousness of their mission and without enthusiasm." In the face of such conduct, Stalin said, "The most experienced generals and officers can suffer defeat."

Not until the Korean war entered its second year did the communists discover the popular appeal of atrocity claims. They played it initially in low key with suggestions that "asphyxiating gas" had been used in Korea.[37] Soon, however, their propaganda campaign began emphasizing crimes of a major nature, e.g., germ warfare, mass genocide, etc. Their major mechanism for mass appeal was the World Council of Peace. Early in 1952, the Council charged that American military forces in Korea had made use of bacteriological weapons.[38] These charges were repeated in communist propaganda organs throughout the world, and were later "supported" by alleged depositions by captured American airmen describing their participation in germ warfare in Korea and China during the winter of 1951 and the spring of 1952.[39]

Under the auspices of the World Peace Council, an "International Scientific Commission for the Investigation of the Facts Concerning Bacterial Warfare in Korea and China" was formed. The report of this communist-disciplined commission published in the Peking-controlled *Chinese Medical Journal* specifically alleged that plague, anthrox and cholera had appeared in Korea and China as the result of extensive use of such bacteria in warfare.[40] This, and other antimilitarist propaganda published in Peking by the Red Cross Society of China in 1952, aimed at creating the picture of an inhumane America. Disseminated throughout the world in the diplomatic pouches of the people's democracies of Eastern Europe, the propaganda pamphlets alleged that American soldiers had been deliberately indoctrinated in racial hatred during their military training so that they would treat Koreans as inferior beings; that high-ranking American officers issued instructions that units in the field would not take prisoners; that prisoners-of-war were wantonly shot; that Korean civilians were turned over to the South Koreans to be tortured or murdered in cold blood; that entire villages had been laid to waste by systematic destruction without rea-

Footnotes at end of article.

son; and that American soldiers were encouraged by their officers to rape the Korean women.[41]

Another typical example of the atrocity propaganda which was widely circulated through communist channels was the product of the Cominform-controlled Women's International Democratic Federation.[42] The WIDF charged systematic machine-gunning of defenseless civilians by low-flying American aircraft, the use of incendiary bombs against villages housing only women and children; the pillaging of Korean archeological treasures; the establishment of brothels in which women were forced to submit to the American soldiers, etc. The report emphasized that civilians were killed by Americans and South Koreans alike, some by having cartridges exploded in their months, some by having their heads split with axes, some by being buried alive. Babies were allegedly dashed to death on the ground, women were raped and drowned, while one Korean mother was alleged to have been led naked through the streets of her village by American soldiers who later killed her by pushing a red-hot iron into her vagina.[43]

Although the primary focus of attention was on Korea and the Far East, secondary propaganda and agitational campaigns were carried out using European themes. For example, Italian communists propagated the line which stressed that Italian military forces under NATO were being commanded by Americans. "We favor an army which belongs to Italy," the communists cried patriotically, " . . . not one in service of and subordinate to the United States." [44] Togliatti, the leading Italian communist, offered the support of his party to any Italian government which would withdraw from NATO, without any of the previous strings demanding that the communists accede to power.[45] The cry "against the remilitarization of Germany" was also heard throughout Europe. French communists led the agitation against the reconstruction of "Hitler's war machine". They also called for the end of the American "occupation" of France, the outlawing of the atom bomb, and the establishment of universal peace.[46]

By 1952, a major change was becoming evident in the international communist movement. Whereas previously the communists had been making a purely proletarian approach in its peace propaganda campaign, it became clear that a new world-wide offensive was being launched aimed at the formation of political coalitions centered on an anti-American program. The Soviet Union, the party line proclaimed, was sparing no effort "to save mankind from the catastrophe of atomic destruction." Appealing to the nationalist spirit as the basis for coalition fronts, the communists attacked those who agreed to "the liquidation of the national character of the army". The theme emphasized the necessity for "defense of national independence" and lamented that government officials acted as "lackeys" of the U.S. imperialists.[47]

The Nineteenth Congress of the Communist Party of the Soviet Union was held in Moscow in October, 1952. Georgi Malenkov, speaking on behalf of the party's Central Committee, opened the Congress with a declaration indicating that antimilitarism still remained the first task of all communists. Malenkov declared that it was the duty of every communist to continue to struggle against the preparation and unleashing of a new war, to unite for the consolidation of peace the mighty anti-war democratic front, to strengthen the bonds of friendship and solidarity with the Peace Partisans the world over, insistently to expose all preparations for a new war, all machinations and intrigues of warmongers . . .[48]

Malenkov's speech revealed that the appeal to a strictly proletarian audience was being abandoned. Henceforth, it was the "partisans of peace", rather than the working people, with whom political bonds were to be sought. The communists made "peace" and "peaceful co-existence" the center of their new campaign, reorienting their whole efforts towards revolutionary pacifism. Traditional slogans of class warfare were replaced by slogans of the new "Peace Partisans" who struggled against militarism and war.

Stalin also spoke at the Nineteenth Congress, declaring that peace movements could not in themselves achieve permanent peace:

"It is most probable that the present peace movement, should it be successful, will result in prevention of a *given* war, in its postponement, a temporary preservation of a *given* peace, to the resignation of a belligerent government and its replacement by another government, ready to preserve peace for the time being . . ."

However, Stalin continued, "In order to eliminate the inevitability of war, imperialism must be destroyed." [49] By imperialism, Stalin meant the United States.

CHAPTER XX: PEACE IN OUR TIME—1953–60

Death wrote an end to Stalin's long reign on March 5, 1953; but Soviet antimilitarism did not end with Stalin's passing. In fact, his demise was followed almost immediately by indications that the international communist movement had been directed to heighten its peace offensive. Communist propaganda now aimed at relaxing international tensions in order to permit the new regime to consolidate power within Russia and the Soviet bloc. Moreover, it served as a dampener on Western defense efforts which had been given increased impetus by the Korean war.

Calling for an immediate cease-fire in Korea, the avowed communists throughout the world and their "partisans of peace" proclaimed that "we, the people, must impose peace!" [50] Within months, the "reactionary imperialist war" in Korea was halted by an armistice, an event hailed by the communist world as a victory for the forces of peace and socialism. Flushed with what appeared to be a major propaganda success, the "partisans of peace" tended to lapse into a state of blissful inactivity which caused considerable concern within certain quarters of the international communist movement. To combat the growing lethargy within the pink fringe of the American communist movement, William Z. Foster, who had shepherded the Communist Party of the United States since the downfall of Earl Browder after the end of World War II, declared that the fight against the war danger should be continued even in the face of victory in Korea. "When one has the enemy on the retreat," Foster asserted, "one must drive to destroy him." [51]

The drive to destroy the "enemy," i.e., American imperialism, centered on preventing American involvement in the war in Indo-china; on prohibiting all forms of chemical and bacteriological warfare; on suspension of production and testing of atomic and hydrogen weapons; on preventing the rearmament of Germany and Japan; and on undermining acceptance of the American doctrine of "mass" retaliation.[52] But of even greater importance was the communist task of shattering "the 'big-lie' that the U.S.S.R. in any sense constitutes a war menace." [53]

American imperialism was identified in communist propaganda organs everywhere as "the main enemy of world peace." [54] However, although "police" actions, wars of aggression, and wars of intervention were resolutely opposed, there was not always unanimity as to the extent to which the danger of war actually existed in the post-Korean era. For example, when the United States moved to establish a military alliance with Pakistan in 1954, the National Committee of the Communist Party of India declared the action to be a "menace to peace and a threat to India's freedom and sovereignty." [55] Some Indian communists argued, however, that their National Committee was guilty of overestimating the threat. While agreeing that American imperialism was the main enemy of world peace, the India communists were not prepared to accept the alliance as either an immediate or a direct threat to India.[56] This, and similiar splits within the international communist movement, represented the handwriting on the wall for the major doctrinal reversal which would be announced at the Twentieth Congress of the Communist Party of the Soviet Union in 1956.

Antimilitarist agitational activities initiated by the communists aimed at undermining existing collective security arrangements involving the United States and preventing the formation of new ones. Major emphasis was placed on weakening American prestige throughout Asia by attempting to block the formation of SEATO. In addition, Japan was chosen as one of the principal battle grounds in the communist campaign which was marked by near-violent mass meetings and demonstrations demanding the liquidation of American military bases and the complete withdrawal of American forces.[57] In Europe, the attack was centered against NATO and the possibility of an European Defense Community. The pattern in tiny Portgual was typical of the propaganda and agitational campaign carried out by the communists in every NATO country. Protest meetings were held, petitions circulated for signatures, and leaflets distributed by the hundreds emphasizing the economic impact of the country's participation in NATO and calling for getting rid of the foreign interference in the political and military affairs of their government. The communists also called for withdrawal from NATO, emphasizing the necessity for an immediate reduction in military expenditures and war preparations.[58]

The effectiveness of the communist campaign was considerably weakened by the intellectual ferment which was taking place within the international communist movement. On the one hand, Stalin had reiterated shortly before his death the dogma on the inevitability of war. Those within the party who warned of the war danger were ever mindful of the fact that Stalin's dogma had not been denied by the new regime. Yet it was manifestly incompatible with the new campaign for "peace" and "peaceful coexistence." The dilemma was not resolved until the meeting of the Twentieth Congress of the Communist Party of the Soviet Union.

At the Congress, Stalin's dogma on the inevitability of war was denied. "For the first time in history," the communists were told, "war is not inevitable." [59] While imperialism still retained the economic base for war, it was explained, it was no longer a world-wide system. The forces of peace, i.e., the Soviet Union, the people's democracies of Eastern Europe, and neutral countries such as India, had emerged as a major force in the world strong enough to prevent the outbreak of war.[60] The Soviet Union was, in effect, no longer a victim of imperialist encirclement.

The new doctrinal position led to a series of agonizing reappraisals of communist strategy and party tactics. Within the Communist Party of the United States, the self-criticism took the form of charges by the National Committee that the party had been guilty of gross over-estimation of the war danger. In the fight for peace, the criticism of the National Committee ran, the analysis of the concrete international situation had not been well grounded in reality. Moreover, it was charged, people had been misled into believing that war was imminent, which made them ill-prepared to accept the concept that "peaceful co-existence" was possible.[61] This criticism was aimed directly at the leadership of William Z. Foster who

Footnotes at end of article.

denied its validity, and who subsequently broke with the party over it.[62]

By the end of 1957, communist parties throughout the world were being called upon by the Cominform to reaffirm their solemn pledge that they regarded the struggle for peace as their foremost task, and that they would do everything in their power to prevent war. According to the Cominform line, "the question of war or peaceful co-existence is now the crucial question of world policy."[63] Again and again the phrase was repeated that war was not inevitable. "War can be prevented," the communists chanted, "peace can be preserved and made secure."[64] The drive was on to thaw the "cold" war.

In their struggle against the "cold" war, the communist propaganda organs characterized it as being fostered by American imperialists for the purpose of preparing an "all-out war against the socialist and progressive war."[65] Moreover, they proclaimed that the "cold" war had been the longest and most militant "war scare" in history, and that it was "pregnant" with war danger.[66] Premier Khrushchev's visit to the United States in the Spring of 1959 did much to convince the disciples of the "partisans of peace" and the "cold" war had come to an end, and that "peace", or rather, "peaceful co-existence" was just around the corner. Moreover, Khrushchev's sweeping disarmament proposals before the United Nations was eloquent testimony to the fact that antimilitarism still remained a living part of Soviet doctrine.

CHAPTER XXI: THE PAST IS PROLOGUE

Soviet antimilitarism has recorded positive gains since 1940 in its attack against American military potential. How significant these gains have been, however, cannot be accurately assessed, for the available information is not sufficient to permit the assignment of a percentile quotient for the degree of success achieved. However, when it is remembered that the communists themselves consider their antimilitarist activities as preparation, rather than an end, it becomes apparent that the real significance lies not only in what has gone before, but in what is yet to come.

Soviet antimilitarism will undoubtedly continue to emphasize peace, peaceful coexistence and disarmament. Public apathy relative to national defense matters will be encouraged, while defense expenditures will be attacked as unnecessary waste of public funds.

The importance of studying the revolutionary episodes of the past in order to cull from them lessons applicable to the future is emphasized by the communists. When this technique is used to study revolutionary antimilitarism, it permits invaluable insight into the *modus operandi* of modern communism. It reveals that revolutionary antimilitarism is applied by the Soviets on an international scale; that no non-communist country is exempt from Soviet machinations; that all military forces, and especially the navy, are vulnerable to disintegration and demoralization tactics; that communists in non-communist states place loyalty to the Soviet Union above loyalty to their own country; that these communists advance the cause of Soviet power by advocating and actively working for the revolutionary defeat of their own government in time of war; that all communist activity, including revolutionary antimilitarist work, is preparation for armed insurrection, the supreme form of struggle.

The Soviets define antimilitarism as "a mass international movement of struggle against the politics of militarism and imperialist war."[67] War and militarism they assert, are spawned by capitalism, and cannot be abolished without force, armed uprising and proletarian war. Wars between imperialist states and wars of imperialist intervention and counterrevolution against the proletarian state, are "unjust" wars, and according to the Soviets, they must be opposed. But this does not mean that the Soviets are pacifists or that they are opposed to all war. National revolutionary wars, including the struggles of colonial countries and national minorities, are considered "just" wars. When war does occur, agitation in favor of its speedy termination is usually initiated. In addition, the communists utilize the economic and political crisis created by war to rouse the masses to action and hasten the downfall of the state.

The communist program governing propaganda and mass agitational work in non-communist countries during war consists of five main points. First, it rejects the concept of "national" defense. All support to the government is withdrawn by the communists who refuse to recognize any fatherland other than the revolutionary socialist fatherland, the Soviet Union. Second, the communists propagate defeatism, emphasizing that the real enemy is within the existing government. Third, it calls for revolutionary disintegration work on an international scale in all the belligerent countries, stressing the need for mass fraternization between the troops across the front lines. Fourth, it popularizes the slogan "Transform the imperialist war into civil war," for revolution in war means civil war. Finally, the program emphasizes the slogan of "proletarian revolution," and supports all revolutionary mass actions, claiming that real "peace" is possible only under soviet power.

Revolutionary antimilitarism is an essential prerequisite for achieving soviet power. It is implicit in the communist theory of revolution that the realization of soviet power, i.e., the conquest of the political power in a non-communist state and the establishment of the dictatorship of the proletariat, requires and must be preceded by the disintegration of the organized military forces of the state. Just as Clausowitz held that the army is the key to victory in every country, the soviets consider that the armed forces are the decisive factor in revolution. For the soviets, there is no such thing as a neutral army, navy or air force. They hold that the armed forces, as the chief instrument of state power, must be destroyed. For them, as it was for Marx and Engels, the first commandment for revolutionary victory remains: smash the existing military structure of the state and replace it with a new one. The achievement of this objective requires actual penetration of the armed forces.

The establishment of soviet power in a non-communist state is subordinate to the task of defending the revolutionary socialist fatherland. The foremost task of all communists is the defense of the Soviet Union. One of the primary means by which this task is advanced is revolutionary antimilitarism which implies systematic, permanent, mass organizational warfare.

Revolutionary antimilitarism is systematic warfare. Failure to carry on systematic antimilitarist work is considered by the communists as tantamount to a dereliction of revolutionary duty. Soviet theorists emphasize that revolution does not spring from the spontaneity of the masses; it comes only as the result of careful advanced preparation, training and prosecution by a specially trained group of professional revolutionaries. The importance of systematic propaganda, systematic agitation and systematic organizational activities in achieving disintergration of the armed forces and mobilizing the masses for revolution is repeatedly stressed in communist literature. Knowledge of military tactics, organization, weapons, and training is considered to be an essential qualification for all militant communists. Every effort is made to convert ideologically the armed forces of noncommunist states, but the communists recognizes that a physical fight for control of the army, navy and air forces will also be necessary on the outbreak of armed uprising. To acquire the requisite military experience and training, communist parties and youth leagues send their members into the organized military forces of the state, acting on the promise that the best place to learn about the strengths, weaknesses, capabilities and vulnerabilities of the enemy is from within enemy ranks.

Revolutionary antimilitarism is permanent warfare. Antimilitarist propaganda, agitation and organizational activities are considered to be basic tasks which form an integral part of the daily routine of all communists. These tasks usually take precedence over all other assigned tasks. They are carried on continuously, daily, year in and year out. Whenever setbacks occur, the tempo of antimilitarist activity may suffer temporarily, but it is usually renewed with increased vigor, for all antimilitarist work is considered as preparation for the decisive battles "yet to come." Exigencies of war or peace may necessitate changing fundamental themes or tactics, and the intensity with which work in the armed forces is pursued may vary considerably from country to country, but the requirement for communists to engage in antimilitarist work continues as long as the objective of world soviet power remains unattained.

Revolutionary antimilitarism is mass warfare. According to Lenin, the two essential requisites for successful revolution were that it be a mass movement and that it "touch" the military, i.e., the man in the armed forces, or at least a part of them, must be on the side of the masses. Mass militarization is a characteristic of modern war. The mobilization of vast segments of the population from all classes further contributes to the mass character of modern military forces. The distinction between the military front and the civilian rear tends to disappear as dependence on labor, industry and transport to support the military establishment increases. Specialized techniques are employed by the communists to link the men in service with the working class. Mass dissemination media, including pamphlets, leaflets, mail and the highly specialized antimilitarist press and radio, provide the communists with potent weapons for propaganda and agitation among the military forces. Support of the concrete immediate demands of servicemen, including the specialized interests of racial, religious and national minorities, is part of the concentrated mass action through which the communists attempt to influence and control the armed forces. Whoever captures the youth, the communists assert, controls the armed forces and determines the future. Thus work among the youth seeks to establish their subordination to communist discipline even before they enter military service. A well-developed program to influence the man under arms through their wives, mothers, sisters and sweethearts is also pursued by the communists.

Soviet theorists assert a significant correlation exists between the revolutionary spirit of the armed forces and the revolutionary spirit of the masses. They claim that the armed forces are an extension of the masses and that the awakening of the revolutionary spirit among the troops contributes to the revolutionization of the masses.

Revolutionary antimilitarism is organizational warfare. The organization of revolution requires a militant organization, a communist apparatus, capable of combining both legal and illegal, violent an non-violent activity. Paralleling every legal or overt communist apparatus engaged in mass disintegration activities is an illegal, underground communist organization, the basic building block of which is the secret cell. The illegal

Footnotes at end of article.

organization plays an important role in the struggle against war before the outbreak of war; it is also through this illegal organization that the communists seek to carry on their revolutionary activities after the outbreak of war. Communist nuclei or cells are created at every level of command in the armed forces. In addition, the communists form soldiers' and sailors' committeess, as well as various types of servicemen's clubs, through which, by securing for themselves the position of authority, they are able to influence and control the men. The communists also insinuate themselves into leading positions in youth organizations, social clubs, trade unions, fraternal groups, etc., using them whenever possible to maneuver group support for antimilitarist ends.

The pattern of communist machinations in the past serves as a prologue for the future. It indicates that the Soviets continue to rely heavily upon revolutionary antimilitarism in their struggle for world domination.

FOOTNOTES

[1] *Ibid.*, p. 853.
[2] *Ibid.*, p. 864.
[3] *Ibid.*, p. 849.
[4] *Ibid.*, p. 851.
[5] *Ibid.*, pp. 849–874.
[5a] *Communist Plan for Victory.* Report by J. D. Blake to State Conference (Victoria), 12–15 February 1943. (Communist Party of Australia), pp. 29–30.
[6] As quoted from *The Communist*, December, 1941, by William Z. Foster, *History of the Communist Party of the United States* (New York: International Publishers, 1952), p. 409.
[7] *Ibid.*
[8] Philip Selznick, *The Organizational Weapon.* (Santa Monica: The Rand Corporation, January, 1952), USAF Project Rand Report No. R–201, p. 247.
[9] *Ibid.*, p. 221.
[10] Foster, *op. cit.*, p. 415.
[11] John C. Sparrow, *History of Personnel Demobilization in the United States Army.* Department of the Army Pamphlet No. 20–210 (Washington: July, 1952), p. 104.
[12] *Ibid.*, p. 221.
[13] *Ibid.*, p. 167.
[14] Official propaganda organ for the Cominform was the weekly newspaper, *For a Lasting Peace, For a People's Democracy!* which was published every Friday in nineteen languages, i.e., Russian, Chinese, French, English, Italian, German, Spanish, Swedish, Korean, Japanese, Dutch Arabic, Polish, Czech, Slovak, Bulgarian, Hungarian, Rumanian and Albanian. Until the expulsion of Yugoslavia from the Cominform in 1948, the paper was printed in Belgrade. Thereafter, the editorial offices and presses were moved to Bucharest.
[15] Moscow *New Times*, January 24, 1947, p. 1; August 20, 1947, p. 1; September 3, 1947, p. 13.
[16] *Ibid.*, January 9, 1947, p. 8.
[17] *Ibid.*, January 16, 1947, p. 7.
[18] *Ibid.*, July 30, 1947, p. 1; January 16, 1947, p. 3.
[19] *Ibid.*, January 9, 1947, p. 5.
[20] *Pour une paix durable, pour une democratie populaire:* French edition of *For a Lasting Peace*, November 1, 1948, p. 2.
[21] *Ibid.*, December 1, 1948, p. 5.
[22] *Ibid.*
[23] Moscow *New Times*, December 3, 1947, p. 1.
[24] Sparrow, *op. cit.*, pp. 293–94.
[25] Philippines, Congress, House, Special Committee on Un-Filipino Activities, *Communism in the Philippines* (Manila: 1952). p. 21.
[26] *Ibid.*
[27] Moscow *New Times*, January 1, 1947, p. 18.
[28] *Ibid.*, pp. 1–2.
[29] *Ibid.*
[30] Foster, *op. cit.*, p. 442.
[31] *For a Lasting Peace*, July 10, 1950, p. 1.
[32] *Ibid.*, p. 2.
[33] *Ibid.*, August 18, 1950, p. 3.
[34] *Ibid.*, November 3, 1950, p. 5.
[35] *Ibid.*, July 21, 1950, p. 6.
[36] *Ibid.*, April 27, 1951, p. 3.
[37] *Ibid.*, March 30, 1951, p. 4.
[38] *Political Affairs*, April, 1952, p. 26.
[39] These were collected and published in 1954 by the North Korean Ministry of Culture and Propaganda under the title *Depositions of Nineteen Captured U.S. Airmen on Their Participation in Germ Warfare in Korea.*
[40] Special Number, Vol. 70, Nos. 9–12, September-December, 1952.
[41] *Out of their own mouths*, pp. iii-iv.
[42] *For a Lasting Peace*, August 3, 1951, p. 1 of supplement.
[43] It is interesting to note that this same technique was charged by the communists in the pages of the *International Press Correspondence* during the late 1920's. Then, however, the alleged perpetrators were Polish fascists, not American soldiers, while the alleged victim was a female communist party worker.
[44] *For a Lasting Peace*, April 13, 1951, p. 2.
[45] *Problems of Communism*, No. 5, Vol. 2, 1953, p. 15.
[46] *Cahiers du communisme*, March, 1952, p. 332.
[47] *Problems of Communism*, No. 1, 1952, p. 1.
[48] *Ibid*, No. 1, Vol. 2, January, 1953, p. 15.
[49] *Ibid.*
[50] *Political Affairs*, May, 1953, p. 2.
[51] *Ibid.*, May, 1954, p. 15.
[52] *Ibid.*, p. 17.
[53] *Ibid.*
[54] *Ibid.*, April, 1954, p. 56.
[55] *Ibid.*, p. 55.
[56] *Ibid.*, p. 56.
[57] *For a Lasting Peace*, September 17, 1954, p. 4.
[58] *Ibid.*, June 25, 1954, p. 3; March 5, 1954, p. 3; March 12, 1954, p. 4; March 26, 1954, pp. 1 & 3; April 2, 1954, p. 3.
[59] *Political Affairs*, April, 1956, p. 22.
[60] *Ibid.*
[61] *Ibid.*, September, 1956, pp. 59–64.
[62] *Ibid.*, October, 1956, p. 35.
[63] *Ibid.*, January, 1958, pp. 1–2.
[64] *Ibid.*, June, 1958, p. 23.
[65] *Ibid.*, July, 1958, p. 13.
[66] *Ibid.*
[67] Vavilov, *op. cit.*

BIBLIOGRAPHY: PRIMARY SOURCES AND PUBLIC DOCUMENTS


Argentina. Senado de la Nación. *Represión del comunismo.* Vols. I–II. 1938.

Australia. *Report of the Royal Commission on Espionage.* August 22, 1955.

Brazil. Ministerio de Guerra. *En guarda! (Contro o communismo).* Bibliotcheca Militar, Imprensa do Estado-Maior do Exercito. 1927.

Brazil. Ministerio da Guerra. *As vitimas dos atentados communistas de 1935.* Imprensa Nacional. 1941.

Great Britain. Foreign Office. *Communist Papers.* Cmd. 2682. "Documents Selected from those Obtained on the Arrest of the Communist Leaders on the 14th and 21st October 1925." 1926.

Great Britain. Foreign Office. *Russia No. 2 (1927).* Cmd. 2874. "Documents Illustrating the Hostile Activities of the Soviet Government and Third International Against Great Britain." 1927.

Great Britain. House of Commons. Parliamentary Debates. Vol. 179, No. 8 (December 15, 1924).

Philippines. House of Representatives. Special Committee on Un-Filipino Activities. *Report on I. The Illegality of the Communist Party of the Philippines. II. The Functions of the Special Committee on Un-Filipino Activities.* 1951.

Spain. Ministry of Information. *The International Brigades.* 1948.

Spain. Ministry of Information. *El frente popular en España.* 1948.

Spain. Ministry of Justice. *Causa general: la dominación rojas en España.* 1943.

U.S. Department of Justice. *Red Radicalism as described by its Own Leaders.* Exhibits collected by A. Mitchell Palmer. 1920.

U.S. Department of State. *Nazi-Soviet Relations, 1939–1941.* 1948.

U.S. Department of State. *The 2nd Congress of the Communist International.* 1920.

U.S. House of Representatives. 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.

U.S. House of Representatives. Committee on Un-American Activities. *Investigation of Communist Activities in the New York City Area.* Part 3. 83rd Cong., 1st Sess, May 6, 1953.

U.S. House of Representatives. Committee on Un-American Activities. *Testimony of Paul Crouch.* 81st Cong., 1st Sess., May 6. 1949.

U.S. House of Representatives. Special Committee on Communist Activities in the United States. *Investigation of Communist Propaganda.* 71st Cong., 3rd Sess., January 17 & 18, 1931.

U.S. House of Representatives. Special Committees on Un-American Activities. *Investigation of Un-American Propaganda Activities in the United States.* Appendix, Part I, 76th Cong., 1st. Sess., 1940.

U.S. House of Representatives. Special Committee to Investigate Communist Activities in the United States. *Investigation of Communist Propaganda.* Part I, Vol. 2, 71st Cong., 2nd Sess., 1930.

U.S. House of Representatives. Special Committee to Investigate Communist Activities in the United States. *Investigation of Communist Propaganda.* Part 3, Vol. 1. 71st Cong., 2nd Sess., 1930.

U.S. House of Representatives. Special Committee to Investigate Communist Activities in the United States. *Investigation of Communist Ppropaganda.* Part 5, Vol. 4. 71st Cong., 2nd Sess., 1930.


BOOKS AND PAMPHLETS


Alfred, L., Dupont, J., and Fischer, Kurt. *L'antimilitarisme révolutionnaire.* Paris: Communist Party of France, 1929.

Brandt, Conrad, Schwartz, Benjamin, and Fairbank, John. *A Documentary History of Chinese Communism.* Cambridge: Harvard University Press, 1952.

Bullejos, José (trad.). *VII Congreso de la Internacional Comunista.* Madrid: Ediciones Bergua, 1935.

Chamberlin, William Henry. *Blueprint for World Conquest.* Washington: Human Events, Inc., 1946.

Degras, Jane (ed.). *The Communist International: 1919–1943. Documents.* Vol. 1: *1919–1922.* New York: Oxford University Press, 1956.

Dmitrov, Georgi. *The United Front: The Struggle Against War and Fascism.* New York: International Publishers, 1938.

*El partido comunista y los problemas de la revolución en Cuba.* Comité Central del Partido Comunista de Cuba, n.d.

Eudin, Xenia J., and North, Robert C. *Soviet Russia and the East.* Stanford: Stanford University Press, 1957.

Eudin, Xenia J., and North, Robert C. *Soviet Russia and the East.* Stanford: Stanford University Press, 1957.

*Fifth Congress of the Communist International: Abridged Report of Meetings Held in Moscow June 17 to July 8, 1924.*

Fischer, Ruth. *Stalin and German Communism.* Cambridge: Harvard University Press, 1948.

Foster, William Z. *Toward Soviet America.* New York: Coward-McCann, Inc., 1932.

*Fourth Congress of the Communist International.* London: Communist Party of Great Britain, 1923.

Fraina, Louis C. (ed.). *The Proletarian Revolution in Russia.* New York: The Communist Press, 1918.

Gitlow, Benjamin. *I Confess.* New York: E. P. Dutton & Co., 1940.

*Industrial Freedom—1919.* Toledo: Workers', Soldiers', and Sailors' Council, 1956.

Kanatchikov, A. *The Revolt on the Armoured Cruiser "Potemkin".* New York: Workers' Library Publishers, n.d.

Kuusinen, Otto. "Prepare for Power: the International Situation and the Tasks of the Sections of the Comintern." *Report of Comrade Kuunsinen at the XIIth Plenum of the Communist International.* New York: Workers' Library Publishers, n.d.

Langer, Alfred. *Der Weg zum Sieg.* Zurich: P. Meier, 1931.

———. *The Road to Victory.* Translated by Morella Hansen. Washington: U.S. Army Library, n.d.

Lenin, V. I. *Selected Works.* New York: International Publishers Co., 1943.

Manuilsky, D. Z. *The Communist Parties and the Crisis of Capitalism.* New York: Workers' Library Publishers, n.d.

———. *The Work of the Seventh Congress of the Communist International.* Moscow: Co-operative Publishing Society of Foreign Workers of the U.S.S.R., 1935.

Marty, André. *La revolte de la mer Noire.* Paris: Editions Sociales, 1949.

———. *The Epic of the Black Sea Revolt.* New York: Workers' Library Publishers, 1941.

Motyleva, V. *Youth in the World War.* New York: Youth Publishers, 1934.

Motylova, T. *Die Jugend in Weltkrieg.* Moscow: 1934.

Motylova, T. *Les jeunes dans la guerre mondiale.* Paris: Bureau d'Editions, 1934.

Okano. "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.

Olgin, M. J. (ed.). *Our Revolution.* New York: Henry Holt & Co., 1918.

Orgwald, *Tactical and Organizational Questions of the Communist Parties of India and Indo-China.* United States: The Pan-Pacific Worker, n.d.

Prieto, Indalecio. *Cómo y por qué salí del Ministerio de Defensa Nacional.* Paris: Imprimerie Nouvelle, 1939.

*Program of the Communist International.* New York: Workers' Library Publishers, 1936.

*Programme of the Young Communist International.* London: Dorrit Press, Ltd., for the Young Communist League of America, 1929.

*Resolution and Theses of the Fourth Congress of the Communist International.* London: Communist Party of Great Britain, n.d.

*Seventh Congress of the Communist International, Abridged Stenographic Report of Proceedings.* Moscow: Foreign Languages Publishing House, 1939.

Sisson, Edgar. *One Hundred Red Days.* New Haven: Yale University Press, 1931.

Stalin, Joseph. *Works.* Moscow: Foreign Languages Publishing House, 1954.

*The Communist International Between the Fifth and the Sixth World Congresses.* London: Communist Party of Great Britain, 1928.

*The Communist Youth International—Report on Activity Between the Fourth and Fifth Congress: 1924–1928.* London: Published for the Young Workers' (Communist) League of America by the Communist Party of Great Britain, 1928.

*Theses and Resolutions Adopted at the III World Congress of the Communist International.* Moscow: Press Bureau of the Communist International, 1921.

Trotsky, Leon. *The First Five Years of the Communist International.* Vol. I. New York: Pioneer Publishers, 1945.

Valtin, Jan. (Kreba, Richard) *Out of the Night.* New York: Alliance Book Corporation, 1941.

Wilbur, C. Martin, and How, Julie L. *Documents on Communism, Nationalism, and Soviet Advisers in China 1918–1927.* New York: Columbia University Press, 1956.

Williams, Albert Rhys. *Through the Russian Revolution.* New York: Boni and Liveright, 1921.

Yaroslavaky, Emilyan. *El trabajo de los bolcheviques en el ejército antes de la revoluncion de octubre.* Barcelona, Publicaciones Edeya, n.d.

ARTICLES AND PERIODICALS

"A New Phase in the Revolutionary Events in Cuba," *The Communist International,* X, No. 20 (October 15, 1933), 702.

Bijowsky. "Weaknesses and Mistakes of the Communist Party in Cuba," *The Communist International,* XI, No. 7 (April 5, 1934), 260–64.

Bosse, G. A. "American Militarism," *The Communist,* VI, No. 6 (September-October, 1927), 347–57.

"Capitalist Stabilisation Has Ended: Thesis of the Twelfth Plenum of the E.C.C.I. on the Report of Comrade Kuunsinen," *The Communist,* II, No. 11 (November, 1932), 985.

Chernomordik. "The Question of Communist Cadres," *The Communist International,* XI, No. 23 (December 5, 1934), 815–20.

"Directivas para progagar el, communismo en el ejército," *Clarinada,* V, Nos. 59–60 (March-April, 1942), 8–10.

Doonping, R. "The Bourgeois-Democratic Revolution and Soviet Power in China," *The Communist,* IX, Nos. 11–12 (November-December, 1930), 1016–1030.

"Examples of Bolshevik Work and Revolutionary Struggle," *The Communist International,* X, No. 2 (February 1, 1933), 47–54.

"Examples of the Work of C.P. of Japan in the Army," *The Communist International,* XI, No. 1 (January 1, 1934), 28–32.

"Factors Governing Our Tactical Line," *The Communist,* X, No. 8 (August, 1931), 693–702.

Gerber, Rudolph. "Our Fight Against German Chauvinism," *The Communist International,* XII, No. 10 (May 20, 1935), 551–63.

Hernandez, J. "The Development of the Democratic Revolution in Spain," *The Communist International,* XIII, No. 8 (August, 1936), 956–69.

James, M. "Yankee Imperialist Intervention Against the Chinese Revolution," *The Communist,* XI, No. 7 (July, 1932), 620–24.

Joven, Harry. "The Lessons of the Canton Uprising," *The Communist,* VII, No. 1 (January, 1928), 21–24.

Kumamoto. "The Revolutionary Example of the Japanese Toilers," *The Communist,* XI, No. 7 (July, 1932), 626–30.

Marty, André. "The Black Sea Revolt," *The Communist International,* XI, Nos. 9–10, (May 20, 1934), 340–42.

Mikis, M. "Class Battles in Greece," *The Communist International,* XIII, No. 8 (August, 1936), 1004–1011.

"On the question of Illegal Work," *The Communist International,* X, No. 23 (December 1, 1933), 853–60.

Paz, Maurice, "Revolt of the French Fleet in the Black Sea," *The Communist Review,* III, No. 1 (May, 1922), 10–23.

Pepper, John. "After the Canton Uprising," *The Communist,* VII, No. 3 (March, 1928), 154–59.

Reed, John. "How Soviet Russia Conquered Imperial Germany," *The Liberator,* I, No. 11 (January, 1919), 16–24.

Reisner, Lariasa. "The Heroic Sailors of the Russian Revolution," *The Communist Review,* I, No. 1 (May, 1921), 3–6.

"Revolutionary Events in Cuba and the Tasks of the Communist International," *The Communist International,* X, No. 18 (September 15, 1933), 620–28.

Rust, William. "Communists and the Army," *The Communist,* III, No. 6 (June, 1928), 335–38.

Sinani, G. "A New Phase in the Revolutionary Events in Cuba," *The Communist International,* X, No. 20 (October 15, 1933), 700–74.

"Some Experiences from the Activity of the C.P. of Japan in the Army," *The Communist International,* XI, No. 14 (July 20, 1934), 477–84.

"Struggles of the Communist Parties of South and Caribbean America," *The Communist International,* XII, No. 10 (May 20, 1935), 569.

"The Eve of Revolution in Brazil," *The Communist International,* XII, No. 10 (May 20, 1935), 583–84.

"The Increased Danger of War Against the U.S.S.R. and the Tasks of the Communists," *The Communist,* XI, No. 1 (January, 1932), 89–96.

"The Preparatory Campaign in Poland for the Seventh World Congress of the Communist International," *The Communist International,* XII, No. 6 (March 20, 1935), 299–304.

"The Revolutionary Battles in Cuba," *The Communist International,* XI, No. 2 (January 15, 1934), 54–60.

"The Role of the Red Army in Civil War and Reconstruction," *The Communist,* X, No. 4 (April, 1931), 348–59.

Weinstone, William W. "The XI Plenum of the Executive Committee of the Comintern," *The Communist* (United States), X, No. 9 (October, 1931), 771–96.

NEWSPAPERS

*Daily Worker* (New York). 1924–1939.

*International Press Correspondence.* 1925–1935.

*Shipmates' Voice.* 1934–1935.

*The Communist* (New York). 1921–1922.

*The Soldiers' Voice.* 1935.

SECONDARY SOURCES: BOOKS AND PAMPHLETS

Aguelleiro, Benito. *Técnica de la infiltración comunista.* Buenos Aires: Editorial La-Mazorca, 1943.

Alexandrov, G. F., *et. al. The History of the Civil War in U.S.S.R.* Vol. II: *The Great Proletarian Revolution.* London: Lawrence and Wishart, Ltd., 1947.

Anthony, Irving. *Revolt at Sea.* New York. G. P. Putnam's Sons, 1933.

Bardoux, Jacques. *Chaos in Spain.* London: Burnes, Oates & Washbourne, Ltd., n.d.

———. *Staline contre l'Europe.* Paris: Ernest Flammarion, 1937.

Borkenau, F. *The Communist International.* London: Faber and Faber, Ltd., 1938.

Brunts, George. *Allied Propaganda and the Collapse of the German Empire in 1918.* Hoover War Library Publications No. 13. Stanford: Stanford University Press, 1938.

Bubnov, A. S., *et al.* (eds.). *The Civil War in 1918–1921.* Vol. III. Moscow: Soviet Military Publications Division, 1930.

Cattell, David T. *Communism and the Spanish Civil War.* Berkeley: University of California Press, 1955.

———. *Spanish Diplomacy and the Spanish Civil War.* Berkeley: University of California Press, 1957.

Ceyrat, Maurice. *La trahison permanente.* Paris: Spartacus, n.d.

Copeman, Fred. *Reason in Revolt.* London: Blandford Press, Ltd., 1948.

Coty, François. *Contre le communisme.* Paris: Bernard Grasset, 1927.

Cudahy, John. *The American War with Russia.* Chicago: A. C. McClure & Co., 1924.

Dallin, David J. *Soviet Russia and the Far East.* New Haven: Yale University Press, 1948.

———. *The Rise of Russia in Asia.* New Haven: Yale University Press, 1949.

———. *Soviet Russia's Foreign Policy: 1939–1942.* New Haven: Yale University Press, 1942.

Edwards, Kenneth. *The Mutiny at Invergordon*. London: The Camelot Press, Ltd., 1937.

Ehrt, Adolf. *Communism in Germany*. Berlin: General League of German Anti-Communist Associations, 1933.

Fainsod, Merle. *International Socialism and the World War*. Cambridge: Harvard University Press, 1935.

Geraud, André [Pertinax]. *The Gravediggers of France*. New York: Doubleday, Doran & Co., Inc., 1944.

Green, William. *Report on Communist Propaganda in America as Submitted to the State Department, United States Government*. Washington: American Federation of Labor, 1935.

Ironside, W. E. *Archangel: 1918–1919*. London: T. and A. Constable, Ltd., 1953.

Karl, Mauricio. [Mauricio Carlavilla.] *Técnica del Komintern en España*. Badajos: Tip. "Grafica Corporative," 1937.

Kazemzadeh, Firuz. *The Struggle for Transcaucasia (1917–1921)*. New York: Philosophical Library, 1951.

Larrain, Sergio Fernandez. *Traición*. Santiago, Chile: 1941.

Miksche, F. O. *Secret Forces*. London: Faber and Faber, Ltd., 1950.

Noel-Baker, Francis. *The Spy Web*. New York: The Vanguard Press, 1955.

Parfenov, V. *The Intervention in Siberia*. New York: Workers' Library Publishers, 1941.

Paul, Eden, and Paul, Cedar. *Anti-Soviet Forgeries*. London: Workers' Publications, Ltd., 1927.

Possony, Stefan T. *A Century of Conflict*. Chicago: Henry Regnery Co., 1953.

Reshetar, John S., Jr. *The Ukrainian Revolution, 1917–1920*. Princeton: Princeton University Press, 1952.

Rossi, Angelo. *A Communist Party in Action*. New Haven: Yale University Press, 1949.

———. *La guerre des papillons*. Paris: Les Iles d'Or, 1954.

———. *Les cahiers du bolchevisme pendant la campagne 1939–1940*. Paris: Dominique Wapler, 1951.

———. *Les communistes français pendant la drôle de guerre*. Paris: Les Iles d'Or, 1951.

Selznick, Philip. *The Organization Weapon, A Study of Bolshevik Strategy and Tactics*. New York: The Rand Corporation, McGraw Hill, 1952.

Silveyra, Carlos M. *El comunismo en la Argentina*. Buenos Aires, 1947.

Strakhovsky, Leonid I. *Intervention at Archangel*. Princeton: Princeton University Press, 1944.

Swearingen, Rodger and Langer, Paul. *Red Flag in Japan*. Cambridge: Harvard University Press, 1952.

*The Communists vs the People*. Queensland: Institute of Public Affairs, 1946.

Whitney, R. M. *Reds in America*. New York: The Beckwith Press, Inc., 1924.

ARTICLES AND PERIODICALS

"Action de la IIe Internationale," *La vague rouge*, No. 7 (Juillet, 1927), 36–44.

"Chronique du mouvement communiste mondial," *La vague rouge*, No. 2 (Février 1, 1927), 26–48.

"Communisme et aviation," *Barrage*, No. 10 (Septembre–Octobre, 1938), 46–52.

"En Amérique," *La revue antibolchevique*, No. 4 (Octobre, 1926), 23.

"Le communisme en Grece," *La vague rouge*, No. 5 (Mai, 1927), 50–51.

"Le communiste dans l'armée," *Barrage*, No. 5 (Mars 25, 1938), 3–20.

"Le menace communiste sur les casernes," *Barrage*, No. 1 (Novembre, 1937), 23–25.

"Le mouvement communiste en France," *La vague rouge*, No. 5 (Mai, 1927), 3–10.

"Théorie de l'insurrection á main armée: 'Le chemin de la victoire,'" *La vague rouge*, No. 10 (Octobre, 1927), 9–16.

NEWSPAPERS

*The New York Times*. 1917–1949.

*The Times* (London). 1924–1935.

## THE NIXON ECONOMIC PROGRAM

### HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. DENT. Mr. Speaker, may I commend to my colleagues the following address delivered by the president of the AFL–CIO, Mr. George Meany, at the recent convention of the Industrial Union Department.

As usual, Mr. Meany's remarks are timely, constructive, and worthy of the attention of the Congress. The subject of Mr. Meany's address is, "The Nixon Economic Program: What Is Right With It, What Is Wrong With It, and What Changes Should Be Undertaken." I trust my colleagues will find it of value.

Mr. Meany's remarks follow:

A SPEECH BY AFL–CIO PRESIDENT GEORGE MEANY AT THE CONVENTION OF THE AFL–CIO INDUSTRIAL UNION DEPARTMENT AT THE SHOREHAM HOTEL, IN WASHINGTON, D.C., ON OCTOBER 5, 1971

I am delighted to see so many of you here this morning and so many here yesterday, who came to demonstrate their "belief" in the equity and the fairness of the Nixon program—a program designed to take care of big business at the expense of the rest of society.

This feature of the President's approach—in which he tries to indicate or his henchmen try to indicate that labor leaders are out of step with their membership—sort of bugs me. On the morning of August 16th, which was the morning after the President did his flip-flop without explanation—oh, incidentially, one of the news magazines says that I flew into a rage when I heard President Nixon make his statement that night and that I called Al Zack and I called a lot of other people and just went off in a fit of temper. Well, I tell you the truth and I believe in truth—I fell asleep while the President was delivering his address and that is gospel truth.

The next morning, however, I made what I thought was a temporate statement. I said that while we had agreed that we would cooperate with anything the President wanted to do to fight the inflation battle, provided that it was fair and equitable, this program that the President had presented did not meet the test of equity. It was discriminatory against workers and in favor of big business and, therefore, we were opposed. That was Monday morning and Tuesday morning Jim Hodgson, our representative in the Cabinet made a statement that Mr. Meany was out of step with the workers of this country; that the workers liked the President's program. I was just wondering how he managed to get that information in a short space of a few hours and I think it was quite a feat especially in view of the fact that he didn't know any more about the President's program than I did up to the time the President went on the air. He wasn't even present at the meeting on the program.

They have tried to portray us as demanding our pound of flesh at the expense of other citizens of this nation. They, of course, remembered we said we would cooperate but there is one part of our statement that we have made and reiterated since February 1966 that they seemed to forget. We said we would cooperate with a program that was fair and equitable.

Labor's long time philosophy which has motivated its actions for many years and motivates it today is that no segment of the American society can for any long time gain and profit at the expense of the others and that means labor. We don't think labor can profit at the expense of the rest of the citizenry. We don't think bankers can take it all. We don't think it can go all one way. We think this is the kind of system where there has to be some balance and we have taken this position consistently.

When we made our first statement on the inflation problem in February 1966—during the Johnson Administration—we said we would accept wage and price restraints to hold down inflation provided they were equitable.

In the final analysis, our people are the victims of inflation. It is the housewives, the wives of our members, who know what inflation is all about. And whether or not it is a wage-push inflation or a profit-push inflation is really not the point.

The point is that we had in this country a certain high price psychology. Of course, some say wages are responsible, high wages—the old cliche that we are pricing ourselves out of the market and all that sort of baloney.

It would be nonsensical to say that wages don't play a part in prices, but it would also be nonsensical to say that wages are the only factor. There are profits, dividends, management salaries and the greatest inflationary item of all—the interest rates that corporations and individuals have to pay when they need to borrow money to keep things going.

So it is only natural that we would react to high prices because our members are quite keenly aware of high prices. And when we had a contract expiring in the last five or six years we found the same attitude on the part of our members. They say, we want to make up what we have lost through inflation since our last contract.

So, we made it crystal clear that we were ready to cooperate in the interest, not only of the other people, but the interest of our own members.

I think when we look at this picture, we cannot settle for propaganda, we have got to stick to facts. We can't escape the facts.

Now it is a fact that the President of the United States in February of 1969, just a couple of weeks after he took office, made a pledge that he was going to keep prices down and he was going to do it by a new economic game plan. And this economic game plan was going to restrict credit—make money more expensive—but he was going to stop inflation without adding to unemployment. That is what he said and that is what he put in writing. He was going to bring prices down without making the worker pay for it through additional unemployment.

I don't know of any economists who felt that this could be done but Mr. Nixon must have had somebody's advice when he said that because he put it in writing.

I'll tell you, as for myself, I don't believe he could make money more expensive, slow business down—the expression he used—without causing more unemployment. But I certainly did think that if he did cause more unemployment, that it would have the effect of holding down the price level.

However he managed to do something that, according to all of the rules was not possible. He managed to have us in a depression with inflation still running rampant.

After February of 1969 and right up to August of this year we got nothing out of the White House except the success story. Everything is O.K. Nothing wrong. The Nixon "game plan" is working. And we're not going to change it.

A few months after the "game plan" went into effect, the first unemployment figures came out in the early spring or summer of 1969, showing quite a rise in unemployment. The under-secretary of the treasury, Mr. Walker, in a statement to the press said, "See, this proves that the Nixon plan is working." It was putting people out of work.

Mr. Connally made a speech on Septem-

ber 15th in London in which he said the same thing. They deliberately slowed down the economy and deliberately accepted millions of more unemployed.

But, as time went on, we got nothing from the Administration except the story of success. Everything was fine; 1971 was a good year; 1972 was going to be a better year. Last December the President vetoed a public employment bill which would have provided 200,000 jobs and he vetoed it on the grounds that it was not necessary, that the economy was on the up-grade and they wouldn't need this sort of legislation. However, this June he did sign a similar bill. But we lost 60,000 jobs from January to June. So we were faced with this stubborn refusal to admit that the economic "game plan" was not working.

Then came the star performance on the night of August 15th. No explanation of the failure of "Game Plan No. 1." In fact no mention of "Game Plan No. 1."

It reminded me somewhat of what happened in the Soviet Union during the 20's and 30's, where they were promising the Soviet people more consumer goods, a better supply of the good things of life and they did this through the five-year plans. Only they had about four or five five-year plans in six years and when they announced a new five-year plan they never mentioned the previous five-year plan or the one before that, even though they had only put it into effect a year and a half before.

Now, of course, in that society the people accept; they don't question. I imagine they have their own opinion, but they don't publicly question the government. But this is the United States and we do question the government and we do insist that the President of the United States, who makes these promises, has an obligation at least to explain why he can't keep the promise or to make an apology for his error.

Anyway, when he finally made this speech, finally got off his butt and tried to do something real about this question of prices by a price freeze, everybody in this country applauded. It was a great performance.

But we took a hard look. We're practical people and while everybody else got into a state of euphoria, saying, "Well, everything is going to be great" and the stock market shot way up—we took a good look at what the President did.

He froze prices and wages for a period of 90 days. But that's not all he did. He proposed to Congress that they give a tax bonanza to business by an investment tax credit. And this investment tax credit, which was given a nice name of "Job Development Tax Credit" on the theory that if you make the big corporations a little more prosperous, somewhere down the line enough will trickle down to help the ordinary people. He proposed that they repeal the excise tax on automobiles and he had a little cost sheet on this. He said this costs so much, that costs so much and he said, Now, I have to get the money.

So he postponed a government employee wage increase that he had announced sometime before under the law which provides for comparability between the wages of federal employees and private employees. He postponed that and that, according to his statement, was worth $1.3 billion. Of course he was giving industry $3 billion so he had to get a little more. So, what did he do? He postponed all action on his welfare reform bill which a few months bfeore was his No. 1 legislative item. And then he postponed all further activity on what he had referred to earlier in his regime as the "new federalism"—the aid to cities from the federal government.

So in order to pay for this tax bonanza, he took $1 billion plus from the government employees; $1.1 billion from aid to cities and $1.1 billion from the poor in order to help the great corporations in their program of investment on the theory that this is what creates jobs.

But he did more than that. He took billions of dollars—and I say this advisedly. We don't know the exact figure. We have figures from certain unions as to what this costs—and I'm sure it would go up to billions. He did this by nullifying legal collective bargaining contracts which contain deferred wage increases, cost-of-living increases, calendar-scheduled increases, increases for hundreds of thousands of teachers and state and county workers throughout the country. With the stroke of a pen, he took these billions of dollars from one party at the bargaining table and put the money into the pocket of the other party at the bargaining table.

No one in this Administration, as far as I know, has defended this. We have challenged the Administration on the right of the President to do this. There is no defense, but the rule stands. In this city alone, one local union from the Retail Clerks will lose $2 million between October 1st and November 15th in deferred wage increases.

Thousands of teachers throughout the country are denied their rights for wage increases already scheduled. And you know when a teacher takes a job in a school system, paying $6500, with stepped up increases, they're taking a job that is going to pay them $9200 or $9500 at a certain date. That's all part of the job. And I don't look upon that as some sort of an inflationary increase. I look at something like that as scheduled by a community and the tax rate is adjusted to meet it. Now, Mr. Nixon didn't do anything about reducing the taxes the community put on in order to pay these salaries for local employees—teachers and so forth.

What happened on the night of August 15th was something similar to what Juan Peron used to do in the Argentine. If you know the history of that unhappy country, you know that when Peron was the boss, he raised wages from the balcony. He declared holidays from the balcony. He felt that his method was better than collective bargaining and, let me tell you, he had a lot of workers who felt it was a great idea. Of course, the employers had to pay and the net result finally was that all outside capital ran away and they had real trouble down there.

But what difference is there between Juan Peron standing on the balcony and saying that he's giving millions of workers a raise as of that minute out of the pocket of the employer without consulting the employer—what difference is there between that and the action of President Nixon in taking hundreds of millions of dollars out of the pockets of the workers and giving it to the employer?

Then, of course, the pollsters got busy. You know, they have great faith in the pollsters and I'm just wondering whether the pollsters really go out to get public opinion or whether they go out and get some kind of a result.

This Princeton Poll went out a few days later and it showed, according to them, that 72% of the people were favorable to the President of the United States. The question asked was quite simple. "Do you approve of the President's program to create new jobs and bring down prices?"

How in the name of common sense they only got 72% favorable to that I don't know. They didn't say, "Do you approve of the President's program to freeze wages and prices; to nullify contracts; to give $3 billion to big business; to cut out the welfare reform program; to terminate federal aid to cities?" No, they didn't say that.

They said, "Do you approve of the President's plan to create new jobs and bring down prices?"

Well, I think that the 28% are just the hard-line, anti-Nixon people who won't buy anything from this man.

Now we have the Bureau of the Census. The Bureau of the Census is going in the public opinion business. This is the first time that this has happened, as far as I can find out, in the history of this country. They are sending out a questionnaire, They're going to question people who are affected by the freeze.

There's one cute little question—"Are you a trade union member?"

At no time do they ask them "Do you belong to the Chamber of Commerce?" or "Do you belong to the Baptist church or some other church," but "Are you a trade union member?"

As I say, this is something new. Maybe they feel that this poll business is so good they ought to go into business for themselves.

However, we finally got some indication of the Administration's belief in equity. Yesterday they had a vote in the House of Representatives and this was on the question of the federal pay raise due in January. Under the law, the President has the say over comparability. He gave the increase and under the law he had a right to take it away, provided the Congress did not overrule him—either House of Congress. So yesterday, they had a vote, forced, I understand, by the Republican leadership. They felt yesterday was a real good day for there were a lot of fellows not here in town. The House refused to override the President's action in postponing the wage increase for federal employees. Now, it goes to the Senate on Wednesday and, of course, if the Senate should disapprove the President's action, the wage increase would go into effect.

But, the Republican leader in the House said last evening on a television show that the vote showed the House felt there should be equity in this situation. And how does he arrive at equity? He said, "Well, under the freeze, workers in the private sector are making a contribution and it is only right that workers in the public sector would make a contribution." So they cut out their wage increase and there is equity between the workers in the federal government and the workers in the private sector, according to the Republican leader in the House.

However, the spirit of equity doesn't go beyond that. What about equity between the public employees plus the private employees and big business in this country?

I think all of these things give us a picture which I think is rather serious, and that is the evident attempt to convince people that things are not what they seem; to convince people, in our case, that labor bosses don't represent the workers of this country.

I think this is an insult to the intelligence of the American worker. I am sure that our members know what is at stake in inflation; I am sure their wives know; and I am sure they know what is at stake is an attack on the trade union structure.

There seems to be more and more widespread use in this country of propaganda, the science of deception, using TV, radio and the news media. It is a modern version of the so-called "big lie" technique used by all the dictators. And the Administration seems to believe that what this country needs every month or so is a good television performance by the President of the United States—that they can sell anything if they use the right techniques.

We don't accept the idea of deceit, of propaganda. Nor do we accept the idea that phony promises are all right in politics, either in campaigns or any other time. We think the American people are entitled to an explanation of what happened to promises made by the highest officials of the government.

And you remember the promises in '68? Oh, we are going to reduce crime, you are going to be able to walk the streets of any of our

nation's cities without any fear and so on. Going to keep prices down. Going to make five million new jobs.

After all, 1968 is not so long ago. We remember.

But now we are getting more propaganda. In a speech about 10 days ago we got "the new prosperity." You are now in the period of "the new prosperity."

What the hell was wrong with the old prosperity? What was wrong with the prosperity that we had in January, 1969 when Mr. Nixon took office.

We only had 4.5% increase in prices and, of course, that was not good. We didn't like it, but it was much better than we have today when we are over 6%. We only had 3.4% unemployment under the old prosperity that Mr. Nixon found when he came into office. Now we have over 6 percent unemployment—a difference of 2,250,000 people who have lost jobs.

So this stuff about "new prosperity" is like the stuff you see in the stores—you know, new Fab, new All, new Old Spice, new baloney.

And then we hear what a wonderful thing this business of profits is. Mr. Nixon, in his Detroit speech about 10 days ago, said profits, that's the thing that counts. That's the thing that keeps the wheels turning.

If you have any friends that have any worries, tell them profits are going to settle their worries. I am sure the 14½ million people on relief were delighted to hear about that. I am sure that the 25½ million people living in this country below the poverty level, were delighted to hear that their problem is going to be solved by profits.

Let me tell you, the No. 1 problem in this country today for business and everyone else is jobs.

What business needs is not some windfall bonanzas in the tax field, what they need is more consumers, more customers. And that would be brought about by stepping up jobs to where we have relatively full employment at decent wages.

I find nothing in this program that started on the 15th of August that attacks that problem, except on the theory that if you give big business a boost and their profits go up things are bound to be better and there is bound to be more jobs. That might have been true 20 or 30 years ago; it is no longer true today.

We have 28% of the industrial capacity of this country lying idle today. So why does business need an incentive from the government for new installations and new equipment when this equipment is not being used? Well, it could be one or more reasons. Maybe the reason is that I just mentioned—they don't have enough customers. Maybe equipment is not modern enough, even though it may be only 10 or 12 years old. We have cases in this country where new equipment was installed, where old factories were closed up and new ones opened with the newest equipment that mechanical, technological science can give to these people. And the net result was a tremendous increase in the production of the particular article that was being made and they laid off a good percentage of the workforce. In other words, they increased production, but they didn't increase the number of jobs.

Now, if the President had said, "We will give them a tax break on the investment that makes jobs and we will give them a break when they show the jobs," boy, we would buy that one. But, no, they merely have to spend the money, even though they had already planned to spend it, even though it was already in their program.

Well, despite all this propaganda, we still have the problems—we still have unemployment, we still have high prices. And labor still has its consistent position.

We reject completely the idea that the President of the United States has the power to nullify contracts.

We will resist any attempt to limit labor's right to strike. No President, even in wartime, has ever asserted that right.

And we repeat our pledge to the people of this country that we are interested in holding prices down; we are interested in a prosperous America, not just for our members but for all of the people of this great country.

And we will cooperate with this Administration or any other administration with any fair and equitable plan to keep inflation under control. We will not be patsies for the failure of "Economic Game Plan No. 1."

## USDA: A SALESMAN FOR PCB'S?

### HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. RYAN. Mr. Speaker, I am deeply concerned by a report in tonight's Washington Evening Star that the U.S. Department of Agriculture is considering a plan which would allow Swift & Co.—the Nation's largest meatpacking firm—to market some 50,000 turkeys tainted with a highly toxic industrial chemical—polychlorinated biphenyls, PCB's.

As Members of the House may recall, on September 22, I brought to the attention of this body the fact that these turkeys, located in Minnesota, had been discovered to have PCB levels significantly above the Food and Drug Administration's guideline of 5 parts-per-million in edible tissue. Despite the fact that USDA made this discovery on August 6, neither the Department of Agriculture nor the FDA made any effort to alert the consumer to the potential hazard of their findings.

The apparent efforts of the Department of Agriculture to find a way so that these contaminated birds can now be sold demonstrates the concern the Department seems to have for the financial interests of large corporations, while casting aside the health interests of the consumer. Such action cannot be countenanced.

These turkeys should have been destroyed and disposed of long ago in a manner that would have safeguarded our health and the environment. Any attempt to salvage them now would be intolerable. Therefore, tonight as soon as I learned of this threat to the Nation's health about to be perpetuated by the Department of Agriculture, I immediately expressed to the Secretary of Agriculture my firm opposition to any plan to market these birds and demanded a full report on this incident.

At this point, I include in the RECORD, G. David Wallace's article which appeared in the Evening Star detailing the Agriculture Department's proposed action.

The article follows:

[From the Washington Evening Star, Nov. 4, 1971]

GOT SHOT OF PCB'S—TAINTED TURKEYS MAY BE PURIFIED

(By G. David Wallace)

The Agriculture Department is considering a plan which would enable Swift & Co. to market 50,000 turkeys tained with DDT-like chemicals if the meat can be made to measure up to federal standards.

The plan, which the government estimates could save Swift $300,000, consists of cooking the chemicals out of the turkeys, then clearing them for use in frozen dinners, soups and pot pies. Officials emphasized in interviews that the meat would have to be proven safe.

If adopted, the plan would be the closing chapter in what remains the most mysterious incident yet involving contamination of food by a family of industrial chemicals called polychlorinated biphenyls, or PCBs. The chemicals have been blamed for skin ailments in humans and liver disease and birth defects in test animals.

The contaminated turkeys were discovered at the Swift & Co. plant in Detroit Lakes, Minn., last August. Officials still have not disclosed the source of the contamination.

Agriculture Department experts say something evidently contaminated fat that was used as a finishing ration and fed to the turkeys in their last six weeks before slaughtered.

"We now have reason to believe there was one 'hot' shot of fat into one ration," said Dr. Fred J. Fullerton, director of field operations for the department's Consumer and Marketing Service.

But neither Fullerton nor his special assistant, Dr. Joseph Stein, would speculate on what contaminated the fat. "I think I know," said Stein. "If it ever comes to where we have some proof, we'll give you a call," said Fullerton.

Can it happen again?

"If it's true what I think, that source has been eliminated," said Stein.

A three-state survey in September led the department to declare the incident an isolated one. Officials said at the time they would test the turkeys lot by lot to see if any were safe enough to be released for Thanksgiving tables.

The tests found every lot contained excessive levels. The federal guideline for PCBs sets a maximum permissible level of 5 parts per million. Stein said many of the turkeys contained 100 parts per million and some had over 300.

Stein said the salvage operation being considered by Agriculture is feasible because PCBs concentrate in animal fat. Poultry has very little fat between muscle, so stripping the fat from the birds would dispose of most of the PCBs, he said, and cooking would get the rest.

In any case, said Stein, the specially processed birds would not be cleared for sale unless post-processing tests showed them to be safe.

The birds, meanwhile, are locked up in a Swift Twin Cities warehouse. "The only thing we're doing at the moment is holding them for the USDA to test," said a company spokesman. "At the present time we have no end use of any kind in mind for them."

Swift spokesmen said it would be after Thanksgiving before the firm gets together with Agriculture to do something with the birds.

Two previous incidents of PCB contamination, both involving broiler chickens, ended with the birds being destroyed. Agriculture Department officials said it would have been too expensive to salvage the chickens. Since the turkeys are bigger and more valuable, salvaging them is economically feasible, they said.

## USE CAUTION SHOPPING FOR TOYS

### HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. O'HARA. Mr. Speaker, the Child Protection and Toy Safety Act was enacted by Congress nearly 2 years ago.

Its passage was widely reported in the press at that time, and there have been subsequent reports of unsafe toys being "banned" by the Food and Drug Administration.

As a result, many parents now believe that all hazardous toys have been removed from market shelves and every toy offered for sale is Government-assured safe.

Nothing could be further from the truth.

With Christmas now less than 2 months away, the heaviest toy-buying season of the year will soon be upon us. Last year, just before Christmas and a year after passage of the act, I discovered that there were a number of unsafe toys being purchased.

While the FDA has been moving to force hazardous toys off the shelves, there undoubtedly will be unsafe toys again offered for sale to unwary parents.

Recently Trudy Lieberman, consumer writer for the Detroit Free Press, alerted readers of her column to the potentially hazardous toys which may be on the shelves. Her article bore the warning headline "Some Are Dangerous—Use Caution Shopping for Toys."

I insert this article, along with a letter which I wrote to the FDA earlier this year about its toy safety activities for the Christmas season, and the FDA response in the RECORD:

SOME ARE DANGEROUS—USE CAUTION SHOPPING FOR TOYS

(By Trudy Lieberman)

In September, the Food and Drug Administration issued a list of children's toys which had been banned from the market because they were dangerous.

But as you do your Christmas shopping, the FDA ban doesn't insure that you won't encounter one of those hazardous toys, nor will you be able to tell with much certainty whether a formerly dangerous toy has been redesigned.

Most of the toys on the September FDA list were rattles, stuffed animals, small dolls and squeaker squeeze toys.

They were banned for various reasons—metal squeakers could be squeezed out, sharp wires and sharp edges protruded, small parts of some toys were likely to break loose and some dolls were held together with straight pins.

The FDA said most of the toys on their list had been redesigned or discontinued. But when you go shopping, how do you know what you are getting?

The FDA admits you'll have a problem. "Most likely, the consumer (will be buying) a redesigned toy," says Larry Blend, a compliance officer in FDA's Bureau of Products Safety. But not necessarily.

Blend warns there could be some toys left over from last year that merchants could be selling although banning means that a product can no longer be sold. Blend says that toys purchased before July of this year might be the old toys.

Some toys on the FDA's September list have been banned as recently as September 15.

"We're still finding a lot of toys on the market that can cause safety problems," said Walter Johnson of the Bureau of Product Safety.

This Christmas the consumer will receive little information about toy safety or redesigned toys from store clerks, from manufacturers or from the package that the toy comes in.

"Unfortunately the retailers are always the last to know anything in a safety issue," Johnson said.

The Free Press found that some retailers hadn't seen or heard of the FDA's most recent list.

"I doubt if all our clerks would know about the banned toys," said Jim Clark, toy buyer for the J. L. Hudson Co. "I would hope that the clerks ask the supervisors if they don't know," he said.

"We're trying to help the customer buy safe toys and those that aren't too old for the child," he said. "To my knowledge we don't have any toys that have been banned or remodeled."

The toy buyer at Sears Roebuck and Co., said the sales clerks in his store were not aware that the banned toys had reappeared on the market as redesigned toys.

"The point had never come up. We had not communicated with our people," he said and added that Sears was going to send a teletype with this information to all its stores in the Detroit area.

A salesman in charge of toys for one of the Kresge stores said he had not been sent a list of the banned items.

Toy manufacturers won't be much help this year either because they rarely code toys or identify them by lot or batch number.

The toy industry is not as sophisticated as the food and drug industries, which code their products for quick identification if something is hazardous, says one local FDA official.

Instead the toy industry has redesigned many of its products and sent them back to retailers bearing the same identifying numbers—if there were any numbers on the toy at all. In many cases the toy was simply redesigned and put back on the market without any identification.

"Naturally we don't advertise on the box that this toy had been banned and is now redesigned," said one toy industry executive.

The FDA is considering a regulation that would require coding throughout the toy industry.

But in the meantime, the FDA's Blend says: "I'm willing to bet there will be a lot of voluntary coding when consumers start calling the toy firms to ask if such and such a toy is safe. I'm sure they are calling them now."

For example, when the Stahlwood Toy Manufacturing Co. of New York began having retailers ship back some of its redesigned toys it began adding an "s" for safety to the numbers on its redesigned toys.

Stahlwood's Tutti-Fruitee Squeeze Toy number 140 has become Tutti-Fruitee Squeeze Toy number 140s.

The competitive toy industry, which numbers some 12,000 firms, has been reluctant to code its products because anything (such as coding) that would even marginally increase costs could affect profits, said the FDA's Johnson.

Information on the toy packages isn't likely to be very informative although you may see some packages that offer some information.

A spot check of squeeze toys in a dime store showed that a few of the toys were labeled "safe and non-toxic" meaning that a child could chew it and not be poisoned by the paint on the toy. But some of these say nothing about the type of squeaker in the toy.

One toy made by Arrow Products, Mineola, N.Y., was labeled "safe, approved toy with specially designed device to hold squeaker for child safety."

Be careful with the word "approved". The Food and Drug Administration doesn't approve any toy offered for sale. It gives informal guidances to toy firms on the safety of its products but does not give an approval stamp to anything.

The agency, can, however, acting under the provisions of the Toy Safety Act require a firm to put cautionary labeling on products that are deemed hazardous.

One such group of products that are back on the market this year with labeling saying the product must be used by adults are the various lawn dart games. Several models of lawn darts were banned last December because of inadequate labeling. The games are now sold in adult sporting goods sections rather than toy sections of department stores.

The FDA would also like to see manufacturers label all toys according to the age group for which it is intended. Some toys may be hazardous to a three-year-old but not to an eight-year-old. Either FDA regulations or a voluntary industry standard on such labeling may not be far off.

For example, Johnson of the Bureau of Product Safety said that some molding sets that mold things like metal soldiers resemble volcanoes. These are appropriate only for children over 10, he said.

Estimating any potential hazard for a certain age child is one of the first things a parent should do when selecting toys.

But he may have to watch for other things too because of minimal help from retailers and manufacturers.

"Parents should use a little more common sense and discretion than they usually do," Johnson said. "Most people buy the toys they would like to have rather than the toys that are safe."

"People tend to buy what's attractive," said Robert Jones, a salesman for the Stahlwood Toy Manufacturing Co.

Jones bemoaned the fact that the high-impact plastic baby rattles his company will soon be making won't be as brightly colored as the regular plastic ones.

"I'll tell you how a consumer can tell a rattle made from the high impact plastic. It's dull and unattractive," he said. "The colors will be faded."

But the high impact rattles will withstand breakage and thus prevent the rattle's insides from shaking loose and being swallowed by a child.

The FDA's list of banned toys included several rattles that exposed small objects and sharp wires when they were broken.

One test the FDA uses on plastic rattles and other plastic toys is to drop them from a height of four and a half feet 10 times onto a tile floor. If the toy breaks during any of the trials and exposes hazardous parts, the toy fails the test.

Some of the squeaker toys that have been redesigned may not have any squeaker at all. They'll be self-squeaking.

"They won't be too noisy and won't be as fascinating, but to get something you have to give up something," said Jones.

Other squeeze toys will have the squeaker recessed into the toy and glued in place so it can't be pulled out.

It might be wise for parents to manipulate the squeeze toy to determine if the squeaker is firmly planted inside.

Another set of toys that will have design changes or may have already been changed are electrical and thermal toys such as little girl's toy ovens that bake cakes like mother's real oven.

The interior of the oven gets hot enough to bake a cake—about 350 degrees. Manufacturers are trying to minimize the external surface temperature of the ovens.

Robert Pollock, quality control director for Kenner Products Co. of Cincinnati, said his company is trying to keep the external temperatures near the vent holes of its plastic oven under 170 degrees.

At this point there are no FDA regulations for the external temperatures of toy ovens or for other oven features. The agency hopes that regulations will soon be proposed that will set maximum temperatures for these oven surfaces.

For example, a maximum of 149 degrees would be allowed for metal surfaces although higher temperatures would be allowed for wood, glass and plastics which don't conduct heat as efficiently. Automatic locking devices would be required to prevent accidental opening of high-temperature ovens

and electric cords would have to withstand a pull of 40 pounds.

The FDA's Johnson urges caution in buying these toys. He advises the consumer to look for the Underwriters Laboratory (UL) seal on the product. The UL seal assures that an electrical product has met minimum safety requirements.

Make sure there is adequate insulation, not just a sheet of thin plastic around bare wires. Check the thickness of the side panels of these toys for their insulating ability and also the smoothness of the panel edges.

Of course, there are the obvious things on toys that parents must not overlook—such things as dolls' clothing attached by straight pins and stuffed animal's eyes that can easily pop out.

Even that old time favorite Raggedy Ann may not be as innocent as she looks.

Johnson said that the old model Raggedy Ann was constructed with spikes in her legs that were shoved into a wad of toilet paper. The new model is made with the body parts joined together.

---

JUNE 29, 1971.

CHARLES C. EDWARDS,
*Commissioner, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C.*

DEAR COMMISSIONER EDWARDS: I have long been interested in the subject of toy safety, and as a sponsor of the Child Protection and Toy Safety Act of 1969, believed that its enactment would result in the prompt elimination of hazardous toys from the marketplace.

I was bitterly disappointed when, less than a month before Christmas Day of 1970, it was discovered that unsafe toys were being sold and that the Food and Drug Administration had not taken the strong action intended by Congress when it enacted the Child Protection Act.

Now it is less than six months until Christmas, 1971. It is not too early, in my estimation, to seek assurance from the Food and Drug Administration that every possible action is being taken to fully implement the Child Protection Act. While unsafe toys should be barred from store shelves at all times, the large numbers of toys sold during the Christmas season make it appropriate for the FDA to plan a special toy safety campaign during that period.

I would strongly recommend, in light of the experience of Christmas, 1970, that the FDA begin *now* to plan a vigorous and comprehensive Christmas "Toy Safety Check" campaign to be implemented no less than three months before December 25, 1971. The assurance that Christmas toys are safe is, in my view, the best gift we can give to American children and their parents.

The principal component of the special Christmas Toy Safety Campaign should be increased and intensive surveillance of stores by the FDA field representatives. If regular FDA manpower is insufficient for the task, I would suggest that the field staff be augmented by voluntary manpower recruited from among consumers and provided with training in the identification of hazardous toys and other products designed for use by children.

Finally, I would like to address myself to some specific provisions of the Toy Safety Act, and the Food and Drug Administration's implementation of these provisions.

1. Imminent Hazard—As you are aware, the Act gives the Secretary of Health, Education and Welfare the authority to declare a dangerous toy an imminent hazard to the public health, he may declare the toy a banned hazardous substance, thus prohibiting its sale immediately upon publication of an order in the Federal Register. Apparently there is some reluctance on the part of the Food and Drug Administration to use this authority. I note that even though a number of toys have been identified as dangerous and available for purchase, the FDA has never used the "imminent hazard" provisions of the Act but, instead has chosen slower administrative procedures or negotiation. What plans do you have to utilize the imminent hazard provisions of the Toy Safety Act?

2. Thermal and Electrical Hazards: The Food and Drug Administration has promulgated regulations regarding toys with mechanical hazards. At this writing, more than 18 months after the effective date of the Act, the Food and Drug Administration still has no regulations applying to toys with thermal or electrical hazards as provided by the Act. When does the FDA plan to promulgate thermal and electrical hazard regulations?

I would appreciate a response at your earliest convenience.

Very truly yours,

JAMES G. O'HARA.

---

JULY 29, 1971.

CHARLES C. EDWARDS,
*Commissioner, Food and Drug Administration, Department of Health, Education and Welfare, Washington, D.C.*

DEAR COMMISSIONER EDWARDS: On June 29, 1971 I addressed a letter to you commenting on the FDA's administration of the Child Protection and Toy Safety Act of 1969. To date, I have received no reply nor even an acknowledgement of receipt of my letter.

A copy of that letter is enclosed, and a response at your earliest convenience would be appreciated.

Very truly yours,

JAMES G. O'HARA.

---

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE, FOOD AND DRUG ADMINISTRATION,
*Rockville, Md., September 13, 1971.*

Hon. JAMES G. O'HARA,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. O'HARA: Commissioner Edwards has asked us to extend our apologies for the delay in answering your June 29 and July 29, 1971 letters about our hazardous toy activities under the Child Protection and Toy Safety Act of 1969. An unusually heavy volume of mail in the last three months has prevented us from replying as promptly as we would have liked. We regret any inconvenience you may have suffered.

Please be assured the Food and Drug Administration is committed to an effective program to reduce hazards associated with the use of toys. You may be interested in some of the major actions we have taken as well as our current and projected programs in this area.

For example, we are conducting a survey of toy manufacturers to detect toys subject to banning regulations.

This survey of products manufactured by approximately 170 firms is expected to be completed by the end of this month. More than half of the inspections will be conducted in the New York Toy Center, where major manufacturers display samples of their toys.

Also, members of our Bureau of Product Safety staff involved in the enforcement of the Child Protection and Toy Safety Act have visited the toy center to preview some of the items which we anticipate will be advertised for this Christmas season. Additional visits will be made later this month.

As of August 23, 1971, a total of 63 firms have had one or more toys found to be a "banned toy." In all, 148 of the approximately 600 toys examined were determined to be banned. Since April 12, 1971, a total of 61 toys were found to need voluntary correction of a hazard. These toys were not subject to a specific banning regulation.

The following banning regulations were published in FY 71:

Banned Toys
a. Toy rattles
b. Noisemaker toys.
c. Dolls, stuffed animals, etc.
d. Lawn darts
e. Toy caps

Regulations currently being developed include:

1. Banned Toys
a. Clacker Balls
b. Baby Walker/Bouncers
c. Toys with with sharp points
d. Lead paint on toys
e. Toys with aspiration and ingestion hazards
f. Toys with thermal/electrical hazards
g. Pacifiers (other than those classed as medical devices)
2. Age labeling of toys
3. Fireworks (banning of additional fireworks)
4. Repurchase regulations
5. Product coding regulations
6. Children's furniture (cribs, bassinettes, chairs, mesh playpens, etc.)
7. Revision of regulation on dolls to add aspiration, ingestion and asphyxiation to the present potential hazards, as a basis for banning.

When a toy is examined by our Toy Review Committee and is found to contain a hazard that is not covered by a banning regulation, the firm is asked to tell FDA how it plans to eliminate the hazard.

We believe this has been an effective way of increasing consumer protection and, at the same time conserving FDA field resources, judging from the better than 90 percent positive response to our requests.

In addition, toy manufacturers have voluntarily submitted samples of toys directly to the Committee for evaluation, often prior to marketing. We then provide advisory opinions on their status under the law.

As an example of such voluntary activity, we are considering surveying toy protective sporting equipment—football helmets, shoulder pads, catchers masks, baseball protective caps, etc. We plan to take these matters up with the affected industry if hazards are encountered.

We also are encouraging preparation or revision of voluntary industry standards to reduce children's injuries by cooperating with:

1. Motorcycle Industry Council (minibikes).
2. Underwriters' Laboratories (vaporizers).
3. Association of Playground Equipment Manufacturers (playground equipment).
4. Toy Manufacturers Association (infant's and pre-school toys).

As you will note, we are developing regulations covering toys with thermal and electrical hazards and we plan to publish a comprehensive proposal on this matter soon.

With respect to imminent hazards, a final regulation was published July 1 in the *Federal Register*. A copy is enclosed.

You can be sure we share your concern about the safety and welfare of our children; and we are moving as quickly as staff and resources permit to assure that all toys on the market are safe.

Please let us know if we can be of further assistance.

Sincerely yours,

M. J. RYAN,
*Director, Office of Legislative Services.*

---

IMMINENT HAZARD TO PUBLIC HEALTH

In the FEDERAL REGISTER of December 9, 1970 (35 F.R. 18679), the Commissioner of Food and Drugs proposed a statement of interpretation and policy defining an "imminent hazard to the public health" within the meaning of the Federal Food, Drug, and Cosmetic Act and the Federal Hazardous Substances Act.

In response, comments were received from individuals, from manufacturers and distributors of foods, drugs, and toys, and from associations representing industry and consumers. The comments can be summarized as follows:

1. The proposal is invalid insofar as it re-

lates to the Federal Food, Drug, and Cosmetic Act in that:

a. Section 507 of the act does not contain "imminent hazard" provisions authorizing the summary removal of antibiotic drugs from the market.

b. The statute precludes delegation to the commissioner of the authority conferred upon the Secretary of Health, Education, and Welfare by the "imminent hazard" provisions of sections 505 and 512 to suspend approval of an application for a new drug or a new animal drug.

c. The proposal defines an "imminent hazard to the public health" and does not define an "imminent hazard to the health of man or of the animals for which the drug is intended," the criteria in section 512.

2. The proposal should provide for the declaration of an "imminent hazard" only in the absence of equally effective alternative measures. In such instances, interested persons who would be adversely affected should be given advance notice and an opportunity to advance arguments against the issuance of such a declaration.

3. Because of the dissimilarity between those products subject to the Federal Food, Drug, and Cosmetic Act and those subject to the Federal Hazardous Substances Act, a separate defining statement should be promulgated under each act.

4. The proposal is improper to the extent that it permits consideration of the number of anticipated injuries as a factor in the exercise of the judgment whether an "imminent hazard" exists; whereas, if the anticipated injury is not trivial, the fact that only a few people may be harmed is irrelevant.

5. To the extent that the proposal defines an "imminent hazard" as other than a hazardous substance presently in distribution, the definition is contrary to the terms and purposes of the Child Protection and Toy Safety Act of1969 (Public Law 91-113, which amended the Federal Hazardous Substances Act).

The Commissioner has evaluated the comments and finds that:

1. The proposal is not invalid, as it relates to the Federal Food, Drug, and Cosmetic Act:

a. Section 507 of the act, while not explicitly containing the term "imminent hazard," does require that regulations promulgated to provide for certification of antibiotic drugs contain provisions necessary to assure the safety and efficacy of such drugs. To effectuate these purposes, 21 CFR 146.1 provides that an order issuing, amending, or repealing an antibiotic drug certification regulation may be made effective immediately when the Commissioner finds it necessary to deal with an imminent hazard to the public health. The proposed definition is intended to be applied in such a situation.

b. Sectons 505 and 512 provide non-delegatable authority for the Secretary to suspend approval of an application for a new drug or a new animal drug if he finds there is an imminent hazard to the public health. This definition of imminent hazard will be the standard used by the Commissioner in making his recommendations to the Secretary on whether or not an "imminent hazard" exists regarding a new drug or new animal drug.

c. The term "imminent hazard to the public health" includes the concept of "imminent hazard to the health of man or of the animals for which the drug is intended," as those words are used in the Animal Drug Amendments of 1968.

2. The proposed definition does not preclude the Commissioner's employing equally effective alternative remedies when available. He would, under appropriate circumstances, consult with interested persons before arriving at a final conclusion that an "imminent hazard" exists.

3. The definition of "imminent hazard" is meant to apply to, and does apply to, all products subject to the Federal Food, Drug, and Cosmetic Act and the Federal Hazardous Substances Act. The impact on the public health of an "imminent hazard" will be substantially the same whatever the type of product.

4. The definition does not preclude the finding of an "imminent hazard" solely because the anticipated injuries are few in number. On the contrary, it is intended to provide notice that even few anticipated injuries may result in a finding of "imminent hazard" if the nature, severity, and duration of the anticipated injury so warrants.

5. Distribution in interstate commerce of a hazardous product does not in and of itself warrant a finding that the product necessarily presents an "imminent hazard" to the public health. Were this not so, this additional category of hazard in the statutes would not be needed.

Therefore, having considered the comments received and other relevant information, the Commissioner concludes that the proposal should be adopted without change. Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 507, 512, 701(a), 52 Stat. 1052-53, as amended, 1055, 59 Stat. 463, as amended, 82 Stat. 343-51; 21 U.S.C. 355, 357, 360b, 371(a)) and the Federal Hazardous Substances Act (secs. 2, 3, 10(a), 74 Stat. 372-75, as amended, 378; 15 U.S.C. 1261-62, 1269), and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 3:

§ 3.73 Imminent hazard to the public health

(a) Within the meaning of the Federal Food, Drug, and Cosmetic Act and the Federal Hazardous Substances Act, an imminent hazard to the public health is considered to exist when the evidence is sufficient to show that a product or practice, posing a significant threat of danger to health, creates a public health situation (1) that should be corrected immediately to prevent injury and (2) that should not be permitted to continue while a hearing or other formal proceeding is being held. The "imminent hazard" may be declared at any point in the chain of events which may ultimately result in harm to the public health. The occurrence of the final anticipated injury is not essential to establish that an "imminent hazard" of such occurrence exists.

(b) In exercising his judgment on whether an "imminent hazard" exists, the Commissioner will consider the number of injuries anticipated and the nature, severity, and duration of the anticipated injury.

(Secs 506, 507, 512, 701(a), 52 Stat. 1052-53, as amended, 1055, 59 Stat. 400, as amended, 82 Stat. 343-51, 21 U.S.C. 355, 357, 360b, 371(a), secs. 2, 5, 10(a), 74 Stat. 372-75, as amended, 378, 15 U.S.C. 1261-62, 1269)

## VETERANS DAY, 1971, WAS A MEMORABLE MONDAY HOLIDAY

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. McCLORY. Mr. Speaker, on Monday, October 25, 1971, the people of the United States commemorated Veterans' Day by paying tribute to those brave men and women who have responded to their country's call in time of war and national security. This year, for the first time, this tremendously important day in our national life was celebrated on the fourth Monday in October. As the author of the Monday Holiday Act, I am extremely gratified to know that millions of veterans and nonveterans alike were able to reflect on the meaning of this national legal holiday over a long 3-day weekend.

This year's Veterans' Day was far more memorable for me than in previous years for another very important reason. Due to the long weekend holiday, a great many citizens—including a number of Members of Congress were enabled to visit veterans being cared for in our various veterans' hospitals. I took occasion this past weekend to visit the Downey Veterans Hospital in Downey, Ill., in my congressional district. For the patients at Downey, this holiday in their honor meant that loved ones from afar could travel to see them over the weekend. Others were able to return to their homes to be with friends and relatives. In earlier years, these same opportunities were far more limited.

Mr. Speaker, the message which Members of Congress took to veterans all across the land was that Congress will not forget them and will not rest on past actions but will continue to press for solutions to the problems which these men and women must bear.

Mr. Speaker, during my recent visits with veterans at Downey Veterans Hospital and elsewhere, I have become more convinced than ever that "the bravest are the tenderest." They ask so very little of us and they have given so much.

I am proud to be a Member of this House, Mr. Speaker, but I am far prouder to be an American. Veterans' Day—the fourth Monday of October—affords an excellent opportunity to express our pride, our affection, and our gratitude to our gallant veterans.

## PRAYER AMENDMENT

### HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. WYLIE. Mr. Speaker, I commend to the attention of my colleagues the following communications which I received today in support of House Joint Resolution 191:

CUYAHOGA FALLS, OHIO,
*November 4, 1971.*

CHALMERS P. WYLIE,
*U. S. Congress,*
*House of Representatives,*
*Washington, D.C.:*

Please support the amendment for school prayer. Reaffirm the intent of this Nation's founders. Let us pray in schools, in public, and in private to promote the general welfare and secure the blessings of liberty to ourselves. I believe this to be part of our American heritage.

Prayerfully,

Rev. CHARLES W. EVANS,
*Northminster U.P. Church.*

---

AKRON, OHIO,
*November 4, 1971.*

Congressman CHALMERS P. WYLIE,
*Longworth Building,*
*Washington, D.C.:*

For prayer in and on all occasions, schools, public, private and all over America and the world.

Dr. WILLIAM S. PERRY,
*Past Pres. of Council of Churches,*
*Greater Akron.*

CUYAHOGA FALLS, OHIO,
*Nov. 4, 1971.*

CHALMERS P. WYLIE,
*House of Representatives, Washington, D.C.:*

Official board Bethany United Church of Christ, Cuyahoga Falls, Ohio, favors voluntary non-denominational prayer.

NANCY READ,
*Secretary.*

---

STATEMENT OF BISHOP EDGAR A. LOVE, BALTIMORE AREA, UNITED METHODIST CHURCH, RETIRED

I am 100 percent in favor of restoring prayer to public schools and am quite willing to be quoted. Add my name to the list.

We put "In God We Trust" on our coins and the Judeo-Christian tradition has guided the destiny of this country. The spiritual undergirding of our nation must be preserved and I favor prayer in the schools as a means of so doing.

---

THE WORLD METHODIST COUNCIL,
*Philadelphia, Pa., November 2, 1971.*

Hon. CHALMERS P. WYLIE,
*House of Representatives,*
*Washington, D.C.*

MY DEAR CONGRESSMAN: The great mass of so-called "silent voters" of the USA are grateful to you for promoting the permissive and voluntary right of prayer and Bible reading to be returned to the public schools through your Joint Resolution 191.

We believe that total education which is the responsibility of the public school must include the recognition of the transcendent spiritual, as well as secular, social and political realities of education.

We also believe that the existing interpretation of the Supreme Court on this issue is discriminating in favor of a minority on the principle that if a few do not want it, not even a permissive and voluntary provision should be made to permit the majority to have it.

Furthermore, we believe that the Supreme Court used the word "establishment" in support of their decision in a secular sense and not as the Fathers of the Constitution see it.

We believe also that the people through their elected representatives should have a voice in this important permissive phase of the education of their children. Above all at this particular hour of secularism at its worst in America, the recognition of the supernatural through voluntary and permissive exercises in the public school is our children's right within the Founders' meaning of the Constitution. You have our active support in this effort.

Sincerely yours,

FRED P. CORSON.

---

ST. SIMONS UNITED
METHODIST CHURCH,
*St. Simons Island, Ga., November 2, 1971.*

Representative CHALMERS P. WYLIE,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN WYLIE: I greatly appreciate the effort you are making toward having prayer placed back in the public schools. There are a few ministers who have been very vocal in opposing this, but I personally feel that they are a small minority of the ministers of our nation.

Our founding fathers did not want a State-Supported Denomination but I have never felt that they wanted to exclude religion from our nation.

I think we have already experienced some moral let-down on the part of youth as a result of taking prayer out of our public schools. I personally would rather have a Catholic prayer or a Jewish prayer than no prayer at all. The Supreme Court has gone to the extreme in the decision opposing prayer in our public schools and has set a dangerous precedent. If this idea were carried to the extreme, there would be no chaplains for our young men in the Armed Services and we would not even have a chaplain for our Senate or the House of Representatives whose salaries would be paid out of the United States Treasury.

Please do all that you can to let the House of Representatives know that there are thousands of the clergy in this country who very much want prayer back in our public schools. We deeply appreciate what you are doing. I plan to write many of the Congressmen of our states and would be glad to help in any other way possible.

With kind personal regards.

Fraternally yours,

DAVID CRIPPS.

---

LEGION COMMANDER URGES HOUSE TO APPROVE PRAYER RESOLUTION

The American Legion National Commander John H. Geiger, of Des Plaines, Ill., today urged members of the House of Representatives, set to vote November 8 on the School Prayer Constitutional Amendment, to "search their consciences," to restore the right of Americans to participate in prayer in public schools. The full text of Geiger's statement follows:

"I am gratified to note that the House of Representatives will consider the 'School Prayer Amendment' proposal on November 8. The American Legion has long been mandated to seek appropriate legislative relief to permit those who desire to participate in voluntary prayer in tax-supported institutions. Legionnaires everywhere believe that our government, dedicated to the principles of religious freedom from its inception, should extend that concept of religious freedom to permit non-coercive and individually voluntary prayer in the public schools.

"I urge the members of the House of Representatives to search their consciences, and consider the will of the vast majority of Americans who believe in prayer to a supreme being. If they do so, I am certain we can expect from our representatives far more than the two-thirds majority necessary to pass this measure."

---

A PROPER VIEW OF THE PRAYER AMENDMENT

Mr. Speaker, the following editorial appeared in the November 4 issue of the Los Angeles Herald Examiner. It deals with the prayer amendment which will be voted on November 8. It is concise and well-written and I feel that it should receive the serious consideration of my colleagues.

PUBLIC PRAYER

The House next Monday is expected to vote on a constitutional amendment which would allow non-denominational prayers in public buildings.

Long bottled up in the Judiciary Committee, the proposed amendment was prodded out of the committee by a collection of 218 signatures—representing a majority of all House members—on a discharge petition sponsored by Rep. Chalmers Wylie, R-Ohio, the amendment's author.

It is intended to reverse the Supreme Court rulings of 1962 and 1963 that banned organized school prayer as a violation of the First Amendment guarantee of Religious Freedom.

The proposed amendment does not require prayer in schools or any other public buildings; it merely permits prayer.

The amendment states that "Nothing in the 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 non-denominational prayer."

To become part of the Constitution, the measure must be approved by a two-thirds vote in both Houses of Congress and ratified by three-fourths of the state legislatures.

Voluntary non-denominational prayer would not advance one religion over the other. Our founding fathers were divinely inspired when they founded our nation on the premise that there is a Supreme Being.

Our nation nurtured its strength from those concepts which always refer to the Diety. Indeed, our spiritual heritage is a reservoir of our strength and if our nation is to remain free, then we must remain a nation under God, as we say in the Pledge of Allegiance.

Citizens who believe prayers should be permitted in public buildings should contact their congressman in Washington, D.C., before Monday's vote.

Mr. Speaker, addressing the closing session of the recent 3-day conference of the Northeast Regional Council of Academic Affairs Administrators—hosted by Camden County (New Jersey) College—our colleague from New Jersey (JOHN E. HUNT) warned that Congress would not overlook the fact of the college-based radical attack on the establishment when it comes to pouring huge new sums of Federal revenues into the coffers of our already financially troubled higher educational institutions.

It was less than a year ago that the House Internal Security Committee, surveying the possible sources of revenues for an assortment of radical groups, reported:

Radicalization of students was advanced on many campuses by an assortment of speakers ranging from pseudo-intellectuals who exaggerated what may be bad about our society to anarchists and nihilists who denounced even that which is good about America. In far too many instances, such radical orators (by preaching disruption, destruction and violence) would appear to transcend the cherished First Amendment rights of free speech . . . They addressed students whenever convenient—on a mall, in a dormitory or in classrooms. And for the privilege of often seeming to incite impressionable audiences to riotous behavior or resistance to law, such persons were reported as receiving as honoraria rather handsome fees.

Of the 99 colleges and universities responding to the committee's survey, representing less than 4 percent of the Nation's colleges and universities, 1,168 speakers delivered 1,414 speeches over a period of 2 school years between 1968 and 1970 and received honoraria amounting to $911,835, or almost $650 per speech.

The committee concluded:

Since, in a sampling from 3.8 percent of institutions of higher education, funds in this volume are derived by such persons, the Congress of the United States can reasonably conclude that the campus-speaking circuit is certainly the source of significant financing for members or supporters of organizations promoting disorderly, violent, and revolutionary activity. Speaking appearances not only produce revenues but also afford a forum where the radicalization process may be continually expanded.

Mr. Speaker, I want to commend Mr. HUNT for his forthright position on this sensitive issue.

## BUSINESSMEN TUNE IN TO GOVERNMENT

**HON. JOHN B. ANDERSON**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. ANDERSON of Illinois. Mr. Speaker, I had the occasion recently to read an address by Mr. Herbert P. Patterson, president of the Chase Manhattan Bank, in which he calls on his fellow businessmen to make a greater effort to communicate with officials and representatives in Washington who handle the day-to-day legislative and executive branch business that so vitally affects all aspects of commerce and industry in our society today. He points out that Washington has become in effect the headquarters of a substantial part of the Nation's business which is conducted either under the auspices of or on behalf of the Federal Government. He goes on to say that vital legislation affecting every American businessman is daily being reviewed and revised in the Standing Committees of the House and Senate and is daily being enforced and implemented in the myriad offices of the Federal bureaucracy. In light of these developments, there are two things that businessmen cannot afford. First, they cannot afford not to know what is going on in Washington; second, they cannot afford to remain silent and to assume that their interests are being represented when they fail to make them known to their duly elected representative in the Congress at the appropriate time, which is during committee deliberations.

I think Mr. Patterson made some excellent points in this outstanding speech and I commend it to the attention not only of my colleagues, but to all American businessmen who understand the importance of keeping in touch with what is happening in the Nation's Capitol.

ADDRESS BY HERBERT P. PATTERSON, PRESIDENT, THE CHASE MANHATTAN BANK AT COMMERCE AND INDUSTRY ASSOCIATION NEW YORK CITY, SEPT. 22, 1971

ONE MANAGEMENT JOB THAT CANNOT BE DELEGATED

I'm very pleased to have this opportunity of appearing at your Forum and am gratified that you preferred listening to me rather than strolling through the park on this last day of summer.

Like most of you, I look forward to the summer months as a time to catch up on my reading. However, I now look back in dismay at the relatively few books and articles I've managed to read thoroughly.

I did find one article especially provocative. It appeared in the July–August issue of The Harvard Business Review under the intriguing title "The Sounds of Executive Silence."

Those of you who read it will recall that author Norman Adler points out that the stridency of both the radical left and the radical right is on the upsurge. The academic community has become increasingly vocal; politicians at all levels of government are rarely at a loss for words on any subject; yet from most corporate executives comes only silence.

The author deplores what he calls "this self-imposed intellectual and social celibacy," and he argues that businessmen make a serious mistake in shunning the national debate on vital economic and social issues—issues that are increasingly determining the well-being of our country and the conduct of our business enterprises.

Mr. Adler pleads his case as a lawyer and former corporate executive concerned with the broad role of business in our society. My own interest in the subject derives from my personal experiences over the past two years in broadening my contacts with government officials in Washington where the "executive silence" is often deafening.

For a few minutes this afternoon, I'd like to draw on these experiences and share with you some thoughts about the increasing need for more constructive dialogue between businessmen and government officials; the means for accomplishing this; and the benefits that can be realized from it.

As for the need, it seems to me that all we have to do is look around us. We see fully as many decisions being made on the future of business and banking in the halls of Congress these days as in corporate board rooms. Legislation on auto safety, air and water pollution, packaging requirements, cigarette advertising and other issues has had a profound impact on scores of businesses.

What Congress and the Executive Branch do over the next several months in implementing President Nixon's proposals may possibly shape our national economy for years to come.

I might say, parenthetically, that—given the drift of inflation and the drain on our dollar reserves—I feel the President had little choice except to act as he did in the emergency. But it is well to recognize that the steps he has taken in Phase One will not, in themselves, solve our economic problems. They will do no more than provide a breather for the country, so it can deal more forcibly with the fundamental causes of its economic malaise. Because controls—and none of us like them—inevitably and rather quickly lose their effectiveness, they are seldom a satisfactory solution for the longer run.

Ultimately, cooperation is the key: cooperation abroad, among the leading currency nations of the world and cooperation at home among labor, business and government. Those of you who must compete regularly against the Japanese have some idea of what the labor-business-government triad can accomplish through cooperation.

At the risk of seeming somewhat naive, I'd also like to suggest closer cooperation between the major political parties in curbing inflation. Bipartisanship in this area is, I know, always easy to talk about and difficult to accomplish. Yet that's what people used to say about our postwar foreign policy until a determined band, led by Senator Arthur Vandenberg, showed that cooperation was possible in bringing to fruition the Marshall Plan and the Atlantic Pact. In my judgment, the need for a similar bipartisan approach to inflation control is presently urgent and may determine America's economic fate in the Seventies and even beyond. It is simply not possible to plan the course of an economy as vast and complicated as ours within a two-year election cycle.

Some of the main hazards facing the economy in the decade ahead are governmental. As Fortune Magazine pointed out recently, the U.S. cannot have a continuing healthy economy unless it improves the quality of its government. If we in business want to promote this improvement and have a voice in the decision-making process, we must come to know government officials and keep our point of view constantly before them, just as labor and other segments of society are doing.

So much, then, for the need.

What are the best means of meeting this need?

Surely, business associations such as Commerce and Industry perform an indispensable role in furthering better communications between businessmen and government officials. They can be highly effective in handling broad problems that may extend well beyond the reach of individual companies.

But businesses associations don't relieve the executive of his own personal responsibilities in the government relations area. The time is long past when top executives could rely entirely on others to do their work of communicating with government.

This is a job that's become too important for top management to delegate. It has become a do-it-yourself project. The executive himself can be far more effective in presenting his company's views on major issues than anyone else can on his behalf.

During the past two years, as I indicated earlier, I've tried to practice what I preach by going to Washington every few weeks to talk with Senators, Congressmen and other government officials.

Washington has been described as a marvelous blend of southern efficiency and northern hospitality. Commuting to there may not be everyone's idea of fun. Nonetheless, it is the "Headquarters City" of the world's biggest borrower, biggest lender and biggest spender . . . a "Headquarters City" where each day decisions are made which profoundly affect our business and personal lives.

Moving around Capital Hill and calling on Federal agencies in downtown Washington is the best way I know of getting a "feel" for which issues are primary and which are secondary. No matter how many "confidential" reports an executive reads, the only way be can absorb the mood of Washington is to be on the scene. Legislators have a pretty good grasp of public opinion, and today's vocal public opinion has an amazing way of becoming tomorrow's legislation.

I've spoken with some businessmen who acknowledge frankly that they are timid about calling on their Congressmen or testifying at Congressional hearings. I must confess that I myself started out with some trepidation, if only because the prime rate was then at its highest level since the Civil War. In fact, my associates wouldn't even let me call on Congressman WRIGHT PATMAN until my third visit.

However, the reception has always been cordial and the conversation pleasant. You may have to cool your heels while a Congressman shuttles over to the Capitol to cast a vote, or has his picture taken on the steps with a visiting 4–H Club from back home, but most lawmakers do welcome visits from concerned businessmen.

A California Congressman explained to me one reason why. "We can read a bill," he said, "and not see that its going to hit a certain industry. You people know immediately that it would have an effect on your particular business or your community. That's when you should get on the phone or write a letter, or, better, come down to Washington."

As you know, members of our New York congressional delegation all have offices right here in the area as well as in Washington, so you can often find them in town on Mondays and Fridays when they are home mending fences.

Well, you may ask, why would a Congressman want to see me? What have I got to offer him?

For one thing, you have information—or ready access to it—and that's an extremely valuable commodity in Congressional circles. Too many businessmen assume that legislators are experts on every conceivable subject. That's an obvious physical impossibility, as the legistlators themselves are the first to admit. After all, more than 15,000 bills and resolutions have been introduced in Congress just since January. The average Congressman's research facilities are considerably

limited, so he's more than glad to have information that will help him do a more efficient job.

For example, I have found one Congressman who was deeply interested in the various options open for funding public education, and our economists at the bank provided him with a cost-benefit analysis. A Congressional Commitee wanted to know how many new manufacturing plants had been denied natural gas servicing over the past few years, and our Energy Division was able to come up with the answer. During one monetary crisis, a Congressman wanted to explain to his constituents what was going on, so I agreed to appear as "guest panelist" on his local television program.

Admittedly, these are areas that a bank would be likely to have more background on than other businesses. But if you take a hard look at your own field, the chances are you'll find many information sources that could prove very helpful to Congressmen and, at the same time, provide a means of closer communication.

As Senators and Representatives are favorably impressed when businessmen do take the time to plead their case personally, the benefits can be well worth the effort.

This point was underscored a few weeks ago during the Congressional inquiry into the Lockheed case. When Chairman Wright Patman opened hearings on the legislation, no fewer than twenty-four bankers appeared to testify. Mr. Patman insisted that we give our name, rank and serial number. Virtually every man at the witness table was Chairman or President of his particular bank. Many Committee members commented approvingly on the willingness of senior executives to participate in the hearings themselves rather than delegating the task.

Another recent illustration of the benefits of personal contact involved the issue of interlocking directorates, a favorite target of corporate critics these days. The current best-seller, "America, Inc.," suggests that a handful of corporations, interlocked with large banks and insurance companies, control our pocketbook, our environment, out health and safety—and—through political contributions—even the machinery of govenment.

Such extravagant charges and the legislative proposals growing out of them are based on the assumption that interlocking directorates are inherently evil and automatically imply the passing of "inside information." One section of the so-called Bank Reform Act would have made it virtually impossible for commercial banks like ours to attract outside businessmen to serve on Boards of Directors.

The banking community pointed out that, under the bill we would have Boards restricted largely to retired individuals and inside directors. By the very nature of their positions, the latter would be subordinate to the Chairman, so he'd have no real accountability. Many Congressmen saw the validity of this argument, and these features have now been modified considerably in the latest legislative draft.

However, the benefits of Washington liaison work should not be judged solely by the success or failure of one piece of legislation, but by the opportunity it affords to get your story across on a sustained basis. It is important—in fact, imperative—to reinforce the dialogue between business and government, especially when you are not asking for any favorable consideration. In that way the communications channels will be open for the inevitable occasions when you want a Congressman to support your position.

Now obviously, nobody becomes an expert on Washington in two years and I am no exception, but on the basis of what I've learned so far, I would offer two concluding suggestions.

One is that businessmen are likely to fare better on Capitol Hill if they state positively what they are FOR rather than harping everlastingly on what they are AGAINST.

If you approach a Congressman with constructive suggestions you are likely to get a much more receptive hearing. Particularly is this true if you call on him while a bill is in the formative stages, when changes can easily be made.

On two occasions recently, once in Washington and once in New York, Congressmen have discussed with me their initial thoughts on a piece of legislation and asked for comments and even language for the proposed bill. On other occassions our bank has worked closely with the Executive Branch to provide ideas on implementing Congressional action.

Several Congressmen have complained to me that one of the most common mistakes businessmen make is to wait until the last minute and then try to summon them off the House floor to talk just before the final vote. Legislators resent this—and I suspect you and I would, too, if we were in their place.

The only thing worse is to say nothing at all during the weeks a bill is up for committee hearings and debate, then write your Congressman a brusque letter of complaint. More than one Congressman has noted ruefully that after having voted "Yea" on a measure on which his pre-vote mail had been running 5 to 1 in favor—he finds that the post-vote mail abusing him for his stand outnumbers the letters of thanks by 10 to 1!

My second and final suggestion, is that businessmen should be prepared and willing to speak out on social as well as economic issues.

One Congressman put it this way: "The only time I see or hear from businessmen is when there is talk of raising taxes or lowering tariffs. I'd like to see some of them when we're debating significant social issues that may not affect them directly, but will have a much greater indirect impact on their business, as well as their personal lives."

Business executives usually don't get where they are unless they are highly able, analytical and articulate about business matters. Why not then apply these same qualities to the world of social and political activity? The alternative may be further waves of restrictive legislation and further shifts of initiative from the private to the public sector.

In summary, I am utterly convinced that we need more activists in the top ranks of our business community—heads of corporations, who are willing to go to "Headquarters City" and become personally involved—thus replacing "executive silence" with raised executive voices on the great issues of the day.

---

## SPEECH OF HON. JOHN J. RHODES AT AMERICAN BANKERS ASSOCIATION CONVENTION

---

## HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. STEPHENS. Mr. Speaker, when the American Bankers Association met recently in annual convention in San Francisco, one of the featured speakers was our colleague from the First District of Arizona, the Honorable JOHN J. RHODES. His address was so well conceived and so well received that I, as a member of the House Committee on Banking and Currency concerned with the issues upon which he spoke, include in the RECORD the full text of Mr. Rhodes' address:

THE AMERICAN ECONOMY

It is a great pleasure for me to have this opportunity to address the American Bankers Association.

I intend to devote my remarks this morning to an issue that has somehow managed to drive the war in Southeast Asia out of the headlines. I refer, of course, to the American position in world trade and finance: not an esoteric topic for the members of this audience to be sure, but a subject normally considered mysterious by the general public and indeed, even by many Members of Congress.

Interestingly enough in view of the attention lavished on the problem in recent years, economists still argue over the exact meaning of the term *balance of payments deficit.*

First, it may refer to the *liquidity balance,* that is, to a comparison between U.S. liquid liabilities and our ability to meet these liabilities on demand. The steadily-widening gap between U.S. gold reserves and potential foreign claims on that gold has for a number of years been undermining confidence in the dollar abroad. On the day of the President's major economic policy changes, U.S. gold reserves were $10.5 billion and potential foreign claims were $51.9 billion. Thus, the gap stood at $41.4 billion. The very size of this gap itself, however, reduces the significance of the liquidity balance: foreign nations are well aware that any attempt to press their claims against the dollar would destroy it as an international currency, and do irreparable harm to their own economies as well as ours. With the dissolution of the gold pool, the establishment of the two-tier gold price system, and the President's August 15th announcement that the United States would no longer exchange gold for dollars on demand of foreign central banks, it is not now helpful to analyze the balance of payments problems only in terms of liquidity deficits measured in terms of gold.

Secondly, the term "balance of payments deficit" may refer to the *official settlements balance,* which is designed to measure the extent of the intervention by governments in exchange markets in order to maintain stable exchange rates. For some time prior to the current crisis, the stable exchange rate system was being undermined by transactions in the Euro dollar market which were occurring outside the normal settlements process. Since early this spring, moreover, a number of foreign currencies have been allowed to "float" in relation to the dollar, thus further impairing that system. Efforts to evaluate the significance of government intervention in exchange markets, to the extent that such intervention still continues, must therefore under present conditions be judged ineffective.

It makes sense, therefore, to use the term *balance of payments deficit* to refer to the difference between total autonomous payments by American nationals to nationals of other countries, and total autonomous receipts to our nationals from nationals of other countries, over a stated period of time. This approach makes it possible to measure the basic structural forces influencing the position of the United States in the international economy. The balance of payments account defined in this way includes such subsidiary accounts as the trade or merchandise balance, the balance of investment earnings, the balance on private capital account, and the balance on the U.S. government account. Taken together, these various balances indicate the overall state of the United States balance of payments.

There are several aspects of this method of looking at the balance of payments problem which I believe are insufficiently emphasized. Many items in the balance of payments ledger, for example, are closely interrelated. Thus, foreign aid and the direct investment of American capital abroad, usually counted as "deficit" items in balance of payments analysis, may—and usually do—lead to increased merchandise exports as a result of foreign purchases of United States goods with American dollars.

Moreover, the dilemma which European

nations confront as they evaluate the United States balance of payments problem is often forgotten. On the one hand, European bankers often express fear that as a result of its continuing balance of payment difficulties, the dollar will be permanently weakened and the United States will no longer be able to play the role in international commerce which it has assumed since World War II. On the other hand, European statesmen frequently worry that the United States will overcome its balance of payments deficit too precipitously, thus creating a shortage of dollars for currency reserve purposes abroad. The Nixon economic initiatives will hopefully force both the European nations and ourselves to face up to these problems, and move us toward a solution to the balance of payments problem that is beneficial to all participants in the world economic system.

Finally, the fact that its international receipts and payments are in balance in itself does not indicate that a country is either well-off, or strong economically, as the case of the so-called "emerging nations" quite clearly shows. Many of the underdeveloped countries have no trade deficit at all, because they have little to export and no domestic markets to attract imports. No one would suggest that we envy them. Deficits themselves, in fact, tell us little about the condition of a nation's economy: the balance of payments deficits suffered by the nations of Europe after World War II were clearly a sign of grave economic weakness, while United States deficits after 1947 were a function of the enormous economic strength which enabled us to spend billions on foreign aid and national security programs while maintaining a high level of prosperity at home.

Unfortunately, our present balance of payments problems are most certainly not a sign of economic strength. The relevant questions for the present, then, are these: how serious is the current adverse balance in the United States international accounts? What are the factors which led to the current deficit? What does it reveal about the state of the United States economy? How much of a threat is it to the international monetary system? Is it necessary to reduce the deficit, and if so, by what means?

At this point it might be useful to block out the parameters of the problem. The United States has been experiencing deficits in its international accounts every year since 1950, with the sole exception of 1957. During the past six years, the deficits have ebbed and flowed, reaching a low of $1.3 billion in 1968 and rising to $3 billion in 1970.

What is alarming is the *manner* in which these deficits have recently been created. Until 1964, the United States balance of payments deficit was almost totally a function of United States government expenditures abroad, plus the outflow of private capital resulting from investments by American business firms in overseas operations. No one expected government expenditures to continue at a high level indefinitely; and since private investments normally result in subsequent inflows of earnings on those investments : nd at the same time stimulate United States merchandise exports, few economists expressed great alarm concerning the long-term effects of the deficit. Moreover, the merchandise trade balance continued to be highly favorable to the United States. In 1964 the surplus of exports over imports reached a peak of $6.6 billion. That trade surplus has been declining ever since. For the first six months of this year, our trade balance has actually been in deficit, accumulating at an annual rate of $745 million. There is now a real possibility that we will run a deficit in our trade account for the full year of 1971, the first time in 78 years that this has occurred.

The overall deficit for 1971, in fact, may well approach $5 billion, despite the 10 percent import surcharge. And even that figure is deceptively low, since it does not reveal the extent to which private capital outflows are being held down by tax restrictions. The Office of Foreign Direct Investments of the Department of Commerce estimates that such restrictions have reduced capital outflows by $2–$3 billion a year.

An immediate cause of our rapidly-increasing balance of payments deficit is the astonishing increase of imports into the United States which began in 1965 and accelerated rapidly after 1967. An examination of import figures for the past decade is instructive here. According to Department of Commerce figures, since 1961 sales of foreign automobiles in the United States are up 1500 percent; non-electrical machinery, 622 percent; iron and steel products, 464 percent; scientific instruments, 652 percent; and clothing, 388 percent, as measured in millions of dollars. Between 1967 and 1970 alone, imports of finished consumer goods rose by 94 percent.

Many fail to realize the importance of a surplus of exports over imports to the overall condition of the American economy. There can be no doubt that the volume of imports into the United States held back the growth of the economy during the second quarter of this year, wrecking chances for the success of the Administration's previous game plan. It is not only true that domestic patterns affect world trade. Domestic economic developments themselves must always be affected by changes in the patterns of international economic relationships, and policymakers ignore that fact at their peril.

The reasons behind the growing United States difficulties in world trade are not difficult to identify. First would be the economic policies of the mid-Sixties, now widely judged to have been disastrous by economists of every school of thought. The orgy of deficit spending which began in 1965 and culminated in the $24 billion federal budget deficit of 1968, at a time of nearly full employment, led both to massive inflation and a flow of foreign imports into the United States. Inflation, of course, has a heavy impact upon our capacity to export: from 1965 to 1970, export prices rose 16 percent in the United States, 10 percent in Europe and only 9 percent in Japan. These figures alone go a long way toward explaining why we are expected to run a $3 billion trade deficit with Japan alone in the current year.

But the inflation of the past few years and the corresponding decline in the United States position in foreign commerce cannot be blamed only on government deficit spending. The "demand-pull" inflation of the middle and late Sixties, in fact, has been superseded by a "cost-push" spiral which is largely a function of the rising prices attached to American manufactured goods. And those rising prices, in turn, are largely a function of steadily-rising wages in excess of increases in the productivity of American workers. One of the best indications of productivity in the manufacturing sector is unit labor costs per hour. This country maintained steady unit labor costs during the 1950's and early 1960's despite significant wage increases because increased productivity matched wage increases. Since 1966, by way of contrast, the pay per hour of the American industrial worker has been rising at an annual average rate of 6.8 percent per year, while output per hour of work has been increasing by only 1.6 percent per year. Increased labor costs, of course, are quickly reflected in the price of goods, and thus our ability to compete with foreign products both *at home and abroad* has been steadily impaired.

The disappearance of our trade surplus has led to a dramatic rise in protectionist sentiment in the United States, which has already had a serious impact upon Congressional deliberations on trade issues. Demands for substantially higher tariffs, import quotas, and other trade restrictions are heard in every quarter. While temporary adjustments may in some instances be necessary to offset temporary disadvantages, or to counter unjust discrimination by other nations, the imposition of high protective tariffs under contemporary economic conditions would probably be counter-productive. At best, they would constitute a mere bandaid on a gaping wound, with temporary effects only. If the tariff device is employed at all, in fact, it ought to be utilized flexibly, to counter certain existing inequities in trade conditions which are beyond our power to eliminate.

The European Community is now the world's largest trading unit, whose exports have increased by a multiple of ten and whose real output grew by three-fold from 1950 to 1970. Similarly, Japanese exports increased by a multiple of 20 and her real output five-fold during the same period. These countries can now produce and compete with us on an equal footing, and we should insist that they do so. I regard the 10 percent import surcharge recently imposed by the President as essential to the short-run health of the American economy. Over the long term, however, I hope that this measure—along with similar devices now employed by virtually all of our trading partners—can be eliminated as part of a new world-wide move toward more free international trade.

Fundamentally, however, the American economy will never be restored to a condition of stable growth unless inflation is brought permanently under control. That, in turn, will not occur until means are found to deal with constantly-escalating demands, supported by liberal use of strikes in basic industries, for wage increases in excess of productivity. Pay increases already guaranteed for 1971 have reached a new high of 20.5 cents an hour: the five largest wage settlements of 1971 will result in an average increase of more than 30 percent in payroll costs in affected industries over the next three years.

If continued unchecked, these trends will literally destroy the American economy, both domestically through continued rampant inflation, and internationally in terms of our capacity to compete in world commerce. That is why I have introduced in the Congress legislation to deal effectively with labor disputes in industries which are vital to the national health and welfare.

Briefly, this measure would establish a five-man court to exercise jurisdiction in labor disputes in industry substantially affecting commerce. The jurisdiction of the Court would be invoked: 1) upon petition of The Attorney General, after all collective bargaining, mediation and similar efforts have failed, or: 2) upon petition of either party to the dispute.

In other words, the Court would become involved in a particular dispute after the parties themselves had exhausted all avenues for voluntary settlement, had failed to come to an agreement, and as a result, a work stoppage had occurred or appeared imminent. It could also be invoked if the President had determined a settlement to be inflationary, or otherwise inimical to the best interests of the country.

Once the jurisdiction of the court had been invoked, it would be empowered to enjoin any actual or threatened work stoppage for a period of 80 days. During this time, collective bargaining between the employer and the employee would continue under supervision of the Court, which would be authorized to issue whatever orders were necessary to induce the parties to make every effort to settle their differences through collective bargaining.

If, at the conclusion of the 80 day period, the parties advise the Court that a negotiated settlement is impossible, the Court will continue the strike injunction and set the case down for immediate hearing and final determination. All due processes of law will be guaranteed, and the parties will be

given every reasonable opportunity to present arguments in support of their positions.

Finally, a binding judgment will be handed down, covering all matters of dispute including rates of pay, hours, and conditions of work.

The result should be a reasonable settlement. The main winner will be society. The losses which come with national emergency strikes will be stopped; the economy will become more stabilized, and the costs of wildly-inflated settlements will not continue to be an ever increasing burden to the consumer, and to American efforts to remain competitive in international trade.

This is not a revolutionary idea. We in this country and in the Anglo-Saxon world submit every known dispute to our courts for solution. Labor-management relations disputes should be no different; their characteristics do not justify the abandonment of our traditional concepts for making final determinations. Leaving final solutions in labor disputes to the law of the fang and the claw, which is the economic barbarism which we, today mistakenly call "labor-management relations," is certainly not to be tolerated much further.

I have deliberately said nothing about interest rates for two reasons. In the first place, I do not believe in talking about a matter in which the audience is much more expert than I will ever be. The second reason, of course, is that governmental action as well as interplay of the money market has much to do with interest rates. Therefore, for the purposes of the present discussion, I will merely indicate that interest is certainly an important element in the determination of commodity prices and express my hope that the banking industry will do its level best to invoke whatever self-discipline is necessary to keep interest rates reasonable under existing circumstances so that the economy may be aided thereby, rather than deterred in its efforts to expand.

There are, of course, many other dimensions to the current international monetary crisis with which I cannot deal this morning. The balance of payments problem of the United States is only one part of the larger problem of maintaining an adequately-functioning international monetary system. Since few, if any, nations in the present era are willing to allow their domestic economies to adjust freely to each other through the interplay of broad international economic forces, as was the case under the "free gold" standard of the 19th Century, ways must be found to provide adequate liquidity for the settlement of international accounts. Use of Special Drawing Rights during the past 18 months has provided a partial solution to this problem. The Special Drawing Rights concept requires further exploration by the nations of the free world, with a view towards expanded utilization of the device. Finally, a number of important economists both in and out of the academic life have suggested the use of free-floating exchange rates as a way of solving the current international monetary crisis. Should free-floating exchange rates be adopted by the major trading nations, changes in the conditions of supply and demand would be met by adjustments in capital flows and the composition of international trade as well. While many regard this proposal as too drastic to be justified under current conditions, it may offer the best long-range solution to the liquidity problem.

But no matter what measures are taken by the world's monetary authorities in the complex negotiations now beginning, it is clear that a healthy dollar is essental to a smoothly-functioning world monetary system. That is why we must look not to panaceas from abroad, but to economic discipline here at home to solve the balance of payments problem which confronts us.

The time has arrived for the United States to face up to its own problems—not with gimmicks and economic bandaids, as we did so often during the 1960's, but with sound policies directed at the real causes of our difficulties. I believe that the present Administration is doing exactly that. If we in our capacities do the same, the balance of payments problem will be solved, and we will proceed to lay sound foundations for an American economy strong enough to fulfill the many demands placed upon it.

---

## THE PRESENT CIRCUMSTANCES OF HIGHER EDUCATION


### HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES


*Thursday, November 4, 1971*

Mr. ESCH. Mr. Speaker, over the past 5 years higher education has undergone a period of turmoil and unrest. The situation appears to be quieting down now, but the fiscal problems which private colleges and universities must face remain as indicated in the recent debate over the higher education bill of 1971. For this reason, I am introducing a report which was submitted to Counselor Robert H. Finch in October 1970. This article articulates the several points of view taken by the heads of small colleges. I think my colleagues would appreciate hearing these viewpoints which I am introducing at Counselor Finch's request.

COUNSELOR'S CONSULTANTS FROM PRIVATE COLLEGES AND UNIVERSITIES—REPORT ON THE PRESENT CIRCUMSTANCES OF HIGHER EDUCATION

The Consultants: John A. Howard, President, Rockford College, Chairman; David Andrews, President, Principia College; Alexander Jones, President, Butler University; and Roy F. Ray, President, Friends University.

INTRODUCTION

The amount of turmoil and disruption within the academic community and the uneasiness of the general public about what is taking place on the campus call for some searching thought about the nature, the functions and the policies of the academic institution and suggest the need to re-examine the assumptions which have shaped higher education in this country.

Three assumptions which have had wide acceptance are worthy of preliminary consideration. The first is that the academic process is so central to man's welfare that it is self-justifying—whatsoever the college or university chooses to do is inherently valuable because it is a college or university which chooses to do it. The second assumption is that an academic institution because of its nature and its mission is indestructible. The third is that our republic if it holds fast to the Bill of Rights is likewise indestructible.

Developments in recent years cause us to reconsider all three of these assumptions. The rapidly growing crime rate, the increase—particularly among the young—of hostility toward the institutions of our society, and the seemingly irreconcilable polarization on one issue after another suggest that our political and social institutions are far from indestructible. In like manner, the conflicts and animosities and devastation which have occurred in some of the strongest and most prestigious academic communities have proven that an institution of higher learning is a fragile thing which can be shattered by a relatively small band of determined brigands.

Finally, the thrusts against society which have originated on various campuses have put in sharp focus the fact that educational institutions are not operating in a vacuum and are not immune to the concerns or the judgments of the larger society, but are in fact agencies which must account to the public for their performance. No academic institution, however distinguished it may be, can properly expect the larger society to support it if it is perceived to be engaged in the overt and effective destruction rather than the refinement and improvement of the institutions and values cherished by the society.

The creative and responsible meshing of the proper work of the academic community with the legitimate concerns and hopes of the society is the primary consideration to which responsible educators must address themselves in this time of crisis on the campus.

A VIEW OF THE OBLIGATIONS OF THE ACADEMIC INSTITUTION

*Purposes*

The college or university has as its first obligation to determine through its supreme policy board, trustees or regents, what will be its institutional purposes. At the level of higher education, there has been a tendency to regard basic institutional purposes in terms of abstract functions—the dissemination of knowledge and skills, the development of new knowledge, the critical examination of what is known or believed, the compilation and comparison of data, and so forth. Whereas such functions are proper and primary activities of an academic community, it may be misleading to phrase the mission of a college or university only in such terms.

The problem is that the processes themselves may come to be looked upon as superior in importance to the product of the processes. Error of this kind is demonstrated whenever a faculty member's stature is judged by the volume and frequency of his scholarly products rather than by what, if anything, his research contributes to man's knowledge or understanding.

Of far more serious concern is the hierarchy of institutional values that seem to have developed among academic personnel. A study of university objectives conducted by Edward Gross and Paul Grambsch under the auspices of the United States Office of Education was published in June, 1967. In that study, more than 7,000 faculty members and administrators at 68 public and private universities responded to a query on what they believe the objectives of the university actually are, and what they ought to be. The respondents considered the foremost objective of the university to be, "To protect the academic freedom of the faculty." That is also what they thought *should be* the foremost objective.

A process seems to have achieved top billing.

Reading down both lists through the first ten items in order of importance, one does not find any reference to the student in terms other than as a unit of intellectual raw material. Here, we believe, is one crucial clue to what has caused in recent years an ever-growing defection of college students from the values and norms of their own society. To a significant extent, institutions of higher learning have not concerned themselves with what the student does with what he knows, how he behaves and how well he will be able to perform as a mature individual, or as a competent parent or as a responsible citizen.

The fact is that education does have consequences. Whether the college drama department produces "Marat-Sade" or "Victoria Regina" will influence the students. Whether the reading lists are weighted with existen-

tialist or revolutionary or establishment authors will make a difference. Whether the institution's public platform is most frequently occupied by Chicago Seven types or restrained scholars will have a lasting impact on student values and student attitudes.

To phrase the institutional purposes only in terms of scholarly functions is to formalize an indifference to the students as human beings and officially to ignore the responsibilities which students will be called upon to bear later. We believe that institutional purposes must be phrased in terms of personal and citizenship objectives for the student as well as in terms of appropriate scholarly processes.

For a college or university to concern itself with character and citizenship training may, for some, raise the specter of a system of higher education committed to perpetuating the status quo or to re-enforcing only the values of the most powerful elements in society. It is in connection with this concern that the autonomy and the diversity of American colleges and universities must be accentuated and assured. As each board of control develops its own definition of objectives for the students and for the academic functions in the institution(s) under its jurisdiction, a system of education appropriate to a dynamic and pluralistic society will be guaranteed.

*Policies*

The specific policies adopted by a college or university must be those which will sustain and promote the purposes of that institution. Policies should be established with meticulous care, stated clearly, and enforced fairly and fully.

Many policies will vary from campus to campus in accordance with the diverse purposes which have been formulated. Nevertheless, we believe that there are some policies which are essential to the proper functioning of all higher education in this country and therefore belong in the basic documents of every institution. Among such policy concerns, we suggest the promotion of attitudes of affirmation, appreciation, and commitment, to counteract a prevailing enthusiasm for criticism and dissent, an insistence upon rational processes as the only proper basis for judging public issues, and the setting of reasonable and appropriate limits upon the conduct of all members of the academic community. A brief amplification of these three may be helpful.

First, we believe our colleges and universities need to identify, endorse, and teach those attitudes which are needed for the survival of a free society and for the updating and improvement of the institutions which govern and facilitate its activities. One key affirmation should be that of the worth and dignity of every human being. Another is an unwavering commitment to cherish and sustain a system of law as the only method by which justice can be achieved for the citizens of a community or a nation.

Second, the policies of institutions of higher learning need to emphasize that the rational process is central to all human progress. Although man's rationality may be a fallible guide, it is nevertheless the most reliable one he has. Certainly, of all the institutions of society, none has greater cause to be dedicated to the supremacy of rationality then the academic institution. One of the techniques employed by those persons who wish to destroy our institutions of higher learning is to encourage young people to substitute strong feelings and violent action for rationality and civility. Clearly, every college and university must effectively oppose this summary rejection of the life of the mind, which is, after all, the denial of its reason for existence.

Third, each college or university must determine what limits of conduct are needed for it to achieve its stated purposes.* For instance, if it has made a commitment to teach the importance of a system of law it cannot countenance the flaunting of public law without making a mockery of that commitment. Whatever limits it may set must be made known fully to all college personnel, and then it must also make known the machinery and procedures it will use to enforce those limitations. It must, further, enforce them firmly and fairly.

*Personnel*

Education deals with knowledge and with people. As has been noted, concern for the one seems to have subordinated concern for the other. Now that almost half of the Nation's college-age youth enroll in programs of higher education, any basic imbalance or malfunction of higher education can have devastating consequences. As colleges and universities move to repair the imbalance between concern for knowledge and concern for students, it is of utmost importance that their personnel be selected with this critical point in mind.

The trustees or regents bear the full moral, legal and financial responsibilities for the college or university which they serve. Whatever happens or does not happen on the campus is ultimately upon their shoulders. It is they who are responsible to the state and to the citizens of the state which has granted their charter. Be it public or private, an institution derives its basic authorization from the state. It should be noted that the governor and the state legislature, because of the charter function, have a far more direct responsibility for the institutions of higher learning than does the federal government.

A first obligation of the trustees is to make certain that the institutions they govern perform in a manner which is not inimical to the public interest. Since the trustees adopt the statement of purposes and institute policies to assure the fulfillment of those purposes, and since they select a chief officer to carry out the purposes and the policies, their role is critical in the determination of the nature as well as the success of the academic institution. The individuals selected as trustees or regents must be of the stature and the wisdom and the conscience to deliver effectively on the grave responsibilities which they bear.

The quality and the training of the people who administer higher education is also basic to the success of the institution. Unfortunately, it is seldom that a person makes an early decision and prepares himself for academic administration, so that many who are called to the profession enter it ill-equipped for the job.

We wish to register the need for more attention to the recruitment and preparation of academic administrators, and a special plea that each academic institution, in choosing its leadership, make every effort to enlist only those people who fully understand and will capably deliver on the purposes of that institution.

In any consideration of the impact of the college experience upon the students, it is obvious that the selection of the people who will be teaching the students is of supreme importance. If faculty selection is based only upon the scholarly competence of the professors, then an overt revolutionist may appear qualified. However, if the concern in faculty appointments extends to whether the graduating students will be fit to lead a responsible life in a free society, then the total hostility of such a person toward a responsible free society would seem to make him conspicuously unqualified for appointment to a college or university faculty.

In our judgment, of all the factors which have contributed to the disintegration of the campus community and to the anarchic trends in the larger society, the greatest single force has been the policy followed by many institutions of higher learning which considers the character and the convictions of a prospective faculty member as irrelevant if his scholarly credentials are adequate. As a result of such policies, a significant and growing number of determined revolutionaries have been hired as professors and have been protected in their efforts to subvert the nation and enlist its young people in their own philosophies and their destructive acts.

We repeat, the student's outlook on the world and the values to which he commits himself are profoundly affected by his experiences in college and particularly by the people who are chosen as his professors. Education, since it plays a major role in shaping the lives of the nation's youth, is a very presumptuous undertaking. If the experience in college results in warping the attitudes or even destroying the lives of some students, the people who control and administer the college cannot escape their responsibility for such consequences. Above all, this thought must be kept in mind as appointments are made to the teaching faculty.

In the selection of students, as in the selection of trustees, administrators and faculty, we believe the academic institution must pay first attention to the purposes it has set for itself as it devises its admissions standards and procedures, and prepares the literature for student recruitment. The college or university has a primary obligation to make known to its prospective students what it is trying to accomplish, how it goes about it, and what is the framework of limitations within which it chooses to operate. It also has an obligation to try to admit only those students who find the institutional purposes compatible with their own and who are willing to abide by the policies and the rules. It has a further obligation to try to screen out in the admissions process those students who are incapable of handling the academic program and those students who are unwilling to meet the standards of personal conduct. It is no favor to the student to enroll him in an educational institution in which his mental capacities, his training, his life style or his political objectives will be completely incompatible with the standards of the institution.

Clearly, one of the institutional shortcomings which has led to campus turbulence has been the inadequate screening of student applications for admission.

*Accountability*

There seems to have been a tendency for institutions of higher learning to regard themselves as a thing apart from and superior to the rest of the society. Such an attitude disregards the facts. The college or university derives its students, its funds, and its mandate from the society. Furthermore, the college or university, as it goes about its work, will have a powerful impact

*One subject related to the matter of limitations on conduct which has not had sufficient study is the question of how much internal challenge and legitimate conflict an academic institution can sustain without having its operations break down altogether. It is possible for the leadership personnel of a college to be required to spend so much time in attending to a never-ending series of inflamed grievances that they are effectively prevented from doing their necessary work. Such a problem is illustrative of the new circumstances in which answers must be found for which no precedent exists. On this particular matter, any effective answer will require the help of people of good will from all segments of the campus community.

upon the present and future shape of the society.

It seems to us that each academic institution must bear in mind its stewardship to the larger society. It is for this reason we emphasize the need for the institutional statement of purpose to incorporate information about the impact it wishes to have upon its students as well as to set forth its aspirations for scholarly productivity. If the statement of purpose is comprehensive and precise, then the institution itself is in a position to judge its success and to report fully on its progress to its constituency and to the general public.

Part of the present crisis in higher education arises from lack of public knowledge about what is actually taking place on the campus. We believe each college or university, public or private, can only assure its long-term strength and creativeness by reporting periodically and candidly to the larger society on its stewardship.

JOINT CONCERNS OF THE GOVERNMENT AND THE ACADEMIC COMMUNITY

*Foreign policy*

Among the most frequently mentioned topics of discontent on American campuses is that of the relations between the United States and other countries, particularly the developing nations. American foreign policy is the subject of forceful criticism by many students and faculty. In the case of the war in Southeast Asia, violent actions and defiance of the law have been instigated on campuses and proclaimed as "justifiable protest".

We wish to register our concern about an imbalance of presentations on college campuses about American foreign policy. The facts, as known to the officials who deal with military and foreign affairs, and the government's policy position in relation to these facts, are rarely heard, much less understood, by the academic community. Criticism of American foreign policy and proposals in opposition to it are, on the other hand, in abundant supply. The Scranton Commission reports that the majority of American college students oppose the Vietnam war. This is a predictable attitude when it is realized that almost nothing but negative commentary has been heard by many students.

Our nation is faced with a rapidly growing, intensely emotional domestic hostility against its foreign policies and military actions, an hostility which will prove increasingly dangerous if not intelligently dealt with.

Whether the best source of accurate and balanced information is indeed the government itself, or rather some private organization, may be argued. However, our Department of State issues in limited supply some well-documented materials and has a program of campus visits and open forums for youth under way. These programs are severely restricted by the amount of funds made available. Less than $750,000 a year is alloted for the operating expenses of the whole public affairs programs of the State Department. We believe that the government must greatly expand these services of the State Department, so that the facts and the reasoning which guide our foreign relations may be much better understood by the general public, and particularly by the academic community, in order to elicit intelligent efforts to undermine and destroy.

Such organizations as the Foreign Policy Association are in a position to be very helpful and influential toward this end if they have sufficient funds to do so. We encourage private foundations to consider this need and this opportunity.

Academic institutions, themselves, must be alert to their obligations to provide a balanced program of speakers and programs and information that support as well as criticize foreign policy. College administrations must recognize that they bear a large measure of responsibility for campus attitudes. Since colleges are properly expected to provide the circumstances where rational thought rather than emotions will prevail in judging public issues, either the speakers should be chosen for their ability to present a factual, dispassionate and reasoned position, or the college should provide a forum for the critical review of emotional presentations.

Academic institutions must recognize that their programs will have a significant impact on how students judge and respond to issues of intense concern. At present it is evident that many professors who discuss American foreign policy are in strong disagreement with what they believe the government is trying to do. No energy nor appropriate expense should be spared to provide these professors with full and accurate information about our foreign policy and to help them understand the real and practical problems of international affairs, in order to inform their judgment and guide their theoretical formulations. College administrators, too, need to be encouraged to lend their support to the expansion of communications and understanding between the teaching faculty and government officials. Present programs of the State Department in this direction are commendably conceived but pitifully inadequate in comparison to the great need.

We are aware of the necessary restraint on publicity of information about confidential or sensitive aspects of foreign relations and we are cognizant of the caution which State Department public relations officers must exercise in their work, but we are confident that more information can be properly provided to more people, and we urge the officers of government to give this matter high priority.

*Department of Justice*

Another division of government which needs to develop a closer interaction with the academic community is the Department of Justice. Among the beneficial results of such interaction, there are several which we perceive as especially significant.

In the first place, college people need a better understanding of the personnel, the policies and the program of the Department of Justice. Although the few who have taken a position of total opposition to our society will persist in considering the Department of Justice as a repressive agency, it is our belief that there are many others in the academic community who hold unwarranted suspicions and fears concerning the competence, the attitudes and the techniques of the federal law enforcement officers. From our conversations with members of the Department of Justice, we are confident that campus visits will do much to allay these fears and suspicions.

At present, visits by the Attorney General or his representatives are planned to more than 50 campuses. As rapidly as the availability of personnel and funds permits, additional visits should be scheduled. To the extent that there are erroneous judgments of the activities of the Justice Department, the needed cooperation between the academic community and the national law enforcement agencies is undermined or thwarted.

One particularly helpful service which the Department of Justice might provide would be a central clearinghouse which would collect and disseminate information concerning campus disruption and violence. Those educators who are responsible for maintaining an orderly and scholarly academic environment at their respective schools would be greatly aided by having access to accurate and useful information about instances of turmoil elsewhere including data about what occurred, what countermeasures (or earlier preventive measures) were employed, what proved effective, what did not, and, if possible, the reasons why.

Access to a clearinghouse of this kind would, we believe, be of great benefit.

A further joint concern with the Justice Department is the necessity to help all citizens understand that there cannot be justice for anyone without a prior commitment to a system of law. Justice has no meaning except within a framework of law. Cooperative endeavors between personnel of the Justice Department and the academic community to increase this understanding are strongly recommended.

Another mutual concern is the still-growing use of illegal drugs. Because of the ease with which such drugs can be obtained, the highly specialized investigations necessary to control this activity, and the limited and conflicting research which has been made public, colleges find themselves particularly helpless in this matter.

The Federal Bureau of Narcotics and Dangerous Drugs is the federal agency with responsibility for control of illegal drugs. It has officers who cooperate with foreign and domestic agencies in trying to reduce the traffic in illegal drugs. This Bureau also conducts training programs for a large and growing number of law enforcement officers from state and local governments. As the effect of this training program spreads, colleges and universities will greatly benefit from having well-trained and knowledgeable local law enforcement officers with whom to consult.

The rapid growth of drug abuse on the nation's campuses has been made possible not only by the ready availability of drugs and the effluence of many students, but also by the naivete and the unpreparedness of campus administrations and local authorities to cope with the situation. One particular problem faced by academic institutions is the attitude of many students and faculty that, if a person chooses to use drugs, that decision should be his own business as long as he does not hurt others. However, such statistical information as is available indicates that the largest portion of users of illegal drugs take up this practice as a result of contact with a friend or acquaintance who is already a participant. In a very real sense, the casual user of drugs is as much a carrier of this habit as the person who is infected with a communicable disease is a carrier of that disease to those around him. It appears that a student attending a college which has a high percentage of users of illegal drugs will be far more likely to become a user himself than if he attended another college where very few are involved.

In the complex matter of dealing with drug abuse, particularly, in this time when there is widespread lack of support for existing legislation, the interaction and cooperation between the academic community and the Bureau of Narcotics and Dangerous Drugs is highly necessary.

*The participation of the Federal Government in financial support of higher education*

The manner in which funds are provided for educational institutions is a matter of great concern and bears on almost all of the other topics of this report.

The vast increase in federal appropriations for higher education in the last decade has been of untold help to faculty, students, and their academic institutions. Nevertheless, the federal aid in the form in which it has been provided, i.e., direct grants for specific purposes, has also created many problems. Among them:

1. The research function of higher education has, in the view of many, expanded far beyond its proper relationship to other functions of education as a result of the proportion of federal aid allocated to research.

2. Some significant part of academic activity is directed into other fields of scholarship than would have been chosen by the

professors and researchers involved, the choice now being influenced by those fields of study which the federal government has chosen to subsidize.

3. A relatively small number of academic institutions has received the majority of federal assistance: decisions made by the federal government have determined which institutions would grow stronger. Many small colleges have not been able to obtain what they regard as their fair share.

4. According to the Scranton Report, about half the current income of institutions of higher education comes from government sources. Colleges and universities have become dependent upon the government and are therefore gradually losing control of their own budgets and their own destinies.

5. This dependence upon the central government also raises the question of political captivity. At what point does a recipient academic institution become so dependent upon its federal grants that it becomes fearful of expressing views or taking action contrary to the views of government offices and officers involved in the granting process?

6. The labor required in the academic community to apply for, account for and report on federal grants multiplies and multiplies;

7. Each time the federal government establishes a new program of federal aid grants, there is the additional financial burden on the government to process, disseminate, audit and evaluate the grants.

There is an alternate way of providing funds for education which would eliminate or minimize most of these problems and offer many additional advantages. This alternate technique has been put into effect in the states of Indiana and Michigan, and seems to be working very well. It is a tax credit for gifts to institutions of higher education.

For example, under the Michigan program, the individual taxpayer computes his state income tax, and if he chooses, may make a gift to the college of his choice in the amount of $100 or 20% of his tax owed (whichever is smaller). If he makes such a gift, he then reduces the amount of tax he pays to the state by the amount of his gift. A corporation can do the same thing in the amount of $5000 or 10% of his tax obligation (whichever is smaller).

The advantages of the tax credit system of support are manifold:

1. There is almost no governmental overhead cost. The taxpayer attaches his gift receipt to his tax form. There is no need to maintain various governmental officers to supervise and administer this kind of subsidy as must be done in the case of programs of federal grants;

2. Each college can spend these tax credit revenues according to its particular needs. (The Scranton Commission, like almost every other educational advisory group, has urged more unrestricted federal support.)

3. There is no problem of the separation of church and state. Colleges with religious affiliations may receive tax-deductible gifts now and would be equally eligible for tax credit gifts;

4. The small colleges would have a chance to hold their own in this competition, turning to their neighbors and alumni for tax credit gifts;

5. The disadvantaged colleges would benefit particularly, in that many of their alumni have small incomes, but would be pleased to pay part of their taxes to their alma mater. Further, these colleges could call upon the altruism of people in other parts of the country, some of whom would prefer to send their funds to a college with special needs;

6. Institutional autonomy would be protected by this plan;

7. Only as much of the tax credit funds would go into research as the individual college or university chooses to allocate to that function;

8. This program would tend to focus educational funds in population centers, giving further impetus to the junior college movement, since people are likely to support nearby institutions, and invest their funds in the local economy;

9. The gift tax credit would also increase the accountability factor of the educational institution since the neighbors (and alumni) whose gifts would be sought, would have a much more complete knowledge of the effectiveness of the institution than a remote granting body in Washington would have.

This statement is not the proper place to spell out all the details of a specific proposal, but we commend this technique of support for higher education to the Administration, urging it to be tried on a modest basis. If the tax credit for gifts proves to be as useful as we believe it will be, then perhaps many grant programs can be phased out with offsetting increases in the tax ceiling over a period of time, and with very great economies accruing to the government. We wish to emphasize we are not recommending the immediate revocation of existing programs of grants in favor of tax credits. The grant programs are woven much too deeply into the fabric of higher education to be abruptly terminated without disaster.

CONCLUSION

Recent studies of campus unrest have tended to emphasize and reemphasize the importance of protecting the dissent function, along with an emphatic condemnation of violence, destruction and terrorism. There is indeed a proper concern that efforts to eliminate or reduce intolerable acts on campus not take a direction which would discourage or suppress the open rational discussion of all issues.

On the other hand, there is a danger that over-emphasis on the dissent function may create or substantiate an impression that dissent is somehow inherently virtuous or valuable of itself. Dissent for the sake of dissent is just as foolish as dogmatic support of the status quo.

Dissent and protest and confrontation seem to have become glory terms for a growing number of people, particularly the youth. Recognizing this phenomenon, those of us who bear responsibilities for the functioning of the various services of society must devote major attention to maintaining our own perspective of the true worth and workability of our social institutions and enlisting such perspective on the part of others.

Some psychologists who have analyzed the attitudes of the present college student generation point to the widespread characteristic of "playing it cool". There appears to be among the youth a propensity for skepticism and criticism and a complementary scarcity of affirmation. To a great degree, such attitudes reflect a prominent absence of words and acts of affirmation on the part of the adult leadership of our society.

It will be futile to develop the techniques of controlling inappropriate dissent if we do not provide and proclaim for our nation, and especially for our youth, institutions which are worthy of improvement, principles which are worthy of personal commitment, and causes which are worthy of sacrifice.

As important as all the other matters are on which we have touched, it is our judgment that in the long run those actions which will do the most to counteract the turmoil and turbulence that now beset the colleges will be acts of genuine and enthusiastic affirmation by leaders in all fields of endeavor, acts which manifest their conviction that life is worth living, our social institutions are worth preserving and improving, and man can stand up to and solve the problems he faces.

## INTEGRITY OF PRESS UPHELD

### HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. McDONALD of Michigan. Mr. Speaker, the editorial integrity of our press corps has been upheld throughout the years because, like the people a free press serves, it is varied in its outlook. There are liberals, conservatives and radicals, each of whom writes from a particular viewpoint to a particular audience. All play an equal role in bringing to the people of this country all facets of an issue. Their editorial opinions often clash, but I submit that it is this very clash which brings about orderly and constructive change.

One such writer, commentator and lecturer, is Mr. George Todt, of California. I recently became acquainted with Mr. Todt's work in the Van Nuys News in California, and would like to share some of his columns with my colleagues.

Mr. Todt is a journalist of the old school. His columns bite, sting and jostle, depending on his topic. But the most important product of his work is the constructive thought that goes into the column, and is left with the reader. It is that effort which sets Mr. Todt apart, and which moves me to share these samples of his writing. Mr. Speaker, I herewith submit a representative sampling of Mr. George Todt, journalist.

URGE WORLDWIDE NUCLEAR TALKS

(By George Todt)

"Hero worship exists, has existed, and will forever exist universally among mankind." CARLYLE—"Sartor Resartus."

Even columnists have their heroes in the world of journalism. These according to our individual tastes and backgrounds, of course. In such areas we all differ, quite fortunately.

But if pressed personally to name a pundit whose views I found most sympathetic to my own now and over the past 20 years while writing this column, the choice would be easy to make for me.

He would be David Lawrence, editor of U.S. News and World Report, whose consistent reason and lucidity give emphasis to his fine moderately conservative viewpoint.

ASK WORLD CONFERENCE

Sometimes I differ with Lawrence on his views, but he receives, invariably, my most respectful attention.

In a recent editorial, the gifted writer has noted that the Soviet Union has asked the United Nations to call a universal conference which would consider disarmament with respect not only to conventional but also nuclear weapons.

Instead of merely the five nuclear powers—U.S., Soviets, French, British and Red Chinese—being invited to the party, all would come.

In a recent letter to the Secretary-General of the UN, Soviet Foreign Minister Andrei Gromyko stated that position of the USSR.

"The Soviet Union believes that the world disarmament conference could consider the whole complex of problems relating to disarmament, with regard to both nuclear and conventional armaments.

INTOLERABLE CONSEQUENCIES

"At the same time, inasmuch as the nuclear armaments race arouses the greatest anxiety among peoples, primary attention

could be devoted to the questions of prohibiting and eliminating nuclear weapons, if the majority of the participants in the conference should so desire."

Lawrence pointed out that it has long been obvious that thermonuclear conflict would bring about the most catastrophic war in history with intolerable consequences for mankind.

For this reason, he suggested that the Sept. 6 letter of Gromyko be taken seriously, as it was in line with the Soviet proposal made in March 1962.

This proposal favored the eliminating of stockpiles and ending the production of "all kinds of weapons of mass destruction including atomic, hydrogen, chemical and biological" ones.

TO SEEK FORMULA

Shortly afterwards, the United States expressed itself in pursuit of the same objective.

But this is the first time either nation, or any other one, has made a proposal that a "universal" conference be called for all nations to find a formula to implement the worldwide disarmament idea.

After watching a recent replay of Gregory Peck in "On the Beach" and Charlton Heston playing "The Omega Man"—both portraying last men on earth following a devastating nuclear war—I must admit the worldwide disarmament concept is attractive for our continuing future.

"The big question," says Lawrence, "is whether, if a worldwide agreement is reached to ban nuclear arms altogether and destroy existing weapons, there could be an assurance that the pledges had been fulfilled.

LEADERS HAVE REFUSED

"Methods of verifying by inspection would have to be provided so that the peoples of all countries could be relieved of the fear of nuclear war."

And that's the nub of the whole argument, it seems to me.

In the past, the Communist leaders have adamantly refused on-the-site inspection. Actually, their proposals have amounted to asking the United States to merely take them in complete good faith—in other words buy a pig-in-a-poke.

The real $64 question is: How can reasonable people trust the pledge word of the Red leaders? What does the record show? How wise would we be to take them at their word in so serious a matter as disarmament?

KEPT FEW TREATIES

For answer to practical Americans who use reason instead of emotion or hysteria, we must start out with numerous broken treaties the USSR has made with us since 1917—which marked the advent of Lenin to power.

The only treaties the Soviets ever kept faithfully were a few which were self-serving to them and these were very few indeed.

The Red hero of the Soviet Union, Josef Stalin, once said that anyone foolish enough to believe the promises of Communist leaders "would also believe in wooden water." He was so right.

How can we assure the fidelity and good faith of proven liars who will make a treaty and break their word before nightfall if it behooves them to do so? Ought we to risk our survival upon it?

That is the real stumbling block to this otherwise excellent proposal of worldwide disarmament. Can the deceitful Communist leopard change his spots? Don't bet on it.

---

SCHOOL PRAYER HOPES BOOSTED

(By George Todt)

"Thrice is he armed who hath his quarrel just, And he but naked, though locked up in steel, Whose conscience with injustice is corrupted." SHAKESPEARE—Henry VI. Pt. II. Act III. Sc. 2.

Many millions of American citizens who look forward to the restoration of voluntary Bible reading and prayer in public schools were heartened and thrilled by a recent earth-shaking event in Congress.

The House of Representatives, by affixing the names of 218 supporting congressmen to a regular discharge petition, succeeded in discharging House Joint Resolution 191 from further consideration—or lack of it—by the House judiciary committee.

This is the school prayer matter which has been made controversial by the efforts of such persons as atheist Madeline Murray in the past, supported by Rep. Emanuel Celler (D-N.Y.) chairman of the judiciary committee.

In this column on Sept. 12 we mentioned the "Resolution Number I" of the National Society of the Sons of the American Revolution at its annual convention held in Houston, Tex., this year.

SPANS 8 YEARS

The SAR called unequivocally for the accomplishment of voluntary Bible reading and prayer in public schools.

Hundreds of other fine patriotic, conservative organizations have backed this measure over the past eight years, but it never got to the House floor to be voted on because chairman Celler bottled it up in his committee.

Millions of letters were showered on Celler asking that the measure be brought to the House floor for an honest vote.

Now Celler has been dealt a smashing defeat and has suffered loss of prestige in the process. This is only the second time in history that a bill has been taken away from a committee chairman by means of a discharge petition.

OPTIMISM RISES

Most congressmen are very reluctant to sign a measure of this kind in the first place, believing it might water down some legislative prerogatives.

It is almost a certainty that numerous additional congressmen will vote favorably for House Joint Resolution 191 when the final vote comes Nov. 8—because many more than signed the petition were for it, but hesitated to sign only because it has been done so rarely before.

The fight was led to a successful conclusion regarding the vital discharge petition by the skillful maneuvering of a freshman in the House, Rep. Chalmers Wylie (R-Ohio).

But under his leadership this time he was most fortunate to have literally millions of devoted fellow citizens and hundreds of conservative organizations—for once pulling together in harness—to create the needed win.

TWO MEN NAMED

As is so often the case, some of the Johnny-Come-Latelys have been taking the bows and most of the credit for this commendable endeavor, but as a writer who backed this work from the beginning eight years ago, let me give you my idea on those who deserve the lion's share of acclaim.

They are two men from Los Angeles: Pat Boone, singer who lives in Bel Air, and Samuel M. Cavnar, vice president and treasurer of the American Center for Education, who lives in Reseda.

They are national chairman and general chairman respectively of the veteran organization, "Project Prayer," which has been in the fight from the beginning and includes some of the most prominent modern American patriots.

Hammering a way relentlessly, although suffering untold defeats along the way, these men simply would not quit until their objective was reached.

They have given generously of their time and resources to coordinate this exemplary movement, bring others into "Project Prayer".

GOES TO WASHINGTON

Now is their moment of triumph for the first phase of the effort—the payoff comes on Nov. 8 when Congress votes on the measure—and both men believe their victory is in reality that of every member of the united team which made it possible. Both give generous credit to others.

But Rep. Wylie, the victorious field marshal in the fight for the stubbornly resisted discharge petition, wrote Cavnar—who had left a much-needed fund-raising campaign at the American Center for Education to go to Washington in the last stages to help him—the following "Dear Sam" letter:

"May I take this opportunity to thank the many people involved in 'Project Prayer' and you personally for your untiring work with regard to the petition which discharged House Joint Resolution 191 from further consideration by the House judiciary committee.

"It is only through the efforts of concerned groups such as 'Project Prayer' that a constitutional amendment which would permit non-denominational prayer in public buildings can become a reality.

EVERY VOTE COUNTS

"On Nov. 8 the House will consider this proposal. It is imperative that you continue your vigorous support for this measure. A two-thirds is required for passage of this amendment.

"Therefore, every vote we can muster will be needed as we face mounting opposition."

A stunning victory has been won by the pro-prayer forces at this point, but it is not the entire campaign. More continuing assistance is needed now.

Those who would like to help put the prayer amendment across in Congress on Nov. 8, when the matter comes to vote, may address their letters to either Pat Boone and Samuel M. Cavnar, 1680 N. Vine St., Suite 900, P.O. Box 3450, Hollywood, Cal. 90028, or telephone 466-9339.

---

## THE LATE HONORABLE WINFIELD K. DENTON

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 3, 1971*

Mr. HAMILTON. Mr. Speaker, I was deeply saddened to learn of the death of the Honorable Winfield K. Denton. He was a dedicated public servant who served his community as a prosecutor, his State as a legislator, and his Nation as a Congressman. I knew him as a warm friend, a devoted family man, a conscientious and effective Congressman, and a person whose interests and influence ranged far beyond the boundaries of the Indiana district he loved so much and served so well.

I do not think I have ever known a Congressman who took the interests and concerns of his constituents more to heart. His concern for them reminded me of a pastor's concern for the members of his congregation. His constituents' interests were his interests and their welfare was his chief concern. He wanted their opportunities broadened, their lives enhanced and their burdens made easier. He was a friend and a counselor to all who came to him for help.

He was a man with a far view, whose work on the House Subcommittee on Appropriations for the Interior Department resulted in the establishment of many of the national parks which we prize today.

He was born, and lived all of his life in the Ohio River city of Evansville, Ind., and his ceaseless efforts to modernize the navigational facilities on the river

contributed greatly to making the Ohio the commercial artery which it is today. An aviator in World War I and a member of the Judge Advocate General's staff in World War II, he was a veteran who fought the veterans' fight for welfare and dignity.

As a Hoosier, proud of his heritage and his State, he was instrumental in the development of the Abraham Lincoln Boyhood Memorial.

I am grateful for his life and the contributions he made, and I extend my deepest sympathy to his surviving daughters and their families.

---

## ANNUAL FOURTH DISTRICT QUESTIONNAIRE

### HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. DELLENBACK. Mr. Speaker, I am mailing to all residents of the Fourth Congressional District of Oregon my fifth annual questionnaire. As soon as the questionnaires have been returned and the results tabulated, I will report the results for the information of my colleagues.

The questionnaire follows:

LETTER AND QUESTIONNAIRE

OCTOBER, 1971.

DEAR FELLOW OREGONIAN: Your responses to the questionnaire which I've sent annually throughout the Fourth District have been most helpful. Now once again I'm asking you to take a few minutes of your time to give me the benefits of your thinking on some of today's critical national issues.

I will welcome getting the thinking of as many individual constituents as possible—young, middle-aged and elderly; experienced voters and those about to vote for the first time.

When you have completed the attached questionnaire, simply detach at the fold, place an eight cent stamp on it, and return it to me.

The form of the questionnaire is necessarily quite limited. If you have some comments you'd like to add or some questions you want to ask, I'd be happy to hear from you.

I'll be reporting the results of this year's opinion poll just as soon as they are tabulated. Thank you once again for your help.

Sincerely,

JOHN DELLENBACK.

QUESTIONNAIRE

1. When Phase II of the economic stabilization program ends, what should the federal government do? (check one):

a. Establish voluntary wage-price guidelines.

b. Establish mandatory wage-price controls.

c. Take no further action with regard to wage-price controls or guidelines.

2. Which of the following do you feel are effective contributions toward world peace? (check one or more):

a. The President's proposed trip to Peking.

b. The President's proposed trip to Moscow.

c. U.S. assistance in Mid-East negotiations.

d. The SALT talks.

e. None of the above.

3. In the area of national health insurance, which do you prefer? (check one or more):

a. A federal program of health care for the poor.

b. Tax credits for premiums for private insurance.

c. A federal program to help all meet costs of catastrophic illness.

d. Health insurance for employees required to be provided by employers.

e. Complete nationalization of health insurance.

f. No new federal legislation in this area.

4. Under present management of national forest lands, there is: (check one or more):

a. Too little emphasis on wilderness use.

b. Too little emphasis on recreation use.

c. Too little emphasis on commercial use.

d. A good balance of uses.

5. In order to regulate campaign expenditures for federal offices, which of the following (if any) would you favor? (check as many as you favor):

a. Strict reporting of campaign receipts and expenditures before election day.

b. Small tax credits for campaign contributions.

c. Limit the amount an individual or group can contribute to a single candidate.

d. Limited federal funds to pay for some radio, television, newspaper and other advertising for all major candidates.

e. Limit on total amount any candidate can spend.

6. Which five of the following do you consider to be the most critical problem areas facing the nation today? Please number 1 through 5 in order of their importance:

| | |
|---|---|
| Aid to agriculture | National defense |
| Aid to elderly | Population control |
| Campaign spending | Poverty |
| Consumer protection | Prison reform |
| Crime | Race relations |
| Drug abuse | Sex discrimination |
| Economy | Tax reform |
| Education | Transportation |
| Environment | Unemployment |
| Foreign relations | Vietnam |
| Gun control | Welfare |
| Health care | Other |
| Housing | |

---

## UNITED FEDERATION OF TEACHERS OPPOSES SCHOOL PRAYER AMENDMENT

### HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. RYAN. Mr. Speaker, on Monday, this House is expected to consider the so-called school prayer amendment, which is designed to overrule U.S. Supreme Court decisions which have upheld the separation of church and state as embodied in the first amendment to the Constitution. This amendment raises more questions than it answers, but its adoption would surely breach the wall between church and state, which our Founding Fathers wisely constructed. The United Federation of Teachers has issued a statement in opposition to this constitutional amendment, which would be most useful to the House in reaching an objective judgment.

I include in the RECORD the legislative memorandum of the United Federation of Teachers which sets forth their opposition to the school prayer amendment and which is signed by Albert Shanker, president, UFT, and Alice F. Marsh, legislative representative.

The memorandum follows:

LEGISLATIVE MEMORANDUM

In Opposition to the proposed Constitutional Amendment.

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.

STATEMENT IN OPPOSITION

We agree that Justice Black who ruled "* * * it is no part of the business of government to compose official prayers for any group of The American people to recite as part of a religious program carried on by the government."

At the present time no one is prevented from praying in schools, or other public buildings as long as it is done silently. To mandate the saying of any prayer either denominational or nondenominational is a violation of the individual's right to relate to God in his own way.

There are many legal questions that passage of this amendment will pose. What is a public building? Will not churches be considered "public buildings" since they receive tax exemption? What is a nondenominational prayer? Every sect has its own prayers—some written—some informal. How can all groups agree on one prayer? Implementation of this amendment would create more divisiveness in our society than already exists.

We urge a "no" vote on this amendment.

---

## NICHOLAS DRUGA—RED CROSS TRAINING SAVES LIVES

### HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. FULTON of Tennessee. Mr. Speaker, for the third time in recent weeks, I have learned of the heroism of a Nashvillian, a man whose quick thinking and application of Red Cross training on May 21, 1970, saved a young girl's life.

The man, Mr. Nicholas Druga, was on an outing at a lake near Decatur, Ga., when he spotted the girl, perhaps 15 months old, floating on her side about 6 feet from shore.

How did Mr. Druga react? In his own words—

I didn't have time to think a great deal. I ran immediately into the water, brought her to shore, and immediately began mouth-to-mouth resuscitation.

There was a lot of screaming by then and I guess it was probably a minute to a minute a half before the girl started crying. This was her first sign of life.

After the girl had been revived, Mr. Druga returned her to her parents who conveyed her to the hospital.

I learned later that perhaps a half-gallon of water was pumped from her stomach before she was fully recovered.

For his action, Mr. Druga will receive the American National Red Cross' highest award, the Certificate of Merit. This honor is granted persons who use Red Cross first aid or water safety methods to save, or attempt to save, a life.

When asked about his feelings concerning the award, Mr. Druga said—

I am greatly honored to receive this award. It will be a nice memento to show my children.

I am sure my colleagues and our fellow countrymen would agree that the action which this award reflects deserves the highest praise.

## PRAISING THE CRIMINAL REFORM POSITION OF WGR RADIO-TELEVISION

### HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. SMITH of New York. Mr. Speaker, I wish to share with my distinguished colleagues an editorial opinion recently broadcast by WGR-TV-Radio in Buffalo, N.Y.

As viewers and listeners in my own nearby 40th District are quick to realize, criminal activities are rampant across America.

The American system of justice, especially our police agencies, have been slighted. They have been held in contempt by those few individuals who demonstrate their pity and sympathy for the perpetrator of violent crime while wholly disregarding the innocent victim of such acts.

There are, of course, necessary reevaluations needed in our judicial system, prison system, and the area of law enforcement efficiency. This has been demonstrated in the explosive situation in our corrections institutions, the critical backlog of cases in the courts, and the difficulty of many law enforcement agencies around the United States to accomplish their mission.

One further reform is an absolute necessity. A drastic change in public attitude toward criminals and criminal activity is needed and needed now. I envision the American public arriving at the breaking point in regard to the alarming trend of defense for lawlessness and disrespect for judicial authority.

Therefore, I wish my colleagues to study the following enlightened editorial opinion of WGR. I compliment WGR on their stand and urge all Americans to heed their inferences:

LENIENCY OF THE COURTS

We thank the Warner and Swasey Company of Cleveland for this contribution.

Every 36 minutes someone is murdered in America. Who's next?

Don't think you're immune. As crime mounts it gets closer and closer to every one of us, and will until it catches the most softhearted. Criminals are no respecters of persons.

In ten years murders in the United States have increased 62 per cent, and all violent crimes have increased 130 per cent.

A major reason crime increases alarmingly, experts say, is because courts, and juries and parole boards are too lenient, and because police are more criticized than praised as they should be.

There are 4 million serious crimes in this country every year. Almost half are committed by people under 18, so don't be too quick to condone campus violence and playground warfare which in numerous cases spawn more crime and criminals. For too much sympathy is wasted on the criminal instead of his victim.

The worst crimes are all too often committed by second and third offenders who would not be loose to prey on decent people if courts had not been too lenient.

Did you ever "get out of" jury duty? Did you ever write a letter of thanks and praise to a hard-headed judge, or to a heroic police officer? Or to his widow?

## ANNA CHENNAULT: REAPPRAISE U.N. SUPPORT

### HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. BUCHANAN. Mr. Speaker, a thoughtful examination of the issues which have been raised in the wake of the United Nations tragic ouster of Taiwan was recently given by a lady who is certainly one of the world's loveliest and most effective ambassadors for freedom, Mrs. Anna Chennault. Mrs. Chennault's analysis was published in the October 26, 1971, edition of the Washington Daily News, and I take pleasure in calling it to the attention of my colleagues in the House of Representatives at this time:

[From the Washington Daily News, Oct. 26, 1971]

ANNA CHENNAULT: REAPPRAISE U.N. SUPPORT

(By Judy Luce Mann)

Anna Chennault, a long-time foe of Peking's admission to the United Nations and a woman who has for years been the rallying point for numerous hardline anti-communist causes, today called the expulsion of Taiwan from the U.N. "tragic," and urged the United States to reappraise its role and support of the world organization.

Mrs. Chennault, who visited Asia last spring as President Nixon's private ambassador and who has long been regarded as Taiwan's most powerful advocate in Washington, said she has not been in touch with the White House since the United Nations vote to seat mainland China last night.

She said, however, that she, as well as members of the U.S. delegation to the U.N. "all knew the vote would be close."

"I speak as an American citizen, a private citizen," said the Chinese-American widow of Flying Tiger ace Gen. Claire Chennault from her Washington office "I consider this an anti-American vote and I question that in the future the American public will continue to give the kind of financial support to this world organization.

"Many people I have talked to, whether they are American or whether they are people sympathetic with people fighting for freedom, (wonder) if a country like Nationalist China, a founding member of the United Nations, a member of the Security Council, a country that never failed to pay its dues could be expelled from the United Nations. What will happen to the many other smaller nations in the United Nations?

"With this kind of movement, I wonder whether we should look at the United Nations with reality. That whether the United Nations herself needs to be reorganized. Her effectiveness is in question. How much good can this world organization do in preserving world peace?

"I think we as taxpayers, that we share all the expenses of the United Nations, paying almost 40 per cent of the upkeep, we have certain doubts and disappointments at this kind of result coming out of the United Nations."

Mrs. Chennault said, "Let's hope the United Nations will not end up like the League of Nations," but said she thinks "many countries are going to ask for a reappraisal of this world organization."

Mrs. Chennault predicted there would be "lots of discussion" both in the private and public sectors of the United States about its role in the United Nations. She said she feels "very disappointed that our friends let us down. Particularly all those nations that have been getting aid from us.

"The United Nations effectiveness is in grave doubts," she said. "Should it continue to get our support? Many senators and congressmen have already expressed this thought. My first reaction at the vote was very tragic. I feel very sorry for the United Nations.

"Fortunately, the big events can't be settled in the United Nations anyway."

## PHOSPHATE REMOVAL

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. GUDE. Mr. Speaker, today's water quality standards in keeping with our environmental concerns require our maximum research effort on phosphate removal processes in sewage waste treatment. The Environmental Protection Agency has announced that it plans $500 million to assist municipalities in developing facilities to remove phosphates from sewage. It is imperative that any system of phosphate removal which shows promise be carefully evaluated for economy, efficiency, and technical feasibility.

One such project is the PhoStrip process which is being given a trial in a joint effort with the Washington Suburban Sanitary Commission.

Mr. Speaker, I commend to my colleagues a report on this proposed demonstration as described in the following article from the Washington Evening Star of October 25, 1971:

[From the Washington Star, Oct. 25, 1971]

TEST IS PLANNED—NEW PROCESS FOR SEWAGE

A new process to remove phosphate from sewage will be tested by the Washington Suburban Sanitary Commission.

Developed by Biospherics, Inc. of Montgomery County, the new PhoStrip process will get its first test in WSSC's Piscataway Plant in Prince Georges County.

The process involves the development of micro-organisms that produce a "phosphate-starved" activated sludge within the sewage. After absorbing the phosphate, the sludge is moved to another environment where it is made to release the phosphate in concentrated form.

Biospherics contends that the PhoStrip process is more economical than comparable existing methods of treating sludge because it is compatible with modern equipment now used in sewage treatment plants and does not require additional construction.

The firm also claims the process will lower operating costs and will generate less residual chemical sludge than other methods. A lower residual sludge would reduce the problem of disposing of solid waste.

President Nixon recently said that the federal government will spend $500 million to help cities develop phosphate-removing facilities. "We feel a successful demonstration of this process will garner a significant portion of the phosphate removal market for Biospherics," said Gilbert Levin, president of the research firm.

WSSC and Biospherics have agreed to a joint publication of the pilot program's results.

## SUPREME COURT NOMINEES

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. SCHERLE. Mr. Speaker, 2 weeks ago, President Nixon nominated his third and fourth candidates to the U.S. Supreme Court. True to his promise, Mr. Nixon has chosen two judicial conservatives whose philosophy agrees with his own, and who may be counted on to uphold a strict interpretation of the Constitution. Both men deserve to be confirmed promptly by the Senate because both are acknowledged to be men of unimpeachable integrity and outstanding intellectual ability.

Lewis F. Powell, Jr., is widely respected as one of the country's ablest lawyers. He has earned the reputation of a scholarly advocate who puts regard for the law above all other considerations, a reputation which has gained him the presidency of three major legal associations: the American Bar Association, the American Bar Foundation, and the American College of Trial Lawyers.

William H. Rehnquist, Assistant Attorney General in the U.S. Department of Justice, enjoys a similar good name among members of the legal profession. As head of the Office of Legal Counsel, he has acted as "the President's lawyer's lawyer" since the beginning of the Nixon administration. Rehnquist is known as an exceptionally hard-working man and one who, though well-versed in the art of politics, is more attuned to the law than to politics. Having served as clerk to the late Supreme Court Justice Robert H. Jackson, he is quite knowledgeable about the Court's operations.

Between them, these two men would bring a formidable array of legal talent to the high bench. Both would contribute the kind of professionalism and moral probity which the American people have a right to expect from the Supreme Court. Petty partisan considerations should not deter the Senate from approving these nominees. Nor should the baseless charges of the Senate's two chief self-appointed critics be taken seriously. Neither is in a position to challenge anyone's record of integrity or intellectual distinction. The Court has too much pressing business pending before it even to delay approval of these two eminently worthy men. They should be confirmed immediately.

## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

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

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

How long?

## PROGRAM OF NEW YORK HOTEL AND MOTEL TRADES COUNCIL REGARDING EXEMPTION OF LOW-PAID WORKERS FROM WAGE FREEZE

### HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. RYAN. Mr. Speaker, during this period of economic stabilization, I would like to point out that there are millions of hard-working, industrious people who are not able to earn nearly enough to attain an acceptable standard of living. Hence I have introduced H.R. 11406—along with House Concurrent Resolution 414, 423, and 434 with consponsors—to exempt low-paid workers from Government restrictions on wage increases, until their wages reach the point where they are no longer substandard.

A cogent example of the need for such legislation is presented by the New York Hotel and Motel Trades Council. I would like to insert in the RECORD a petition of the New York Hotel and Motel Trades Council to the President and the Cost of Living Council which calls for a four point program exempting low-paid workers from the wage freeze. In addition, I include an article from "Hotel," the weekly newspaper of the hotel and motel workers of New York, which describes the plight of low-wage workers and the need to exempt them from the freeze in the next phase of the President's economic stabilization program.

The petition and article follows:

A PETITION TO PRESIDENT NIXON AND THE COST OF LIVING COUNCIL

The August 15 order of the President freezing wages and prices and the rulings by the Cost of Living Council are unfair and inequitable.

The wages of hotel workers and workers in similar jobs by no stretch of the imagination can be viewed as inflationary.

The hotel workers are in no position to bear the burden of the freeze. Its continuation would mean hardship for them, even forcing many to depend on welfare subsidies.

Therefore we, undersigned hotel workers, ask that these four principles be included in government policy:

1. Immediate exemption from the freeze of all who earn less than $125 a week or $6,500 a year.

2. Establishment of a National Wage Review Board to fairly adjust the wages of those earning more than $125 a week or $6,500 a year.

3. Immediate restoration of the right of all workers to bargain for improved health, welfare and pension plans, since such funds are non-inflationary.

4. That all wage adjustments negotiated before the freeze be paid as of the date they were due—and that the government not allow employers to pocket money which contractually belongs to the workers.

[From Hotel, Oct. 4, 1971]

UNION ADOPTS FOUR-POINT STAND, SEEKS THAW OF PAY BELOW $125

Our union last week called on the Nixon Administration to accept a four-point proposal which would allow the hotel workers to go after wage increases.

Adopted unanimously by the Executive Board of the Hotel and Motel Trades Council Monday, the plan would unfreeze the wages of workers earning less than $6,500 a year or $125 a week. Workers earning more than that would be entitled to increases that eliminate or reduce existing wage inequities.

In addition, employer contributions to pension and health care plans would be exempt from the freeze and increases provided in contracts negotiated before the freeze would be paid as of the dates originally due.

A petition campaign in support of the four points is being launched in the shops. The collected petitions will be submitted to President Nixon and his Cost of Living Council.

The four-point plan broadens the existing campaign on the wage issue which moved forward last week when delegations of workers and officers approached individual hotel managements and called on them to join the union in an appeal to Washington for a thaw of hotel wages. In other hotels, membership or shop committee meetings were held on the wage fight and plans made to go to management.

The union statement setting forth the four points has been sent to the President's Cost of Living Council and members of Congress. This is the text:

The August 15 order of the President freezing wages and prices and the subsequent rulings by the Cost of Living Council are unfair and inequitable. The wages of hotel workers and of workers in similar jobs are not inflationary. The hotel workers are in no position to bear the burden of the freeze. Its continuation would mean hardship for them, even forcing many to depend on welfare subsidies.

The New York Hotel and Motel Trades Council, the union of New York City's 30,000 hotel workers, therefore proposes that these four principles be made the policy of the government:

1. All workers now earning less than $125 weekly or $6,500 a year should be wholly exempt from the wage freeze.

2. Wages above $125 weekly or $6,500 a year should be reviewed by a national board charged with eliminating wage inequities. This board should be made up of representatives of industry, labor and the public in equal numbers.

3. Employer contributions to pension and health care funds are non-inflationary and should be wholly exempt from the freeze.

4. Collective bargaining agreements negotiated before the freeze order should be honored. In particular, wage increases should be paid as of the dates due under the contracts.

The Hotel and Motel Trades Council stands ready to elaborate its views and to submit evidence in support of them.

The petition form similarly sets forth the four points and requests that they be made official policy.

The Royal Manhattan was the first hotel approached on the wage issue. In addition to asking management to join the union in an appeal to the Cost of Living Council for a hotel wage thaw, the delegation pointed out that night shift hotel workers are being denied the five-cent differential increase due Sept. 1 and asked that management put the increment into an escrow fund for payment to the workers later.

Peter Learmount, vice president and general manager, cited the "no retroactivity" ruling by the Administration but said the hotel would pay if the government reversed its policy. He affirmed this position in a letter to the union received last week.

Louis Lynch, executive assistant to the President, was the chief spokesman for the delegation.

About 30 delegates and officers went to the New Yorker management Tuesday and put the case strongly for joint union-management action on the wage question. Responding to Council Representative John Morgano, who spoke for the delegation, General Manager Xavier Lividini said the hotel is a member of the Hotel Association and that it will do what the association decides.

A delegation saw the management of the Sheraton Motor Inn Thursday, as this issue was being readied for the press.

The first shop discussion of the four points took place at a membership meeting at the Abbey-Victoria Tuesday. The points were welcomed as a detailing and extension of a wage fight that has to be waged on two fronts—with the employers and with the government. Lynch made the report. An Abbey-Victoria delegation will call on management this Monday, Oct. 4.

## A SALUTE TO VFW POST 7048

### HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. MOLLOHAN. Mr. Speaker, the Federal Government maintains 98 military cemeteries in the continental United States for the burial of those men and women who served, or are serving with honor, in our Armed Forces.

Congress has granted the serviceman and the veteran this right of burial in a national cemetery, but it is evident that many will not have the opportunity to exercise that right tomorrow.

Thirty-seven of our national cemeteries have no remaining space and others will soon be full.

The acquisition of land and subsequent development of new national cemeteries could cost the people of this Nation literally millions of dollars, yet someday this body must face the question of providing burial space for our veterans.

Many public-spirited groups have long grappled with the problem of securing burial spaces for our veterans, for the families of many of our veterans cannot afford the ever-increasing costs of burial.

One such group is Veterans of Foreign Wars Post 7048, located in my hometown of Fairmont, W. Va. Recently the post and its ladies auxiliary received a top national award for community service from its national organization in recognition of its fine efforts in establishing a section for burial of our veterans in West Virginia. Commander in Chief Herbert R. Rainwater commended the members at that time on "the inspiring zeal and high quality leadership" they showed.

Today, thanks to the efforts of the post and its auxiliary, every veteran and active serviceman and servicewoman in West Virginia is being guaranteed free burial space in several veteran's memorial sections, at Marion County Memorial Gardens in Fairmont, at Highland Hills Memorial Gardens in Follansbee, and at Parkview Memorial Park in Wheeling. The veteran receives a certificate with the provision that the lot cannot be sold or transferred.

It took a lot of hard work to realize this goal, and I salute VFW Post 7048 and its ladies auxiliary for seeing it through. Their efforts to insure that our veterans rest in honor typify what is good in America.

## SOVIET SUBS NOW NO. 1

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. BOB WILSON. Mr. Speaker, I have come before this body a number of times in recent weeks to talk about the need for maintaining a naval force that is second to none in the world. We have received many reports of the expanding submarine fleet of the Soviet Union and how it is affecting the balance of power on the high seas between the United States and Russia.

Recently Vice Adm. Ray E. Peet, commander of the U.S. First Fleet, addressed a San Diego Navy League audience about this problem. So that our colleagues may have the benefit of the respected opinions of Admiral Peet, I request that the following news story be printed in the RECORD:

ADMIRAL REPORTS NO EQUIVALENT TO SOVIET A-SUBS

Vice Adm. Ray E. Peet, commander of the U.S. 1st Fleet which is charged with defense of the West Coast, told a San Diego Navy League audience last night he has no forces totally effective against new Soviet missile submarines.

He referred to the nuclear-powered Echo II and Charlie-type submarines, unveiled in Russia last year, which carry eight 400-mile missiles—reportedly capable of being fired underwater against surface ships.

"These missiles can be launched well outside the line of sight and radar range of our ships," he said. "We have no equivalent counterforce."

He blamed the Soviet edge on severe recent cutbacks in the Navy's budget and noted that the Russian missiles are advanced developments of U.S. Regulus missiles which the Navy had to abandon in 1958 because of economy moves that year.

"Unless we receive more money or drastically reduce our overhead, our Navy will soon sink in its own money problems," Peet warned.

"I fear for the future of our great country and our ability to react in the face of a showdown with the Russians."

He said the Navy may have to order a "drastic reduction of shore establishments" in order to shift money to ship and weapons procurement unless Congress votes more Navy funds.

"Shore establishment reductions have a devastating effect on local economies," he told the Navy League members.

Peet said the Soviet force of submarines carrying Polaris-type missiles capable of destroying a city will outnumber the U.S. Polaris force by 1973.

"The picture is grim," he said. "Tonight, there is within range of you at least one ballistic missile Yankee-class submarine. It is equipped with 16 nuclear-tipped missiles."

He said the only U.S. advantage over the rapidly expanding Soviet submarine and surface fleet is aircraft carriers.

He labeled as "fallacious thinking," attempts by antiwar groups to halt the sailing of the carrier Constellation from San Diego Oct. 1 and current attempts to stop the carrier Coral Sea from leaving Alameda for the Far East next month.

"To suggest we give up aircraft carriers—one of the major reasons I'm not willing to trade navies with the Russians—would be foolhardy, indeed," he said.

"I have not seen any evidence that the Soviets intend to cut back their forces. To the contrary, they are building offensive sea power at an alarming rate."

## EAST COAST OFFSHORE OIL DRILLING

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. GUDE. Mr. Speaker, the Department of the Interior has developed a tentative schedule for the leasing of portions of the Atlantic Outer Continental Shelf to oil companies for offshore drilling operations. The potential for massive environmental damage to the Nation's eastern shoreline is most real.

The Atlantic Outer Continental Shelf has thus far remained a relatively unspoiled region. Millions of Americans enjoy a shoreline to date unspoiled by the 20th century's own form of the "black death"—the oil slick. Experience with west coast oil drilling mishaps has shown that these operations are far from fail safe and that no foolproof technique yet exists for the cleanup of these oil spills.

Yesterday I signed a letter along with 59 of my colleagues to the Secretary of the Interior requesting that he rescind the Department's schedule for Atlantic shelf leasing and further that all plans for oil leases be held in abeyance until better safeguards and cleanup techniques are developed. I believe that these would be the minimal steps mandated by the potential for damage to the sea and shoreline caused by offshore oil drilling.

I would like to share that letter with my colleagues for their information:

HOUSE OF REPRESENTATIVES,
*Washington, D.C.*

Hon. ROGERS C. B. MORTON,
*Secretary of the Interior,*
*U.S. Department of Interior,*
*Washington, D.C.*

DEAR MR. SECRETARY: We, the undersigned, have become increasingly disturbed about the prospects for heavily increased offshore oil drilling off our Nation's precious coastlines.

Certainly, the most immediate potential threat is your Department's plan for selling drilling leases on the Atlantic Outer Continental Shelf, a heretofore untapped and unspoiled region with unique wetland and estuarian characteristics.

As you are only too well-aware from your own long service in Congress representing Maryland's Eastern shore, thousands of miles of priceless East Coast areas could be dealt a stunning economic and environmental blow if an oil slick were loosed anywhere off the Atlantic Coast.

The lessons of previous spills and "blowouts" in relatively unpopulated areas would be magnified many times were a spill or blowout to occur in the Atlantic, bordered by the most populous areas in America with so many citizens depending so heavily on

coastal areas for recreational activities and the resulting commerce.

Therefore, we would like to take this opportunity to call on you to personally rescind the Department's tentative schedule for Atlantic Outer Continental Shelf leasing and to hold any future plans for Atlantic leasing in abeyance until more foolproof spill clean-up procedures and other safeguards are developed.

We would appreciate your early decision on this matter.

Sincerely,

GILBERT GUDE,
(And 59 others).

## THE NORTHERN IRELAND SITUATION: A REPORT, NO. 13

### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. BIAGGI. Mr. Speaker, lest anyone doubt that Northern Ireland is at war, I am including in the RECORD today a small item that was buried on the inside pages of the Washington Post. It is important to note that combat is the order of the day for the British troops assigned to the area.

For this reason, I have introduced my bill, H.R. 11467, which would provide 25,000 emergency refugee visas for those trying to escape the war in Northern Ireland. Already several thousand refugees have fled the strife-torn north. I have also asked the President to provide emergency refugee relief funds to the Republic of Ireland to help them cope with the problem.

Mr. Speaker, I am presently seeking cosponsors on my bill and hope that my colleagues who are interested in aiding these beleaguered people will join me in reintroducing the measure on November 18.

[From the Washington, D.C., Post, Oct. 29, 1971]

IRISH WIN A FACEOFF ON BRIDGE

BELFAST, NORTHERN IRELAND.—Heavily armed Irish Republican troops forced British soldiers yesterday to abandon explosive charges they were planting in a bridge at the border between Northern Ireland and the Republic.

A 30-man Irish army patrol led by Lt. Bernard Goulding took combat positions against the British troops as they were planting gelignite charges in the span, near Munnely in County Monaghan. The British have been cutting bridges and roads along the border, trying to reduce the flow of arms and men into the strife-ridden north.

Goulding pointed a submachine gun at his British counterpart and demanded he hand over the explosives. The tense confrontation lasted 90 minutes before maps were produced indicating that the bridge was located just inside the Republic. The British soldiers withdrew.

In Dublin, the Irish cabinet reportedly approved a plan to seek up to $7.2 million to provide the Republic's army with new firepower and to finance a recruiting drive.

Sources said a prime purpose of the plan, expected to be presented to the Irish Parliament soon, is to fortify the border between the Republic and Northern Ireland.

## CANCER ATTACK LEGISLATION

### HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. SYMINGTON. Mr. Speaker, the Committee on Interstate and Foreign Commerce has today concluded its consideration of the cancer attack legislation which constitutes the most intensive and massive legislative authority ever given to a government of any nation to conquer disease. This landmark bill was prepared after 3 months of hearings before the Public Health Subcommittee on which I serve. It closely resembles the Senate version—which was enacted after 3 days of hearings by the Senate—but strengthens and modifies it to gain the benefit of the full attention and momentum of the bio-medical and scientific community. It provides for direct submission of the cancer attack budget to the White House, allowing only for comments, not change, by the Secretary of HEW and the Director of National Institute of Health. The Director of the National Cancer Institute is elevated to the position of Associate Director of the NIH and is appointed by the President. Authorizations for the first 3 years are $400 million, $500 million, and $600 million respectively; the President may, of course, request additional authorization and appropriation at any time. It authorizes an additional $90 million for the establishment of 15 new clinical cancer centers within 3 years, and gives emphasis throughout to treatment as well as research. A special panel of advisors is authorized to serve the President on a continuing basis by providing an overview of the entire program and assisting the President in evaluating its effectiveness. It achieves the foregoing without dismantling the National Institutes of Health, or reducing the Federal attention to stroke, lung and heart problems, and other debilitating and/or fatal diseases. It passed the subcommittee unanimously and the whole committee by a vote of 26 to 2. I will urge its adoption when it reaches the floor of the House.

## HAPPY 25TH WEDDING ANNIVERSARY

### HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. BARRETT. Mr. Speaker, I would like to wish my constituents, Albert and Ethel Zavodnick, a happy 25th wedding anniversary.

I can think of no better way than to submit a poem written by our mutual friend Simon F. Kolmaister, of Hyattsville, Md.

I was asked to write a poem
Or a ditty for this occasion
So here I go my friends
Offering my felicitation
On your 25th, Dear Obby and Etty
May the Almighty his blessing upon you bestow
With "naches," health and happiness
As toward the 50th you go.
May He grant you all your wishes
And help you both retain your charms
May you find everlasting strength
In each others arms.
Let's raise the wine cup high
In a toast to Obby and Etty,
Let's all wish them Mazeltov
Amidst cheers, flowers and confetti.

## GRANVILLE ALLISON

### HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. KUYKENDALL. Mr. Speaker, a longtime friend and a prominent member of our community died last Saturday night. We send sympathy to the family of Granville Allison of Memphis—to his widow, Mrs. Katherine Allison, and his son, Granville Allison, Jr., who is a distinguished newspaperman on the sports desk of the Evening Star here in Washington.

But the loss also belongs to the City of Memphis, and an editorial in the Memphis Press-Scimitar of November 2 tells us why.

GRANVILLE ALLISON

When Granville Allison, who died Saturday at the age of 73, lost his larynx in 1951, he might have retired in the literal sense of the word.

But Mr. Allison was a man of tremendous courage and vision. After he retired as assistant vice president of First National Bank in 1962, he became busier than ever. He organized and was the first president of the Lost Chord Club, composed of others who had undergone similar surgery. He also was laryngectomy counselor for the Memphis Speech and Hearing Center and a member of the Center's board of directors. He was a former clerk and treasurer of St. John's Episcopal Church. He was a man of quiet humor, meticulous dress, and charming manners.

In a day in which so many are crusading for better communication, Mr. Allison long ago had learned to communicate with those who needed his skilled help to live better, more useful lives. He was greatly admired as a man who created a new career for himself, as a dedicated churchman, and as a fine family man. Memphis has lost a fine citizen.

## IN LINE OF DUTY

### HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1971*

Mr. CHAPPELL. Mr. Speaker, on October 18, Grady Williamson, Jr., a very valued citizen of Daytona Beach, Fla., died in Seoul, Korea. Grady was on duty because for many years he had traveled with his dance troupe from Daytona

Beach to areas all over the world with the USO to entertain servicemen. Turkey, Japan, Greece, Italy, Germany, and Okinawa are the names of just a few countries where the troupe appeared—often as volunteers, receiving only their transportation and expenses.

Grady Williamson died when the bus which carried his troupe was struck by a truck. He had stayed with the disabled bus because of the troupe's equipment.

Daytona Beach will surely miss the abilities and civic spirit of Grady. Having acted as chairman of the March of Dimes many times, he was awarded the Distinguished Service Award in 1967 by the Daytona Beach Jaycees. He enriched the lives of many people; he brought a fine measure of lightness to the lives of many thousands more; and finally he gave his life for a cause in which he deeply believed. I know Grady Williamson will live on and on in the hearts of all who knew him.

# HOUSE OF REPRESENTATIVES—*Friday, November 5, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*May the God of hope fill you with joy and peace in your faith, that by the power of the Holy Spirit, your whole life and outlook may be radiant with hope.*—Romans 15: 13. (Phillips).

Eternal God, our Father, we lift our hearts unto Thee in prayer for our country, for all who in State, church, and school are shaping the future of our fair land and especially for this House of Representatives as it faces the trying tasks of this troubled time. Give to all these leaders courage, faith, and wisdom that the programs planned, the decisions made, and the work done may be in accordance with Thy will for the good of our Republic.

Grant unto us light for dark days, strength for weak moments, rest for weary hours, and a will to play our full part in the drama of this age. Through it all may the benediction of Thy presence be upon us.

In the spirit of the Master we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5060. An act to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft.

H.R. 11423. An act to extend the Federal Water Pollution Control Act until January 31, 1972.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1977. An act to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes.

S. 2781. An act to amend section 404(g) of the National Housing Act.

## PRIVILEGES OF THE HOUSE IN THE MATTER OF UNITED STATES OF AMERICA V. JOHN DOWDY, ET AL.

The SPEAKER laid before the House the following communication from the Clerk of the House:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
*Washington, D.C., November 4, 1971.*

The Honorable the SPEAKER,
*U.S. House of Representatives.*

DEAR SIR: On this date, I have been served with a subpoena duces tecum that was issued by the United States District Court for the District of Maryland. This subpoena is in connection with the case of the United States of America v. John Dowdy, et al.

The subpoena commands the Clerk of the House to appear in the said United States District Court for the District of Maryland, Baltimore, Maryland on the 8th day of November 1971 at 9:30 o'clock A.M., and requests certain House records that are outlined in the subpoena itself, which is attached hereto.

The rules and practices of the House of Representatives indicate that no official of the House may, either voluntarily or in obedience to a subpoena duces tecum, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without such consent.

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
*Clerk, U.S. House of Representatives.*

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

Subpoena to Produce Document or Object.

United States District Court for the District of Maryland. No. 70-0123—criminal docket.

United States of America v.
John Dowdy, et al.

To: Clerk, United States House of Representatives, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the District of Maryland at Room 325, U.S. Post Office Building, Calvert and Fayette Streets in the city of Baltimore, on the 8th day of November, 1971 at 9:30 o'clock A.M. to testify in the case of United States v. John Dowdy, et al. and bring with you all original roll call records of the United States House of Representatives for September 27, 28, 29, and 30, 1965.

This subpoena is issued upon application of the United States.

October 26, 1971, John G. Sakellaris, Asst. U.S. Attorney, Stephen H. Sachs, Special Asst. U.S. Attorney, 325 U.S. Post Office Bldg., Balto., Md. 21202, Area Code 301, 962-2043.

PAUL R. SCHLITZ,
*Clerk.*

CHARLOTTE WILLIAMS,
*Deputy Clerk.*

Mr. BOGGS. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 690

Whereas in the case of the United States of America against John Dowdy, et. al. (criminal action numbered 70-0123), pending in the United States District Court for the District of Maryland, a subpena duces tecum was issued by the said court and addressed to W. Pat Jennings, Clerk of the House of Representatives, directing him to appear as a witness before the said court at 9:30 antemeridian on the 8th day of November, 1971, and to bring with him certain documents in the possession and under the control of the House of Representatives: Therefore be it

*Resolved*, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

*Resolved*, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

*Resolved*, That W. Pat Jennings, Clerk of the House, or any officer or employee in his office whom he may designate, be authorized to appear at the place and before the court in the subpena duces tecum beforementioned, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

*Resolved*, That when the said court determines upon the materiality and the relevancy of the papers and documents called for in the subpena duces tecum, then the said court, through any of its officers or agents, be authorized to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House, and take copies of those requested papers and documents which are in possession or control of the said Clerk; and the Clerk is authorized to supply certified copies of such documents or papers in his possession or control that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; and be it further

*Resolved*, That as a respectful answer to the subpenas duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.