

EXTENSIONS OF REMARKS

MICHIGAN CITIZENS INVOLVED IN ENVIRONMENTAL IMPROVEMENT

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, November 5, 1971

Mr. RANDOLPH. Mr. President, it is my contention that the efforts of government and industry to create a clean environment cannot be fully effective without the involvement of a concerned citizenry.

I am gratified and encouraged when I see individuals and organizations dedicated to ending the pollution that threatens our way of life and the strength of our society.

I was privileged yesterday to participate in and address the annual meeting of Keep Michigan Beautiful, Inc., in Flint, Mich. At this meeting I witnessed evidence of the type of citizen involvement and dedication that I am confident will help us achieve the goal of a country free of pollution. More than 200 representatives of chapters throughout Michigan attended the meeting.

Arthur E. Nelson, president of Keep Michigan Beautiful, presided at the meeting. Speakers at the morning session were John J. Rourke, chairman of the Allen Park Beautification Committee; Mrs. Wilfred Cole, chairman of the Davison Environmental and Beautification Committee; and Bruce Campbell, chairman of the Clinton County chapter of KMB.

My address was delivered at the luncheon session at which Mrs. William G. Milliken brought greetings from her husband, the governor of Michigan and honorary chairman of the organization. She proved herself to be informed and articulate on environmental matters.

This meeting was arranged and coordinated under the direction of Mrs. Leland Smith, the very able vice president and executive director of Keep Michigan Beautiful.

I was introduced by Robert B. Healy, vice president of the organization.

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

There being no objection, the address was ordered printed in the RECORD as follows:

A CLEAN ENVIRONMENT FOR A BETTER AMERICA

(By Senator JENNINGS RANDOLPH)

As I prepared for this visit to Flint, I took time to read some of your literature of "Keep Michigan Beautiful".

One of the stories in your newsletter dramatically illustrated the frustrations encountered by those of us who work for a clean environment. It reported that, although the Michigan Highway Department has more than 4,000 litter barrels placed along the highways of your state, people still throw their trash indiscriminately from cars and contribute to the filthy mess along our roads. Cleaning litter along the roads this year will cost Michigan taxpayers alone more than \$1 million.

This little news item struck a responsive

chord with me. There is seldom a morning that I leave my house in Washington, D.C., to go to work and do not find some evidence of carelessness on the sidewalk or in my front yard.

I believe that people are genuinely concerned about the environment and sincerely want a clean world in which to live. But too many of our citizens are simply thoughtless in their everyday actions.

It is understandable that a small scrap of paper may seem insignificant. We should stop to think, however, that there are more than 210 million people living in the United States, and if each of us carelessly threw away just one small piece of paper a day, our collective carelessness would amount to a huge quantity of trash.

I have long preached that while governments must pass laws and provide money to control pollution, individual citizens must perform an important role in keeping our communities clean . . . and beautiful.

Aesthetic considerations are recognized by the Federal government as being as important facet of environmental protection and enhancement. In 1965 Congress passed the Highway Beautification Act, which has designed mainly to control junkyards and outdoor advertising along highways.

After five years of experience, it became apparent that the desired results were not being achieved. We therefore created the Highway Beautification Commission, which is now conducting a thorough study of the problem and will make its recommendations to Congress for a more effective program.

In a similar vein, I do not believe that all highways should be strictly utilitarian structures for the fastest possible movement between points. There are many areas with spectacular scenery that people cannot enjoy because of the lack of access.

To remedy this situation, I intend to propose next year that we begin an orderly program to build scenic highways. These new roads would be developed to facilitate the enjoyment of the American countryside and would not be ordinary commercial highways.

With our population increasingly concentrated in large urban areas, I believe it is very important to provide the means for people to enjoy the beauties of the American countryside.

Michigan has large areas of this wonderful countryside and such a program would be of great value to your state.

It is encouraging and heartening to see the commitment of citizen action organizations like "Keep Michigan Beautiful". This kind of involvement is essential to furthering our environmental efforts. You have 83 county chapters engaged in a wide variety of activities, and I was very impressed by the literature your organization has developed to assist them.

While involvement of everyone is needed, I realize that it is not easy to change old habits. Abraham Lincoln made a statement in 1862 that is applicable to the environmental challenge we face today. He said:

"The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country."

Lincoln did not overstate the case for a clean environment. The challenge today is, as he declared, to save our country.

We have heard, of course, many of the environmental horror stories. We know that air pollution from any sources is reaching dangerously high levels. We know that adequate supplies of clean water are becoming

scarce because of pollution and wasteful usage. And we have frequently heard that some day soon we may be literally buried in our trash and garbage.

These stories have even greater impact when we look at statistics revealing the magnitude of the problem. How, for instance, can the city of New York collect and dispose 24,000 tons of solid waste every day of the year? The answer is that it can't. Even with collections two and three times a day, there are so many neighborhoods in New York that are never free of unsightly, unhealthy piles of trash.

While New York is our largest city, its problems are not unique except in magnitude.

They exist in communities in West Virginia, in Michigan and in other states. Although there are serious environmental problems common to all parts of the country, there are additional situations that affect more limited areas, but which are equally severe.

In West Virginia, several thousand miles of streams are contaminated by the acids pouring into them from the coal mines that are a mainstay of my state's economy. In the Great Lakes area, including Michigan, there are serious questions of how to dispose of tailings from iron mines without damaging the environment or crippling this important industry. Even in the sparsely populated deserts of New Mexico, vast areas are being damaged by air-polluting electric power plants and the strip mining that provides the fuel for their use.

The situation is critical. It weakens our national economy and undermines the structure of our society. I do not exaggerate the gravity of the situation when I tell you that ending pollution is a matter of life and death.

I am encouraged, however, that American determination and American inventiveness are rising to the challenge. Much of my encouragement is based on the continuing concern of the American people for the environment. The ecological explosion that took place a couple of years ago was no passing fad. We have awakened to the enormity of our past sins against nature.

History has taught us that an aroused public can accomplish many positive results. Our people are now aroused against pollution and I, as one Senator, welcome the pressure they are exerting.

Nearly 150 years ago, Thomas Jefferson stated the necessity for change.

"As new discoveries are made, new truths discovered and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times."

I am gratified to tell you that the Committee on Public Works, which I have the responsibility to chair, is no newcomer to the battle against pollution, and we as Senators, know that times change and the challenges to meet new conditions are very real. For most of the past decade we have been involved in the development of legislation to protect and enhance our air, water, and land resources. Progress has been made, and we have learned much. We know, for instance, that the solutions that were adequate a mere ten years ago are frequently invalid today.

Last year the Committee developed major legislation to help resolve air pollution and solid waste problems. This year our main environmental effort has been directed toward development of the most comprehensive water pollution bill ever placed before the Congress.

Two days ago this bill was passed by the Senate by a vote of 86-0. When this bill becomes law we will have established a goal of clean water throughout our country by 1985.

and provided the mechanisms for reaching it.

In the past 18 months I have traveled extensively in the United States on my own personal crusade for the environment. Everywhere there are dramatic examples of the progress people are making. Innovations in environmental technology are an almost daily occurrence. Here in Michigan significant progress is being made in finding ways to usefully dispose of the sludge that results from sewage treatment.

In the Muskegon area experiments are underway to utilize these sewage treatment by-products to enrich the soil rather than permitting them to be a source of pollution themselves.

At the University of Missouri and elsewhere, experiments are underway in the use of glassphalt, a substance containing reclaimed glass, in the paving of roads. In Los Angeles and in West Virginia, industry is developing waste to effectively and profitably reclaim aluminum and steel cans so that they will not be left to rust along our roadsides and elsewhere. Within the past month, the people of Missouri approved \$150 million in state bonds to help build sewage treatment plants.

I have frequently said I believe the American people are willing to pay the cost of creating and maintaining a clean environment. This does not mean that they would or should pay excessively. We have the technical know-how to halt environmental abuses in many areas now, but some of it is so costly that serious questions of economics must be resolved before it is placed in use.

Even by the most economical means, the cost of cleaning up pollution will be high. The Environmental Protection Agency estimates that between 1970 and 1975 we must spend \$105 billion in public and private funds to meet currently anticipated requirements.

This total amounts to 10 per cent of America's gross national product. It includes \$24 billion for air pollution control, of which \$6 billion would be in the abatement of pollution caused by automobiles. Another \$38 billion will be needed to lessen water pollution, and \$43.5 billion will be needed to collect and dispose of solid wastes.

Spending by both government and industry on reducing pollution has increased dramatically in recent years. Federal funding for pollution control and abatement increased from \$763 million in fiscal year 1969 to an estimated \$2.014 billion in fiscal 1972. Included is direct financial assistance to state and local governments for programs and capital investments such as treatment facilities. They will undoubtedly rise even further.

We must not, however, view these massive expenditures as simply money spent without any substantial return. They are public investments that will not only create a cleaner environment, but will have a substantial economic impact through the manufacture of new equipment and the construction of new facilities as well as the stimulus resulting from operating expenditures.

More than 300 years ago, when our European forefathers came to this country, America was a pristine wilderness. The waters were crystal clear, the air was pure and the land was undisturbed.

This was a condition of our country before man arrived in large numbers, and indeed, even before there was a United States of America. It was a land ripe for development and, for reckless exploitation in too many instances.

I am sure even the most ardent conservationist knows we cannot return to that early condition. We can, however, do better than we have, and we can make our peace with nature.

America can continue to be a strong and vital nation, and it can do so without de-

stroying the natural environment. This is perhaps the great challenge of our time, and I am happy to give you my support to "Keep Michigan Beautiful" in meeting the challenge.

NUCLEAR DETONATION AT CANNIKIN

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. BEGICH. Mr. Speaker, Cannikin is to be detonated tomorrow, November 6, 1971, despite great concern and opposition by public and private individuals and organizations in Alaska, and throughout the Nation.

My only personal feeling at this time is one of deep concern and disappointment that the test will proceed in the face of many unanswered questions raised by responsible persons. I believe our national decisionmaking process must become, over a period of time, much more responsive to such a situation.

I want no one to take away with them the impression that the verdict on Cannikin will be in shortly after the test. Nothing could be further from the truth. The real threat of the test, beyond the possible creation of earthquake and tidal wave activity, is the slow deadly process of radiation contamination. Should this occur, it will endanger one of the world's great fishing grounds and the inhabitants of the area. My concern will remain for a very long time.

On the eve of this day of uncertainty, my solemn inquiries and requests for explanations and assurances for human safety from the responsible individuals, still remain unanswered and largely unrecognized.

Expressions of concern about this nuclear test by all those concerned have turned from concern to deeply emotional feelings of insecurity, destitution, and helplessness.

Mr. Speaker, the following are some of the communications I have received from concerned citizens regarding the scheduled nuclear test. I am also including a headline article from one of Alaska's most respected newspapers, the Kodiak Mirror, which exemplifies the seriousness of the potentially adverse effects the planned detonation will have on a large number of Alaskan people.

I share the concerns of these people and wish to include them in the CONGRESSIONAL RECORD. The words of these citizens speak far more eloquently than anything I can say at this time:

[From the Kodiak (Alaska) Mirror, Oct. 22, 1971]

VILLAGERS AFRAID OF CANNIKIN; ARE PREPARING TO FLEE

Old Harbor villagers are packing up their valuables again and preparing to "hightail it up the hill behind our town in case that Cannikin thing at Amchitka triggers off another disastrous earthquake and tidal wave," says Old Harbor Mayor Sven Haakanson who says he is appealing to the federal government "to have naval vessels standing by off each of our island villages just in case!"

"The government people say that we have nothing to be afraid of about Cannikin—but other scientists, including even some government ones, do not agree about that. And the government people tell us that there is a 90 per cent assurance that nothing will go wrong. But that still leaves a ten per cent chance that something can go wrong—and that's why the village people are afraid again and are preparing to flee to high ground," says Mayor Haakanson.

"We feel that it is a MUST that the government provide the villages each with a naval ship fully equipped and provisioned to take care of village people who just might have to be evacuated suddenly," says Haakanson.

Haakanson stated this morning, "We hoped that when the Aleut League protested and filed its suit that that would mean the end of this recurring threat to our lives and property—but the government is ignoring the Aleut League," Haakanson noted grimly.

"The villagers of Old Harbor do not approve of this Cannikin threat. They are afraid. We remember the 1964 tidal wave disaster all too well. I think that all of our Kodiak Island villagers share our fear and our concern.

"I am in town to contact the president and board members of the Kodiak Area Native Association to urge that they join with us in demanding that standby ships be stationed off the villages at the time of the blast—and to generally protest Cannikin even though it seems that the government isn't paying any attention to the people on this thing."

UNIVERSITY OF ALASKA,
College, Alaska, October 25, 1971.

HON. NICK BEGICH,
House of Representatives,
Washington, D.C.

DEAR MR. BEGICH: In the interests of the student body of the Associated Students of the University of Alaska, the following resolution was adopted in regards to the Cannikin blast by the A.S.U.A. Senate.

"Whereas, The Cannikin test blast scheduled for October, 1971, on Amchitka Island in Alaska, may trigger a major devastating earthquake, may set in motion a severe destructive tsunami, may leak fatal radioactive material into the air or into the water, thereby damaging the human environment or destroying the Alaskan fishing industry, may impede or erase progress in the strategic arms talks, is not apparently necessary to national security and since such an inordinate and unnecessary risk would be to defy reason and intelligent judgment,

"Be it resolved in the interest of human life and for the sake of human life and for the sake of Alaska and Alaskans, the A.S.U.A. Senate asks for the cancellation of the proposed Cannikin test."

Sincerely yours,
KARL N. SOPP,
Senate President,
A.S.U.A. Pro-Tem.

VAN NUYS, CALIF.,
October 28, 1971.

Congressman NICK BEGICH,
Congressional Office Building,
Washington, D.C.

DEAR CONGRESSMAN BEGICH: You can add my name and I am sure many other people are concerned over the Presidents OK to set off the 5 megaton blast at Amchitka. Aside from the environment issue, the sabre rattling at this time seems so foolish. Here he plans to visit and confer with the leaders of China and Russia while planning for larger warheads.

The President's past actions seem to hold the people in contempt. His promise to get out of Vietnam while enlarging the conflict

to Cambodia and Laos. His nomination of Carswell and Hainsworth to the Supreme Court. His pushing for the SST. His wage and price controls after inflation has almost ruined our economy. His 10% tax on imports in the face of the disastrous example of what happened after the Smoot-Hawley tariff act.

What we need now is to regain confidence in our government, not to instill fear in the people.

While speaking in favor of a better environment, he fires Hickel, lets Secretary of Commerce Stans speak out in favor of DDT and Detergents. Does very little about the oil spills that seem to be on the increase.

I am enclosing articles that I have been distributing among many groups and to members of congress.

Sincerely,

IRVING STEIN.

HAINES, ALASKA,
November 2, 1971.

Representative NICK BEGICH,
U.S. House of Representatives,
Washington, D.C.:

Operation Cannikin poses threat to insuring domestic tranquility lives. Unconstitutional under preamble of Constitution? Internal agitation is not for the United States. Stop the bomb.

DOROTHY FOSSMAN.

MIDDLEBURY COLLEGE,
Middlebury, Vt.

DEAR REPRESENTATIVE BEGICH: I read this morning of the President's OK for the go-ahead on the Amchitka Bomb testing, and could hardly believe it. "National security" should never override peoples' safety—a bomb of this size should never be tested!

As an Alaskan, I would hope that all means possible are being used to halt the test—Alaska is not so remote a place as to warrant this Nation's "playing" with bombs! The article I read said court cases are starting to try and legally stop the tests—please back them and do all you can. It's urgent.

Thank you.

Sincerely,

KATE BOESSER.

ANCHORAGE, ALASKA.

DEAR MR. BEGICH: Please do whatever you can to convince the President to cancel the atomic blast. It's his duty to protect the Pacific Basin, not endanger it. Maybe he feels safe because he's on the Atlantic, but I don't!

Sincerely,

ALEEN HERRING.

FORMER SENATOR A. WILLIS
ROBERTSON—IN MEMORIAM

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, November 5, 1971

Mr. BYRD of Virginia. Mr. President, the Staunton, Va., Leader of November 3 contains a splendid editorial tribute to our late former colleague, Senator A. Willis Robertson.

The editor and publisher of the Staunton Leader is Gen. E. Walton Opie, long a close personal friend of Senator Robertson. The tribute which General Opie has written is one of special warmth and authenticity.

In his editorial, General Opie recounts

the long and distinguished career of Senator Robertson in public life. In addition, he captures much of the essence of Senator Robertson as a man.

I am sure that all who knew Senator Robertson will agree with General Opie's concluding sentence:

There never was better company, few spoke more eloquently and effectively, and none surpassed him in sincerity, love of state and country, and willingness to serve his people to the limit of his great energy and acumen.

I ask unanimous consent that the editorial entitled "A. Willis Robertson, Statesman," be printed in the Extensions of Remarks.

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

A. WILLIS ROBERTSON, STATESMAN

Absalom Willis Robertson won himself a place in Virginia and U.S. history as a statesman who put state and country above personal and political considerations. The latter came to be largely disregarded by the people when his name was on a ballot because of his reputation for consistent adherence to the principles of representative government and independent judgment.

Nevertheless Sen. Robertson was an ornament of the Virginia Democratic Party, becoming one of the most highly regarded men in the House and then the Senate. He enjoyed tremendous personal popularity with his colleagues of both parties, and influence which was effective in creating decisive support for good legislation.

During his seven terms in the House from 1932 to 1946, he was especially interested in conservation of wildlife and its environment, heading a joint commission which accomplished much in this field. As a joint sponsor of the Robertson-Patman Act which made tax revenue from arms and ammunition sales available for game and fish projects, he scored a victory for wildlife which contributes greatly to its preservation and to the enjoyment of sportsmen to this day.

As chairman of the Senate Banking and Currency Committee, he became a widely recognized authority on banking laws, one of the most important of which he authored and saw to enactment. He also served on the Senate Appropriations Committee on Defense Production, to both of which and to his other duties he contributed experience, wide knowledge and hard work. He was a recognized expert on trade and tariffs.

Willis Robertson did not win election to Congress without making his mark as a dedicated public servant. As a young lawyer residing in Lexington, he was elected to the State Senate in 1916, serving until 1922, when he ran for Commonwealth's attorney of Rockbridge County, in which office he also served six years. His service as commissioner of game and inland fisheries overlapped that as county prosecutor, and it was as commissioner that he won statewide prominence and esteem and accounted for his selection for the role he played in Congress in the field of conservation.

Running in 1946 for the U.S. Senate to serve out the term of Sen. Carter Glass, who had died after a long illness, he was nominated on the third ballot by the Democratic Party in an intensely contested convention fight. He was elected to a full term in 1948, '54 and '60, losing at age 79 to William B. Spong Jr. by a small margin in 1966. This was in a political climate marked by his conservative, Constitutional outlook and the liberalism of his opponent.

Although Sen. Robertson was vigorous and healthy at the time, there was considerable

popular objection to the continued incumbency of a number of elderly senators. His age is believed to have played a decisive factor in the narrow defeat of this distinguished senior Senator from Virginia. He magnanimously resigned before the expiration of his term so Senator-elect Spong could attain some seniority by appointment to fill out the term.

The undeniably great Virginian served for several years as a consultant of the World Bank and then returned to his home in Lexington. Grieved by the death of his lovely wife, Gladys C. Robertson, in 1968, he took no further part in public affairs and his heart finally failed him on Monday, Nov. 1.

Willis Robertson's degrees and other honors were numerous. A veteran of Army service in World War I, he was discharged as a major. His obituary in the news columns recounted the legion of evidences of the high regard in which he was held as lawyer, statesman, orator, conservationist, Bible scholar and churchman. As a hunter and fisherman he was adept with gun and fyrod and a raconteur of anecdotes of field, stream, politics and people of all types. There was never better company, few who spoke more eloquently and effectively, and none surpassed him in sincerity, love of state and country, and willingness to serve his people to the limit of his great energy and acumen.

BLOW THE WHISTLE ON CRIME

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. KOCH. Mr. Speaker, like most city residents everywhere, New Yorkers are afraid and frustrated by street crime. What an outrage that people are made to feel that they must be prisoners in their apartments and homes after dark.

Despite all the talk about street crime, we do not hear many practical suggestions about what the average citizens can do. Let me make one. It is simple, inexpensive and it works.

On every block in New York City, residents can organize a block association and give whistles to everybody with these instructions:

First. Anytime you see something suspicious going on—blow your whistle.

Second. Anybody who hears a whistle, dial the police on 911 and blow your whistle.

The shrill din of many whistles going off to alert neighbors to potential crime is often enough to scare off muggers or intruders. Such reaction may also help deter further crimes in the area once it is known that residents are alert and prepared to act on a prearranged system of signaling each other.

The whistle system has already been successfully used for months by the Bank-Bethune Street Block Association in the West Village of Manhattan. Three criminals have been apprehended and several other potential crimes have been prevented. There has not been one false alarm and it has the support of the local police precinct.

Since starting a "Blow the Whistle on Crime" campaign, my congressional office has been flooded with inquiries from

people seeking information and whistles. The campaign has received enthusiastic support from police, police auxiliary, and block associations.

"Blow the Whistle on Crime" can promote a greater sense of community solidarity and a closer relationship with the local police. It benefits residents and merchants alike.

By blowing the whistle, we can show that fear and frustration need not be our only reaction to crime.

BACKGROUND INFORMATION ON NONDENOMINATIONAL PRAYER AMENDMENT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. EVINS of Tennessee. Mr. Speaker, as the Congress contemplates consideration of the so-called nondenominational prayer amendment to the Constitution, I wanted to provide my colleagues and others with copies of letters from constituents, editorials, statements, and other materials relating to this important question and issue bearing on the separation of church and state.

I recommend to my colleagues and country a reading of a sampling of the writings being circulated concerning this matter.

The materials follow:

AMERICANS UNITED FOR
SEPARATION OF CHURCH AND STATE,
Silver Spring, Md., October 22, 1971.

HON. JOE L. EVINS,
Rayburn House Office Building,
Washington, D.C.

DEAR JOE: On November 8 you will vote on the "nondenominational prayer amendment" to the U.S. Constitution. As one who has worked in the field of church-state relations for many years, may I tell you that this amendment, in its ultimate effect, will be disastrous to church-state separation and religious liberty in America.

We who are members of the Church of Christ, of all people, have a stake in preserving the religious freedom which has blessed our efforts here to restore New Testament Christianity. The Restoration Movement began in the United States and has made small headway elsewhere—primarily, I believe, because of the climate of complete religious freedom we enjoy, based on church-state separation which prevails here as it does nowhere else on earth.

I know that you are very busy, but because your vote on the Wylie Amendment will have vast consequences for the Church, as well as for all religion and for our entire society, I am requesting an opportunity to come to your office to talk with you personally about this matter. This could well be the most important issue on which you will ever vote, as a Congressman. I will be calling your office for an appointment in the next few days, and I hope that, busy as you are, you will see fit to grant it.

Enclosed in our own in-depth analysis of the proposed amendment, and several other items pertaining to it which may interest you.

Fraternally,

GASTON D. COGDILL,
Director of Organization.

FALLACIES AND FALSEHOODS OF THE WYLIE AMENDMENT

A constitutional amendment which will radically alter the relationship between church and state in America is now under congressional consideration. The amendment, sponsored by Rep. Chalmers P. Wylie (R-Ohio), reads:

"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." (H.J. Res. 191)

Despite the claims of its backers, the effect of the Wylie amendment will not be the "putting of God back into the public schools" but the injecting of the state into religion and the involving and entangling of the state with religion, with consequent grave damage to government and to religion, and to the certain destruction of church-state separation in America.

SHALL THE STATE INVOLVE ITSELF IN RELIGION AND IN RELIGIOUS CONTROVERSY?

The question posed to Congress by the so-called "prayer amendment" has nothing to do with individual, personal and voluntary prayer—i.e. with whether a child can bow his head and pray in school. This right has never been questioned by any responsible individual or any court in America. The question before Congress is whether prayer meetings can be held under the auspices or supervision of the state. The intent of the Wylie amendment is to permit officially approved and supervised, governmentally-sponsored corporate worship services in the public schools and elsewhere. Such corporate worship services will be tax-supported, in a large measure, since they will be conducted in tax-supported facilities and will usually involve some kind of supervision by teachers or others whose pay is drawn from the public treasury. One of the primary functions of the church is to lead and sponsor corporate worship. Shall the state now usurp this function? Shall the state, through its various agencies and officials, organize, supervise and subsidize regular and continuing programs of corporate worship in the public schools and other public places? Shall the government be empowered to officially authorize and approve some forms of corporate worship as "nondenominational" and officially disapprove and refuse to permit other forms of corporate worship as "denominational"? Shall religion now cease to be a private, personal and individual matter in this country, into which the state may not intrude itself or involve itself? Shall religion now become a function of the state, with some kinds of religion promoted and other kinds of religion prohibited in the public schools and all other public places in America? These are the questions which the Wylie amendment poses to every Congressman. It is not too much to say that the future destiny of this nation and the peace and harmony of every community tremble in the balance as each congressman considers how he shall vote on this matter.

There are a number of misconceptions and falsehoods underlying this amendment. We list some of these falsehoods below.

I. The falsehood that prayer is presently forbidden in public facilities and that we must amend our Constitution to "authorize" prayer. Voluntary prayer is already permissible in all public places. The courts have never made any ruling approving or disapproving, *per se*, of any prayer or worship anywhere. The courts have only ruled against governmental sponsorship of, subsidy of, and involvement in prayer and worship services. If the Wylie amendment is added to the Constitution it will make it necessary for the courts to rule again and again on the very character and contents of worship itself, as

to whether it is denominational and therefore prohibited, or nondenominational and therefore permitted in public buildings.

II. The falsehood that the Wylie amendment is intended to permit "voluntary prayer" in public places. The Wylie amendment doesn't even mention "voluntary prayer." It speaks only of "nondenominational prayer." Far from allowing "voluntary prayer," it will actually forbid truly voluntary prayer, for voluntary prayer necessarily reflects the peculiar faith and denominational orientation of each individual, and the Wylie amendment forbids all but "nondenominational prayer." A careful reading of the proposed amendment and scrutiny of the objectives of those who are pushing it reveal that it isn't voluntary prayer at all that they desire. The participation in the worship services they envision setting up in the public schools and elsewhere may be voluntary, because no person can actually be compelled to participate in worship. But the worship services themselves will be involuntary, from start to finish. The students obviously cannot pray any prayer they want to, because they might pray a "denominational prayer." So they will have to be told what to pray. The worship services resulting from the passage of this amendment will be held in buildings built and supported involuntarily; will be supervised by teachers and administrators whose salaries are paid involuntarily; will be patronized by students who are brought together at that particular spot involuntarily by the compulsory attendance law of the public schools.

III. The falsehood that the amendment concerns itself only with the setting up of guidelines for a kind of worship which will be permitted in the public schools of America. Even a casual glance at the amendment shows that it has far broader implications than prescribing and proscribing worship services in the public schools. The amendment doesn't even mention "public schools," but embraces within its scope worship in ALL public buildings throughout this nation. The words "lawfully assembled" in the proposed amendment should give pause to every thoughtful citizen. This yoking of state-approved "nondenominational" worship with the qualification that it be conducted in a "lawful assembly" has ominous overtones to those who believe that there cannot be any such thing as "unlawful assembly" for those who come together to worship God. Of course, the amendment applies only to persons "lawfully assembled in any public building." But what is a "public building"? The amendment goes on to define it as one "which is supported in whole or in part through the expenditure of public funds." Are church buildings "public buildings"? They are so classified in the building codes and safety and fire regulations of most cities. They certainly are supported in part by public funds in that they are given tax exemptions and receive free public services, such as fire and police protection, which are essential to their functions. The Wylie amendment places in dire jeopardy the freedom and independence of all churches in America since it implies that only "nondenominational" worship may lawfully be offered in public buildings in this country, and church buildings are "public buildings" under the definition given in the amendment.

IV. The falsehood that the amendment will only affect the kind of worship which will be allowed in public places. It affects a great deal more than that. If worship of a certain state-approved "nondenominational" type is to be allowed in public schools and other public institutions, may not religious teachings of a certain state-approved "nondenominational" type also be carried on there? After all, religious worship is a kind of religious teaching. And if the public schools

are now to become houses of worship and agencies for teaching a newly-established "nondenominational" state religion, tax support cannot be withheld from parochial schools. A large part of the thrust for the passage of this dangerous change in the First Amendment of our Constitution has come from those who see the prospect of billions of dollars in tax money being made available to their church and its schools. Separation of church and state will cease to exist in any meaningful sense if this amendment is passed. All the court decisions which have been based on the First Amendment since the founding of this nation will be undermined, and many, if not most, will be invalidated.

V. The falsehood that there is any such thing as a "nondenominational prayer." The stipulation that prayer be "nondenominational" is as ridiculous as would be a stipulation that prayer be non-religious. Secularized prayer isn't really prayer. To many it is sacrilege. To every church and religion its own prayers are nondenominational, and the prayers of all other groups are denominational. A prayer in the name of Jesus Christ would be forbidden in any public building by this amendment. There are many churches, such as the Quakers and the Churches of Christ, which do not believe in ceremonial prayers or a liturgy and which have no set or written prayers—no prayers at all which are formulated by one person, to be repeated in unison by others. Yet, this is the kind of prayer generally offered in the public schools. There are a number of churches which teach that it is sinful for unbelievers to conduct worship services. This violation of the faith of many will be authorized by the Constitution and will become a very prevalent practice if the Wylie amendment passes. It is obvious that the Wylie amendment will pave the way for delictic (i.e. prayers not offered in the name of Christ), liturgical, and therefore very much denominational, prayers in the public schools and elsewhere, as well as prayers which may be characteristic of some denominations but which are abhorrent and contrary to the faith of others.

VI. The falsehood that some of the problems encountered in connection with our youth today, and the general breakdown of morals within our society, would be solved or improved if we had some kind of a little "nondenominational prayer" each day in the public schools. This is like putting a band-aid on a cancer and expecting it to do some good. The causes for the moral decadence of our society lie deep indeed. None of those causes would be in the least affected by plastering a tiny bit of state-approved religious ceremonialism on the public schools.

VII. The falsehood that the Wylie amendment has anything at all to do with true prayer or worship to God or that the promoters of this change in the basic law of our land are primarily interested in prayer as an end in itself. All the evidence suggests that the sponsors of the Wylie amendment are interested in prayer as a means of achieving certain social and political purposes rather than in prayer as the intimate and personal communication of the heart and soul with God. It should greatly concern those Congressmen who are Christians that Jesus Christ condemned ostentatious, hypocritical and repetitious prayer and commanded his followers to pray at home, in privacy, behind closed doors (Matt. 6:6-7). Is the sort of prayer envisioned by the Wylie amendment the sort that Jesus condemned or the sort that He commended? To us, the answer is obvious.

James Madison said, "It is proper to take alarm at the first experiment on our liberties." We, therefore, plead with those who are entrusted with the guardianship of the rights and liberties of this great free nation—Re-

sist this drive to change the First Amendment, knowing that if this current effort is successful, it will be but the beginning of a series of furious assaults upon our Bill of Rights and the precious heritage of freedom and justice which it protects.

WHY DO RELIGIOUS BODIES OPPOSE "PRAYER" AMENDMENTS?

(A selection of statements by some of the major religious bodies in the United States.)

THREE BASIC REASONS

Most of the major religious bodies in the United States oppose any amendment to the Bill of Rights that would permit state-supervised prayers in public schools.

They oppose such an amendment for three basic reasons:

1. They are concerned about real, meaningful prayer. Prayer is the single, most direct expression of religious devotion. As such, it must be voluntary. Proposed amendments would subject prayer to government sponsorship and regulation, and this the churches cannot concede.

2. They are concerned about the rights of all—including minorities and non-theists—in a pluralistic society. Proposed amendments would infringe those rights by authorizing civil devotions that would inevitably be shaped by majority pressures. They would impose objectionable religious practices and expression on public schools which are already the center of community conflict and controversy. They would make religion the subject of divisiveness and antagonism rather than harmony and peace.

3. They are concerned about amending the Bill of Rights for the first time in the nation's history. The First Amendment has safeguarded religious liberty and other basic religious freedoms for nearly two centuries. If it can be amended now for this purpose without profound and careful consideration it may be easier to amend for other purposes.

National Council of Churches of Christ in the U.S.A.:

"The Supreme Court of the United States in the Regents' Prayer case has ruled that 'in this country 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.' We recognize the wisdom as well as the authority of this ruling. . . ."

"We express the conviction that the First Amendment to our Constitution in its present wording has provided the framework within which responsible citizens and our courts have been able to afford maximum protection for the religious liberty of all our citizens."—"The Churches and the Public Schools," adopted by the General Board, June 7, 1963.

The United Methodist Church:

"Public schools may not properly establish any preferred form of religion for common exercises of worship or religious observances or study. . . ."—"A Statement Concerning Church-Government Relations and Education," adopted by the General Conference, May 1968.

"We . . . request the Congress of the United States to retain the historic relation between Church and State and to oppose H.J. Res. 191 and any other proposed prayer amendment to the Constitution."—Statement by the General Board of Christian Social Concerns, October, 1971.

The Episcopal Church:

" . . . Whereas, We believe that worship and religious education are the responsibility of Church and home, and not of the public schools or governmental institutions . . . , therefore, be it

"Resolved, That the National Council of the Protestant Episcopal Church record its considered opinion that amendments to the Constitution of the United States of America which seek to permit devotional exercises

in our public schools should be opposed."—The National Council of the Protestant Episcopal Church, May 27, 1964.

The Lutheran Church in America:

"The Constitution should not be amended except to achieve large and important public needs and purposes consistent with the basic nature of our constitutional system. The current proposals for constitutional amendment do not meet these standards. Parents, churches and school authorities would be better advised to direct their efforts to programs for study of religion and the Bible in the public schools . . . rather than to seek constitutional sanctions for devotional exercises in public schools that have at most a minimal religious value, which invite the intrusion of sectarian influences into the public school system, risk the violation of the rights of religious freedom and are a potential source of conflict in the community."—Second Biennial Convention, July 1964.

American Lutheran Church:

"Proposals are now pending before the Congress of the United States to amend the Constitution in order to give constitutional sanction to certain types of religious practices in public institutions and in the public life. . . ."

"We believe that it would be unwise for the Congress to give its approval to any such amendment . . . We . . . recognize . . . that in the end religion suffers and religious liberty in its fullness is threatened when government uses the power of its laws and the public school program to prescribe an official faith. . . ."—From "A Statement Committed by the Church" by the Second General Convention, Oct. 26, 1964.

The Lutheran Church, Missouri Synod:

"The Board of Parish Education of the Lutheran Church—Missouri Synod, feels that the Dirksen (prayer) Amendment fails to recognize fully the religious pluralism of the American scene. We believe that Christians cannot join with non-Christians in addressing God in circumstances that deny Jesus Christ as Saviour and Lord. We believe likewise that non-Christians should neither be expected to participate in Christian prayer nor should they expect Christians to join them in prayers that deny Christ."

"The concept of voluntary participation in prayer provides either a coercive force or an embarrassing situation for both Christians and non-Christians. Under these circumstances we believe that it is best for the public school not to engage in prayer or other religious worship exercises."—The Board of Parish Education, July 29, 1966.

The United Presbyterian Church in the U.S.A.: "Religious observances (should) never be held in a public school or introduced into the public school as part of its program . . . Bible reading and prayers as devotional acts (in public schools) tend toward indoctrination or meaningless ritual and should be omitted for both reasons."—"Relations between Church and State in the United States of America," adopted by the 175th General Assembly, May 1963.

The Southern Baptist Convention: "Baptists had much to do with the writing of the First Amendment into the Constitution of the United States and have been in the forefront of preserving the religious liberty that our nation has enjoyed.

"We appeal to the Congress of the United States to allow the First Amendment of the Constitution of the United States to stand as our guarantee of religious liberty, and we oppose the adoption of any further amendment to that Constitution respecting an establishment of religion or respecting free exercise thereof.—Resolution adopted by the Southern Baptist Convention, May 22, 1964, reaffirmed June 2, 1971.

The United Church of Christ: The Executive Council of the United Church of Christ

supports the Supreme Court decision banning prescribed prayers and prescribed Bible reading in the public schools, calls attention to the aspect of the Supreme Court decision which affirmed the freedom of the schools to engage in the study of religion and opposes House Joint Resolution 191 which seeks to amend the United States Constitution.—Resolution by the Executive Council of the United Church of Christ, Oct. 12, 1971.

Christianity Today:

"We think that passage of this amendment would be a mistake. For one thing, persons already can and do voluntarily assemble for prayer in public buildings. . . .

"Secondly, this amendment is hardly the way to promote a revival of true religion. . . . Genuine piety is fostered not by government. . . . but by families and individuals who practice reverence for God and obedience to him in all their activities and associations. . . .

"Finally, this amendment leaves open the possibility for some to assert that denominational prayer should not be permitted in public buildings. . . . Youth groups such as Campus Life or Inter-Varsity should be able to meet in schools for explicitly Christian prayers without fear that misguided authority will say only groups praying in a way that is acceptable to all religions are now constitutional."—Editorial, Oct. 8, 1971, page 32.

The American Baptist Convention:

"An amendment to permit compulsory Bible reading and prayer in the public schools is not only a danger to the freedom of nonbelievers, it is also a threat to the religious well-being of the believer. It is because of a deep respect for worship, and the recognition that prayer is essential and should be a vital encounter between man and God, that Baptists oppose devotional exercises that are more rote than worship. Therefore we affirm our belief in the separation of church and state as written in the first amendment of the Constitution of the United States."—Resolution adopted by the American Baptist Convention, May 22, 1964.

The Roman Catholic Church:

On June 16, 1964, the then National Catholic Welfare Conference issued a press release which stated:

"The Legal Department of the National Catholic Welfare Conference is very cautious toward the present interest of some in amending the Constitution in the manners now proposed to overcome recent judicial decisions precluding prayer and Bible reading in public schools. . . .

"The department continues to believe that the present clauses in the Constitution are of incalculable benefit to religion. . . . In combination, the 'free exercise' and 'no establishment' clauses are guarantees too vital to be tampered with lightly. . . ."

America Magazine, Jesuit Weekly:

"Reconciling the rights of all parents and students with respect to religion in public schools is a serious, difficult problem. It should not be trifled with by passage of this . . . ill-written, mischievous, and misconceived . . . amendment."—Editorial, Oct. 23, 1971.

The Christian Century:

"The proposed amendment would be a step toward a lowest-common-denominator culture-religion . . . which would endanger true religion as well as civil liberties by equating religious ideas and practices with national culture and patriotism.

"Prayer is an act of worship, not a gimmick for cranking up the academic or civic machinery. . . . Acts of worship cannot be divorced from real historical commitments without endangering the vitality of the religion or religions involved."—Editorial, Oct. 20, 1971.

Synagogue Council of America, and National Jewish Community Relations Advisory Council:

"Our Constitution can, of course, be amended . . . but . . . if the Constitution is amended . . . then let no one who supports this measure delude himself or his countrymen that he has rendered religion or liberty a service. In a plural society, it is not and should not be the business of government to aid religion and if it does assume that role, then, in the very process and precedent it establishes, it does religion a harm and disservice that will far outweigh the intended benevolence. For it will have compromised that free and unfettered exercise of religious liberty without which religious faith cannot for long retain its integrity and independence.

"Our profound respect for the role of our legislature and for the sacrificial desire of its members to serve the common good leads us to say to members of this Committee: Your business is not the promotion of religion. It is rather the preservation of a free and just society, for that, and nothing other and nothing less, offers the surest safeguard for the preservation and strengthening of our religious heritage."—Statement before Senate Judiciary Committee, August 8, 1966 by the Synagogue Council of America and the National Jewish Community Relations Advisory Council. (Approved and adopted joint testimony by all of the constituent organizations of both bodies.)

STATEMENT OF OPPOSITION TO PROPOSED CONSTITUTIONAL PRAYER AMENDMENTS, SEPTEMBER 15, 1971

The undersigned national religious organizations and leaders express their united opposition to S.J. Res. 191, now pending in the House of Representatives, and to other similar proposals for constitutional amendments to authorize "nondenominational" prayer in public buildings. We express the long-standing official positions of the nation's religious faiths which affirm the adequacy of the First Amendment to protect religious interests and to ensure religious rights.

The major faiths themselves have never been able to achieve consensus on a definition of prayer, much less a definition of "nondenominational" prayer. We deny that any elected body or governmental authority has the right to determine either the place or the content of prayer, as is implied in the proposed constitutional prayer amendment. To authorize government by a constitutional amendment to intervene in the sacred privilege of prayer, long enshrined in the character and tradition of our nation, is to make of government a judge of theology and an administrator of religious practice. If such a proposed amendment should become a part of the Constitution of the United States, a new religion of "nondenominationalism" would in a measure become established which could destroy the integrity of both church and state.

The proposed constitutional amendment would introduce divisiveness into our national life and among the institutions of religion, it would paradoxically proscribe and distort freedom of religious expression.

If the proposed prayer amendment should become a part of the Constitution, the Bill of Rights would have been amended for the first time in our nation's history. Such an amendment would open the doors for governmental intrusion into the religious affairs of the people. This we protest.

On the other hand, we affirm the right of school children or any other segment of the population to engage voluntarily in their own prayers without government authorization or supervision. This right is adequately protected by the First Amendment as it now stands. For this reason we also affirm the wisdom of the Supreme Court decisions in 1962 and 1963 which properly prohibited government intrusion into the religious activity of school children.

We therefore respectfully petition the Congress of the United States to preserve the religion clauses of the First Amendment intact and to oppose any and all prayer amendments to the Constitution.

Dr. W. Hubert Porter, Associate General Secretary, American Baptist Convention.
American Ethical Union.

American Humanist Association.
Rev. Warren R. Magnuson, General Secretary, Baptist General Conference.

Baptist Joint Committee on Public Affairs.
The Church of the Brethren.

Executive Council of the Episcopal Church.
Friends Committee on National Legislation.

General Board of Christian Social Concerns, The United Methodist Church.

Mennonite Central Committee—Peace Section.

Dr. Joseph H. Jackson, President, National Baptist Convention, U.S.A., Inc.

National Council of the Churches of Christ in the U.S.A.

Rev. G. K. Zimmerman, Executive Secretary, North American Baptist General Conference.

Joint Advisory Committee of the Synagogue Council of America and the National Jewish Community Relations Advisory Council, consisting of:

American Jewish Committee.
American Jewish Congress.

B'nai B'rith—Anti-Defamation League.
Central Conference of American Rabbis.

Jewish Labor Committee.
Jewish War Veterans of the USA.

National Council of Jewish Women.
Rabbinical Assembly.

Rabbinical Council of America.
Union of American Hebrew Congregations.

Union of Orthodox Jewish Congregations of America.

And 85 state, county, and local Jewish Community Councils.

Rev. Richard J. Niebanck, Secretary for Social Concerns, Board of Social Ministry, Lutheran Church in America.

Office of Church and Society, Presbyterian Church of the United States.

Dr. S. S. Hodges, Executive Secretary, Progressive National Baptist Convention, Inc.

Rev. Alton L. Wheeler, General Secretary, Seventh Day Baptist General Conference.

Dr. Carl E. Bates, President, Southern Baptist Convention.

Council for Christian Social Action, United Church of Christ.

Unitarian Universalist Association.

Dr. William P. Thompson, Stated Clerk, United Presbyterian Church in the U.S.A.

Mrs. Marcus Rohlfis, President, American Baptist Convention.

DON'T BE DECEIVED BY A "PRAYER"

Don't "booby-trap" religious freedom by an innocent-sounding "prayer" amendment that is in fact a "time-bomb" against religion.

Now is the time to stand up and fight for freedom.

What did the Supreme Court say? . . . about prayer in public schools?

State composed and governmentally required prayers are a violation of the Constitution.

"In this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government."

Governmentally sponsored or required devotions, such as Bible reading and recitation of the Lord's Prayer are unconstitutional.

The Bible and religion may be taught in public schools when presented objectively as part of the regular program of education.

The Supreme Court did not do this:
The Court did not prohibit school children from praying in school. It prohibited

government from writing their prayers and sponsoring their devotions.

The Court did not put God out of the schools or out of public life in America, God is greater than either a Supreme Court decision or a constitutional amendment. He is not moved about like a chessman.

The Court did not express hostility to religion. "Nothing, of course, could be more wrong," the Court declared.

The Court did not establish a religion of secularism. It specifically said, "The state may not establish a 'religion of secularism' in the sense of affirmatively opposing or showing hostility to religion."

The Court did not eliminate all religious expressions from public life. It said that the Declaration of Independence, patriotic hymns, and religious expressions in patriotic or ceremonial occasions are not prohibited by the ruling.

Take a look at the innocent-sounding but insidious nondenominational prayer amendment:

The proposed amendment: "Nothing 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." (H.J. Res. 191)

This amendment would not be merely an addition to the First Amendment. It would be a serious alteration of the basic constitutional provision for "no establishment" and "free exercise" of religion.

The amendment prescribes the kind of prayer the people in public buildings have a right to pray—nondenominational prayers.

The amendment by indirection authorizes government (a school board, principal, teacher, or some other official) to determine what is "nondenominational" prayer. This makes government a judge of theology and of prayer.

The amendment restricts the rights of the people it is supposed to protect. It could prescribe "nondenominational prayer" for hospitals, homes for the aged, other buildings supported in whole or in part through public funds, or even the chaplaincy.

The amendment introduces religion as a divisive factor into American life.

The amendment authorizes a perverted form of nebulous religion—nondenominational prayer.

Help preserve religious freedom defeat the nondenominational prayer amendment.

Baptist Joint Committee on Public Affairs, 200 Maryland Ave., N.E., Washington, D.C. 20002

AMERICANS UNITED FOR
SEPARATION OF CHURCH AND STATE,
Silver Spring, Md., October 19, 1971.

DEAR CONGRESSMAN: We are writing you on behalf of more than 100,000 persons in all the states who are seriously concerned with attempts to change the First Amendment to the Federal Constitution. These persons are all Godfearing and practitioners of prayer in their homes and churches. They do not, however, believe that prayer should become an object of government concern.

The proposal to change our First Amendment reads as follows:

"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."

This quite clearly puts government officials in the position of defining what kind of prayer may or may not be offered in public buildings and places. What is "nondenominational prayer?" This would have to be defined by public officials, a responsibility which we believe should lie beyond their purview.

Tampering with the First Amendment is a

serious matter. It can undermine the entire cornerstone of our freedom. Congress should not start us in this direction.

The church leaders and followers with whom we are in daily contact are against this proposal, and we hope you will be too.

Cordially,

GLENN L. ARCHER, 33",
Executive Director.
C. STANLEY LOWELL, 33",
Associate Director.

TENNESSEE BAPTIST CONVENTION,
Clinton, Tenn., November 2, 1971.

Hon. JOE L. EVINS,
The House of Representatives,
Washington, D.C.

DEAR MR. EVINS: I appeal to you to keep our present constitutional provision on separation of church and state. I believe it is adequate as stated.

Senator Hugh Scott is no doubt sincere in his proposed constitutional amendment concerning prayer in public schools or other public buildings. However, his sincerity seems to me to be misguided.

I don't believe anyone has offered an improvement on our present document and the interpretation of it by the Supreme Court. Thank you for your consideration.

Sincerely yours,

HAYWARD HIGHFILL.

BAPTIST JOINT COMMITTEE ON
PUBLIC AFFAIRS,
Washington, D.C., November 3, 1971.

Hon. JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR MR. EVINS: On Monday, November 8, Congressman Wylie will bring H.J. Res. 191 to the floor in an attempt to amend the religion clauses of the First Amendment. The proposed amendment would authorize governmental entanglement in religion.

Dr. Carl Bates, President of the Southern Baptist Convention, evaluates H.J. Res. 191 as "... one of the most insidious developments against freedom and true religion that I have ever seen." With him we oppose this piece of legislation as unnecessary, divisive, unwise, and dangerous.

I hope that on next Monday you will not only be in intellectual and emotional opposition to H.J. Res. 191, but also that you will make every effort to be present to vote against the resolution.

Sincerely yours,

JOHN W. BAKER.

BOARD OF CHRISTIAN SOCIAL CONCERNS OF THE
UNITED METHODIST CHURCH

To: Members of the House.
From: A. Dudley Ward.
Re: The Prayer Amendment.
Date: October 22, 1971.

DEAR REPRESENTATIVE: I would like to send along to you a copy of our Board's official policy statement on the Prayer Amendment. This resolution was adopted at a recent Annual Meeting held in Washington, D.C.

The statement basically opposes "nondenominational prayers" as most likely to become "meaningless petitions." Also, since undefined by the churches and synagogues, the authorization of such prayers would mean that governmental authority would have to compose and endorse these petitions for use in the classroom. This, we believe, would constitute a breach of the separation of the church and state as provided in the Constitution.

We therefore, urge that you oppose House Joint Resolution 191 when it comes before the House on November 8th or soon thereafter, as well as any other proposed prayer amendments to the Constitution. We are, of course, unreservedly in favor of prayer but believe it should appropriately be centered in the home and in the churches and syna-

gogues. Your prayerful consideration of this question will be greatly appreciated.

Yours sincerely,

Dr. A. DUDLEY WARD,
General Secretary.

PRAYER AMENDMENTS TO THE CONSTITUTION
(Statement of the Board of Christian Social
Concerns of The United Methodist
Church)

The Board of Christian Social Concerns expresses its grave concern over the movement for passage of the Prayer Amendment to the US 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.

Approved by the Board of Christian Social Concerns October 7, 1971; Vote: 32 yes, 0 no, 1 Abstain.

THE AMERICAN LUTHERAN CHURCH,
Minneapolis, Minn., November 1, 1971.

HON. JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR MR. EVINS: 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—absentees and 4 members absent.

The statement, as it speaks to the present situation, reaffirms a paragraph from a previous statement, "An American Lutheran Po-

sition 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 in such expressions of our religious faith. These freedoms and these protections of 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).

BOARD OF MISSIONS OF THE
UNITED METHODIST CHURCH,
New York, N.Y., November 2, 1971.

DEAR CONGRESSMAN: There are many church women in this country who do not want the Bill of Rights changed by the proposed "prayer" amendment.

Enclosed is a statement adopted ten days ago by the national representatives of the largest woman's religious organization in the country. We hope you will vote against H.J. Res. 191 on November 8th.

Sincerely yours,
Mrs. WAYNE W. HARRINGTON,
President, Women's Division, Board of
Missions of the United Methodist
Church.

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.

OFFICE OF GOVERNMENT LIAISON,
Washington, D.C., November 2, 1971.

DEAR CONGRESSMAN: I have enclosed a copy of the statement of the Most Rev. Joseph L. Bernardin, General Secretary, United States Catholic Conference, opposing H.J. Res. 191, the "Prayer Amendment."

In view of the serious questions raised in the statement, I urge you to oppose H.J. Res. 191.

Sincerely,
JAMES L. ROBINSON,
Director.

CATHOLIC CONFERENCE OPPOSES "PRAYER
AMENDMENT"

WASHINGTON.—The U.S. Catholic Conference has gone on record in opposition to the so-called school prayer amendment, which is currently before the House of Representatives.

The conference's position was announced by Bishop Joseph L. Bernardin, USCC General Secretary, who said:

"I wish to emphasize that the conference is not opposed to the concept of prayer in public buildings nor unconcerned about the vitally important matter of meeting the religious needs of children who attend public schools."

"Our opposition to this amendment is based on the conviction that it would accomplish nothing on behalf of the goals it purports to serve and would represent a threat to the existing legality of denominational prayer."

The text of the proposed constitutional amendment, on which the House is expected to vote November 8, states:

"Nothing contained in this constitution shall abridge the right of persons lawfully assembled in any public building supported in whole or in part through the expenditure of public funds to participate in nondenominational prayer."

Bishop Bernardin said:

"The subtle implication of the amendment, therefore, is that 'denominational' prayer in public buildings is unconstitutional. This is contrary to present law. Denominational prayers are used in many public ceremonies, and in many parts of the country public buildings are rented by churches for denominational services. The proposed amendment could only serve to threaten the existing practice and worsen the present situation."

"Moreover," Bishop Bernardin continued, "the amendment cannot be justified as a 'school prayer' amendment. The amendment does not say anything about state sponsorship of prayer in public schools as part of the regular school day. Yet this was the very thing the Supreme Court found unconstitutional in the School Prayer cases."

"Passage of the amendment," he added, "might lead many to think that something serious has been done about the problem of religious education of public school children. In fact, nothing of any moment would have been achieved."

BAPTIST PRESS,
Nashville, Tenn., October 13, 1971.
HON. JOE L. EVINS,
Congressman, Fourth District, Tennessee,
House of Representatives, Washington,
D.C.

DEAR MR. EVINS: On November 8, H.J.R. 191, the so-called "prayer amendment" to the Constitution, is tentatively scheduled for a vote in the House. I am writing as a concerned citizen of Tennessee to urge you to vote against this amendment.

You will, I know, vote your own convictions. For that, I am thankful. As you weigh the pros and cons on the issue involved, please allow me to share with you my own convictions as additional input from back home. I believe you should oppose H.J.R. 191 for the following reasons:

1. The alleged need for the amendment is based on a false premise—that the Supreme Court decisions of 1962 and 1963 ruled out voluntary prayer in public schools. They did not. They prohibited governmentally prescribed prayer such as that composed by the New York Regents. There is a big difference.

2. The current wording of the First Amendment to the Constitution is an adequate protection for religious liberty. The current wording does not either prohibit or condone prayer or Bible reading—it leaves such matters up to the individual situation. Thus the proposed amendment is completely unnecessary.

3. If H.J.R. 191 is approved, it would amount to a violation of the current wording of the First Amendment. It would "establish" prayer which must be "non-denominational." And the First Amendment demands that Congress make no law which would be an "establishment of religion."

4. It is a poorly-worded amendment. The word "non-denominational" is unnecessary and objectionable. Does that word mean that I, as a Baptist, could not pray "in Jesus' name" at a school meeting? Or that a Jew must include the phrase "in Jesus' name" in his prayer in order to be "non-denominational"? Furthermore, the phrase in the proposed amendment, "persons lawfully assembled in any public building supported in whole or in part through the expenditure of public funds" is vague and unnecessary.

Does this mean that prayer is not permitted in any buildings not built with public funds? Of course not, we would assume. But the amendment as proposed is vague and poorly worded and should not be passed in its current form. It is a bad proposal.

5. At least seven national religious bodies have adopted strong statements warning Congress against adopting a so-called "prayer amendment." The Southern Baptist Convention adopted such a statement on June 3, 1971, reaffirming a previous resolution adopted in 1964. I am enclosing a copy of that resolution. In addition, similar statements have been adopted by the American Baptist Convention, the General Conference of the United Methodist Church, the Board of Parish Education of the Lutheran Church—Missouri Synod, the National Council of the Protestant Episcopal Church, the General Assembly of the United Presbyterian Church, U.S.A., and the Board of Homeland Ministries of the United Church of Christ. For your information, I am enclosing excerpts from these statements.

There are many other reasons too numerous to list, but these are the principal ones. I would urge you to examine the issue on its own merits; but remember, the issue is larger than simply a guarantee that prayer shall be permitted in public buildings. The issue at stake is religious liberty—something our forefathers died for, something the First Amendment guarantees in its current wording. I am convinced that to pass H.J.R. 191 would be to weaken, not strengthen religious liberty. It would establish a governmentally-sponsored religion of "non-denominationalism."

Frankly, I was a little disappointed that you and all of the Tennessee Congressmen signed the discharge petition to bring H.J.R. 191 out of the House Judiciary Committee. But I realize that a vote in favor of discharge does not necessarily mean you favor the amendment itself—only that you feel the House should vote on it.

No doubt there is a great deal of misunderstanding about these matters among many sincere religious people of our state and nation. It is not politically expedient to be

against God, motherhood, the flag, or prayer. But the issue is not being against prayer, it is being for religious liberty! I hope you will vote in support of this great heritage of ours and work for the defeat of H.J.R. 191.

Sincerely,

JAMES R. NEWTON.

RESOLUTION NO. 2—RELIGIOUS LIBERTY

In this anniversary year we are grateful for the witness which our Baptist movement has been privileged to bear. The discernment of the call of God in Christ has led us to a glorious experience of evangelism and missionary outreach through the power of the Holy Spirit.

Our leaders and our people have firmly rejected the use of the coercive powers of government in the realm of religion. Baptists had much to do with writing the First Amendment into the Constitution of the United States and have been in the forefront in preserving the religious liberty that our nation has enjoyed. We have unflinchingly declared our desire for separation of church and state in resolutions, in sermons and in policies and practices.

1. We, the messengers of the Convention hereby affirm our support for the concepts and the vocabulary of the First Amendment, including both its prohibition upon government roles in religious programs and its protection of free exercise of religion for the people.

2. We enunciate our concern that public officials and public servants of all types shall have the same free exercise of religion as other citizens, but that this freedom does not entitle them to use public or official powers for the advancement of religious commitments or ideas. In applying this principle to the field of public education, we affirm the historic right of our schools to fulfill academic freedom for the pursuit of all knowledge, religious or otherwise.

3. We appeal to the Congress of the United States to allow the First Amendment of the Constitution of the United States to stand as our guarantee of religious liberty, and we oppose the adoption of any further amendment to that Constitution respecting establishment of religion or free exercise thereof.

4. We urge all our channels, leaders, and churches to involve themselves thoroughly in study of the biblical, the historical, and the contemporary issues related to religious liberty to the end that our heritage of freedom and responsibility under God may be clearly understood and appreciated by the next generation and by ever larger proportions of the world's peoples.

EXCERPTS FROM STATEMENTS ADOPTED BY VARIOUS RELIGIOUS BODIES

1. Resolution adopted by the *Southern Baptist Convention*, meeting in Atlantic City, N.J., May 22, 1964, and reaffirmed by the SBC Meeting in Detroit, Mich., May 27, 1966.

"... We, the messengers of the Convention hereby affirm our support for the concepts and the vocabulary of the First Amendment, including both its prohibition upon government roles in religious programs and its protection of free exercise of religion for the people.

"... We appeal to the Congress of the United States to allow the First Amendment of the Constitution of the United States to stand as our guarantee of religious liberty, and we oppose the adoption of any further amendment to that Constitution respecting establishment of religion or free exercise thereof..."

2. Resolution adopted by the *American Baptist Convention*, meeting in Atlantic City, N.J., May 22, 1964, and reaffirmed by the ABC meeting in Kansas City, Mo., May, 1966.

"... Baptists have long opposed any compulsion to conformity in religious belief or in the practice of religion. The first amendment has supported this freedom. The pro-

posed change in that amendment could weaken it and bring the power of the state to bear on individuals to conform and to participate in prescribed religious practices.

An amendment to permit compulsory Bible reading and prayer in the public schools is not only a danger to the freedom of non-believers, it is also a threat to the religious well-being of the believer. It is because of a deep respect for worship, and the recognition that prayer is essential and should be a vital encounter between man and God, that Baptists oppose devotional exercises that are more rote than worship. Therefore we affirm our belief in the separation of church and state as written in the first amendment of the Constitution of the United States..."

3. Resolution adopted by *General Conference of the United Methodist Church* meeting in Dallas, Tex., April 23, 1968.

"... The United Methodist Church is opposed to all establishment of religion by government. Therefore, we are in agreement with the Supreme Court's decision declaring unconstitutional required worship services as part of a public school program. We believe these decisions enhance and strengthen religious liberty within the religious pluralism that characterizes the United States of America..."

4. Statement adopted by the *Board of Parish Education, Lutheran Church—Missouri Synod*, July 29, 1966.

"... The Board of Parish Education of the Lutheran Church—Missouri Synod, feels that the Dirksen Amendment fails to recognize fully the religious pluralism of the American scene. We believe that Christians cannot join with non-Christians in addressing God in circumstances that deny Jesus Christ as Savior and Lord. We believe likewise that non-Christians should neither be expected to participate in Christian prayer, nor should they expect Christians to join them in prayers that deny Christ.

"... We support the idea that home and church have the responsibility for a religious education which seeks commitment and provides time for prayer or devotional exercises..."

5. Resolution adopted by the *National Council of the Protestant Episcopal Church*, meeting May 26-28, 1964.

"Whereas recent decisions of the U.S. Supreme Court relate only to prayers and Bible reading which are part of official exercises in public schools; and

"Whereas we believe that these decisions are not hostile to religion, and that it is no proper function of government to inculcate religious beliefs or habits of worship; and

"Whereas we are advised that nothing in these decisions prevents voluntary expressions of reverence or religious sentiments in the schools, nor forbids the offering of prayers on public occasions, such as inaugurations;

"... Now, therefore, be it resolved that the National Council of the Protestant Episcopal Church record its considered opinion that amendments to the Constitution of the United States of America which seek to permit devotional exercises in our public schools should be opposed."

6. Action of the 176th *General Assembly of the United Presbyterian Church, U.S.A.*, meeting in Oklahoma City, May 1964.

"... A careful reading of the... Supreme Court's decision will indicate that our children may still pray in school as the spirit moves them. Teachers may still teach objectively about the religious heritage of our country. The Bible may be used in connection with courses in world history, literature, etc. Christians and others with differing beliefs in God may still invoke His name and His aid as they fulfill the duties of public office..."

"... No social issue ever pronounced on by a recent general assembly has been more

thoroughly and responsibly studied than this one. The committee recommends that the General Assembly affirm the 175th General Assembly's approval of the church-state support" (which urged opposition to any change in the wording of the First Amendment to the Constitution.)

7. Statement of Policy voted by the Board for Homeland Ministers, United Church of Christ, May 28, 1964.

"Measures now pending in Congress, such as the Becker amendment, would give legal sanction to prayer and devotional Bible reading in the public schools. Proponents of this legislation contend that such Bible reading and prayers are 'good things' and therefore belong in the public schools. They close their eyes to the real issues raised by the proffered constitutional amendments. These issues are religious liberty and the roles of government, the home, and religious institutions in the practice of religion in America. . . . The Supreme Court has properly ruled that it is not the business of government to write and prescribe prayer for public schools. . . ."

WOODBURY SEVENTH-DAY ADVENTIST CHURCH,

Woodbury, Tenn., October 28, 1971.

Representative JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR MR. EVINS: The "Prayer Amendment" (House Joint Resolution 191) will be up for consideration in a few days. This proposed change to our Constitution poses a serious threat to the freedom of religion, and therefore may I urge you to oppose this by voting against it.

It would completely alter the First Amendment by proscribing what kind of prayer can or cannot be offered in a public building. Prayer, as you well realize, is a most sacred and personal act, and government must not invade this basic right.

Let me again urge you to oppose this amendment, and to use your influence to see that our religious freedoms, as presently guaranteed by the Constitution, be preserved.

Sincerely yours,

A. H. GERST.

UNION THEOLOGICAL SEMINARY,

New York, N.Y., November 1, 1971.

DEAR FRIENDS: It is reported that The Prayer Amendment will soon be before you for vote.

As leaders of religious institutions, we want you to know that many of us are emphatically opposed to this amendment for the reasons indicated on the enclosed statement.

We ask you, please, to read the statement and urge you to vote against the amendment. And we wish also to express our appreciation for your ministry in Washington on our behalf.

Gratefully,

J. BROOKE MOSLEY.

GENERAL CONFERENCE OF SEVENTH-DAY ADVENTISTS,

Washington, D.C., October 12, 1971.

Representative JOE L. EVINS,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE EVINS: The purpose of this letter is to oppose the passage of the School Prayer Constitutional Amendment. On two previous occasions, the General Conference of Seventh-day Adventists has authorized testimony in opposition to similar bills. This position has not changed.

Seventh-day Adventists welcome the concern and the solicitude for religion which the proposed amendment represents. Prayer is an important element in the life of faith, and contributes much to the moral strength of a nation, especially the youth among us. We believe this to the extent that in addition to cheerfully supporting the public

school system with our taxes, we operate the second largest Protestant parochial school system in the United States. However, the Seventh-day Adventist Church emphatically opposes this, or any other, amendment that would have the effect of altering the force and effectiveness of the safeguards and guarantees provided by the First Amendment to the Constitution.

Your opposition to the School Prayer Constitutional Amendment will help to keep this nation strong by helping to keep the First Amendment to the Constitution strong. Very sincerely,

W. MEVIN ADAMS,

Associate Director, Department of Public Affairs and Religious Liberty.

THE UNITED PRESBYTERIAN CHURCH,
Philadelphia, Pa., October 13, 1971.

HON. JOE L. EVINS,
House Office Building,
Washington, D.C.

DEAR MR. EVINS: We write to urge your opposition to H.J. Res. 191—the so-called "Prayer Amendment."

The first General Assembly of our church in 1789, commenting on the affirmation in our historic Westminster Confession that "God alone is Lord of the conscience and hath left it free from the doctrines and commandments of men . . ." said we "consider the rights of private judgment, in all matters that respect religion, as universal and unalienable; (we) do not even wish to see any religious constitution aided by the civil power. . . ."

In 1962-63, our denomination undertook a study in-depth of church-state relations. One of the questions studied at the local congregational and regional (presbytery) levels was the issue of prayer and Bible reading in the public schools. One hundred and thirty-one presbyteries reported their findings, and two-thirds of them approved opposition to that practice. Nine hundred and eighty-nine sessions of local churches and congregational groups reported their findings and two-thirds of them took the same position.

These findings were ratified by the 175th General Assembly (1963) in adopting the Report on Relations between Church and State that:

Religious observances never be held in a public school or introduced into the public school as part of its program. Bible reading in connection with courses in the American heritage, world history, literature, the social sciences, and other academic subjects is completely appropriate to public school instruction. Bible reading and prayers as devotional acts tend toward indoctrination or meaningless ritual and should be omitted for both reasons. Ministers, priests, and rabbis should be free to speak in public schools, provided their speaking does not constitute religious indoctrination or their presence form a part of a religious observance.

The issue today is the same.

H.J. Res. 191 would make the first change in our history to our cherished Bill of Rights. It would, in fact, make of government an administrator of religious practice and a judge of theology.

There is no prohibition today against our children praying in school as the spirit moves them. Nor is there any prohibition against teachers teaching objectively about our country's religious heritage. Nor is there any prohibition against use of the Bible in connection with the study of world history, literature, etc. We would oppose such prohibition if attempted.

But we equally oppose nondenominational prayers authored, in effect, by those who are agents of the state.

We urge the defeat of H.J. Res. 191.

Sincerely yours,

LOIS H. STAIR,

Moderator of the 183rd General Assembly.

WILLIAM P. THOMPSON,

Stated Clerk of the General Assembly.

STATEMENT OF OPPOSITION TO "PRAYER" AMENDMENT

We, the undersigned, are presidents of theological seminaries and deans of divinity schools who urge you to oppose the "prayer" amendment, H.J. Res. 191. Though its proponents doubtless mean well, they can do great harm to religion and freedom of religion in this country through this amendment, which, to use the words of the Jesuit weekly *America*, is an "ill-written, mischievous and misconceived proposal."

The institutions which we serve are devoted to theological education in the Judeo-Christian tradition, open to religion in all its forms, and involved at every level with a pluralistic society. Our institutions have flourished under the First Amendment of the Constitution and would be threatened by the proposed amendment to it.

We understand prayer to be the personal or corporate expression of belief by believers and belief is specific. There is no such thing as general faith. Prayer is the expression of a believer's (or body of believers') specific understanding of what is ultimately real, and of his relationship to it. It would be beyond the ability of any one of us to write a pluralistic prayer, and unthinkable for the state to recommend its use, even in the most optional way. It could not be prayer with integrity either by the believers or the unbelievers. It could only become a "pro forma" exercise and thus do violence to the individual conscience.

This is not to say that we oppose the objective study of religion as part of the educational process. Indeed, we recommend the reading of the Holy Bible and other religious literature, the discussion of religious values, the posing of religious questions as a necessary part of academic instruction vital to any understanding of the human situation. But study is different in character from prayer, and we urge the members of Congress to recognize this distinction and to oppose any efforts to modify, enlarge, diminish, clarify or improve the First Amendment to the Constitution.

J. Brooke Mosley, President, Union Theological Seminary, New York.

Colin Williams, Dean, Divinity School, Yale University, New Haven.

Christopher F. Mooney, S.J., President, Woodstock College, New York.

George W. Webber, President, New York Theological Seminary, New York.

Edward R. Harris, Dean, Philadelphia Divinity School, Philadelphia.

Walter Harrelson, Dean, Divinity School of Vanderbilt University, Nashville, Tennessee.

Frederick Wentz, President, Hama School of Theology, Wittenberg University, Springfield, Ohio.

Thaddeus F. Zielinski, Prime Bishop, Howard University School of Religion, Washington, D.C.

Joseph M. Kitagawa, Dean, University of Chicago Divinity School, Chicago.

Thomas C. Campbell, Dean, Episcopal Theological School, Cambridge.

Louis J. Putz, C.S.C., Rector, Moreau Seminary, University of Notre Dame, Indiana.

John H. Tietjen, President, Concordia Seminary, St. Louis.

W. B. Blakemore, Dean, Disciples Divinity House, University of Chicago.

Michael Allen, Dean, Berkeley Divinity School, Yale University, New Haven.

Marshal L. Scott, President, McCormick Theological Seminary, Chicago.

David J. Draewell, President, Gerald L. Borchert, Dean, North American Baptist Seminary, Sioux Falls, South Dakota.

Don W. Holter, President, St. Paul School of Theology, Methodist, Kansas City, Missouri.

Merlyn W. Northfelt, President, Garrett Theological Seminary, Evanston, Illinois.

John L. Knight, President, Wesley Theological Seminary, Washington, D.C.

Albert C. Winn, President, Louisville Pres-

byterian Theological Seminary, Louisville, Kentucky.

James D. Glasse, President, Lancaster Theological Seminary, Lancaster, Pennsylvania.

Walter G. Muelder, Dean, Boston University School of Theology, Boston.

Fred W. Meuser, President, Evangelical Lutheran Theological Seminary, Columbus, Ohio.

W. Sibley Towner, Dean, Dubuque Theological Seminary, Dubuque, Iowa.

Ira Eisenstein, President, Reconstructionist Rabbinical College, Philadelphia.

Joseph D. Quillian, Jr., Dean, Perkins School of Theology, Dallas.

Roy Pearson, President, Andover Newton Theological School, Newton Center, Mass.

Beauford A. Norris, President, Christian Theological Seminary, Indianapolis.

J. Bruce Behney, Acting President, United Theological Seminary, Dayton, Ohio.

NATIONAL ASSOCIATION
OF EVANGELICALS,

Washington, D.C., October 15, 1971.

HON. JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR MR. EVINS: The U.S. Supreme Court decision concerning prayer and Bible reading in the public school has been a live issue for the past nine years. The concerted effort to get corrective action through legislation has varied but the public has had a sustained interest in a Prayer Amendment since 1962.

Contrary to what is usually reported the "practices at issue" which the Court found to be unconstitutional were voluntary on the part of the participants. Justice Douglas was careful to note this in both of his concurring opinions. In the *Engle* case he said:

"... there is no element of compulsion or coercion in New York's regulations . . . No student is compelled to take part . . . Provision is also made for excusing children . . . from saying the prayer or from the room in which the prayer is said . . . Students can stand mute or even leave the classroom, if they desire."

Again in the *Schempp* decision Justice Douglas noted:

"In these cases we have no coercive religious exercise aimed at making the students conform. The prayers announced are not compulsory . . . coercion, if it be present has not been shown."

So the "practices at issue" were outlawed because they were "religious" and not because anyone was forced to participate. In the light of this many have pressed for administrative and legal decisions which border on the ridiculous.

In the absence of any protest by parent or child little children in Public School 184 (Queens, N.Y.) were forbidden to say, "God is great, God is good, and we thank Him for our food" before they ate. The same prohibition was imposed upon the students in DeKalb, Ill., with another nursery rhyme without the name of God in it because it sounded like a prayer. Both cases were upheld by the U.S. Supreme Court.

The *Washington Star* commenting on the DeKalb case said editorially:

"There was a good bit of speculation a few years ago about the lengths of absurdity to which the court might go after its initial attack on the recitation of prayers in public schools. Now we know. Its ruling in this case is the end of the line."

But the *Star* was wrong. Several subsequent decisions have gone further. In Netcong, N.J., high school students have been forbidden to voluntarily meet before school started to hear a prayer read from the Congressional Record. The Supreme Court of New Jersey also ruled unconstitutional a similar arrangement in Leyden, Mass., for prayer outside of school hours.

Equally absurd, we think, is the suit to enjoin the traditional erection of a Creche on the Ellipse each year at Christmas time and a plethora of other cases which seem to be an expansion of the doctrine established by the Supreme Court in the prayer and Bible reading decisions.

The primary interest most of us have in this matter is to see religious freedom restored. It may well be that prayer and Bible reading no longer has a useful place in the public schools if it ever did. But that is not the point. To outlaw everything that is "religious" we believe is wrong if the "free exercise" clause of the First Amendment means anything at all. Yet that seems to be the construction that is put upon the *Engel* and *Schempp* decisions by the courts at all levels. We sincerely believe that corrective action is necessary and overdue.

The drafting of a language for a Prayer Amendment is very difficult, but we believe you legislators are capable of refining the wording of the currently proposed Amendment if need be. The substance of it reads as follows:

"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."

The word "nondenominational" seems to confuse a lot of people and we think it might be deleted altogether without changing the intent of the Amendment. If a qualifying adjective is considered desirable the word "corporate" would probably be less controversial than "nondenominational." The sole issue of the legislation is the exercise of freedom. It is not a question of whether people should or should not pray, or how they pray, but their freedom to pray under appropriate conditions and circumstances.

If enacted the proposed Amendment will restore the freedom of persons to pray in public places when and if it is appropriate. It will leave absolutely undisturbed the freedoms secured by the First Amendment and the entire Bill of Rights.

It will not promote or inhibit prayer by anyone.

It will not impose responsibility upon any public official or individual to pray or not to pray.

It will not require anyone at any time or place to initiate or supervise prayer.

It will not deprive anyone of any rights or privileges he now enjoys.

As everyone knows such legislation cannot become law until it has been ratified by three-fourths of the states. Every poll taken on the subject during the past nine years has indicated an approximate 3 to 1 majority in favor of the Prayer Amendment notwithstanding the rather large number of religious leaders who are voicing opinions contrary to their constituency. Congress has an obligation to let the people decide the issue by the due process provision of amending the Constitution. Surely this should never be done hastily or without due consideration, but there is no other issue on the current scene that has had as long or a more sustained interest by the public than the Prayer Amendment.

There is no other level at which this matter can be resolved. The U.S. Supreme Court seems adamant. Scores of attempts have been undertaken at the state and school board levels to devise a way whereby the need could be met within the strictures imposed by the courts but to no avail. Just recently the Pennsylvania Senate unanimously passed a bill that would permit brief periods of silent prayer or meditation in the public schools. This is being strongly opposed by ACLU which contends that the measure is "patently unconstitutional." In opposing the bill, the ACLU said the New Jersey Supreme

Court held an almost identical law to be unconstitutional in 1970 and the U.S. Supreme Court refused to review its decision.

It is hoped that you will not only support the Prayer Amendment with your vote but that you will also contribute your expertise as a legislator and persuasive speaker to encourage other support as well.

Sincerely yours,

CLYDE W. TAYLOR,
General Director.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

To: All Members of the House of Representatives who are Freemasons

Subject: The "Prayer Amendment"

We have enclosed material which we believe may be of value to you in your consideration of H.J. Res. 191, the "Prayer Amendment" by Congressman Wylie.

1. A letter to all members of the Craft in the State of Iowa from Grand Master Woodrow Morris.

2. An editorial prepared by Mr. Henry Clausen, Sovereign Grand Commander, Southern Jurisdiction, Ancient and Accepted Scottish Rite of America, for publication in the November issue of the *New Age*.

Of the wealth of material on the subject of the "Prayer Amendment", we believe that this letter and editorial speak most eloquently to us, and to all members of the Craft, of our responsibility and our obligations.

We urge you to read and consider these messages, and we hope that you will join with us in opposing the "Prayer Amendment"—not only to protect our Bill of Rights, but also to preserve our religious freedom and our democratic form of government.

Sincerely,

FRED SCHWENGLER, 33°.
MIKE McCORMACK, 32°.

P.S. There is an abundant supply of additional material on this subject, including a list of the leading religious organizations in the U.S. who oppose the "Prayer Amendment" and who have indicated a growing concern with this issue. If you wish further information, or if you have any hesitancy about opposing H.J. Res. 191 please feel free to contact either of us.

GRAND LODGE OF IOWA, A.F. & A.M.,
October 28, 1971.

To: The Masons of Iowa
From: Woodrow W. Morris, Grand Master
Subject: Proposed amendment to the Constitution of the United States permitting the use of prayers in the Public Schools.

Brethren! It would be hard for a Mason, or any group of Masons, to come out in opposition to prayer. But in the controversy over the use of prayers in the Public Schools, it is not a question of being for or against prayer. Rather, it is a question of a proposed amendment to the Constitution of the United States of America which strikes at one of our fundamental liberties—that which is guaranteed all Americans in the Bill of Rights—the separation of church and state.

This guarantee is very close to our Masonic doctrine so plainly stated in our ritual dedication of Masonic Temples. Every Masonic lodge hall in Iowa is in part dedicated to our being "unalterably opposed to any one organization directing and controlling a school, a church, and a seat of civil government." Again, we assert that "Civil, religious, and intellectual liberty are the triple temples of our country's greatness, but they must stand alone, upon separate foundations and under separate roofs."

Not Masons are not opposed to prayer. In fact, as every Mason knows, we believe we should never "enter upon any great and important undertaking without first invoking the blessing of deity."

The amendment to the United States Con-

stitution which is being promoted by Congressman Chalmers P. Wylie in the House of Representatives is designed to sweep aside the landmark decision of the Supreme Court forbidding the use of prayer in the schools as being contrary to the Bill of Rights, and it would, therefore, weaken this guarantee of one of our basic American rights.

The proposed amendment calls for making it legal to use non-denominational prayers in public schools. Who writes such prayers? And after they have been written, who will decide whether the prayer is or is not denominational? (I suspect that the cartoon in the Des Moines Register on September 29, 1971 by Conrad pretty well describes how this might come out.)

As Masons we are for prayer—but in its proper place, under proper circumstances, and at appropriate times; but let us be opposed to any act which is an infringement of our basic liberties.

BEWARE THE BOOMERANG

Congress soon will be asked to pass and to submit to the states for ratification an amendment to the Constitution permitting "nondenominational" prayers in public schools.

That raises these critical questions: Who is going to say what is a "nondenominational" prayer? What authority, governmental or private, will determine the place and content of such prayers? Who will be the super spokesman? How will the prayer be enforced? What provisions of our Constitution will the amendment discard? Will the amendment, in effect, rewrite the Bill of Rights?

These are insoluble and contentious questions in a country of diverse religious creeds. Any attempt at answering them would entangle the government disastrously in a conflict where there should be peace among pluralism. That is why many church organizations oppose the amendment, especially since they feel our Bill of Rights and its First Amendment as presently written adequately protect religious liberty, and that tinkering with the language would intrude the government wrongfully into the religious arena.

It will be recalled that the United States Supreme Court case of *Engel v. Vitale* in 1962 struck down as a violation of our Constitution a practice of New York that forced its public school children to recite this daily "prescribed" prayer:

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our Country."

There then swept across our Nation in some quarters an emotional and psychological wave criticizing the Court. This cast up upon the shores of Washington several proposed amendments. It was erroneously assumed that the Court was against God. But all that the Court barred was the enforced recitation of a state-composed prayer. Any child then or now may pray in a public school voluntarily. The vice of the New York practice was the state compulsion. That is the opposite of American voluntarism.

It is no official concern of the state whether a child prays or is trained in religious values. That is for the parents, the home, the churches or, if desired, religious schools.

Before deciding to amend the Constitution, we should take a deep breath. Like matrimony, it is something that should not be done lightly. We should understand first what will be the full impact upon our future lives. It is not something with which to "tinker". I am reminded of the popular verse of some years ago that ran:

"I thank my God the sun and moon
Are both stuck up so high
That no presumptuous hand can stretch
And pluck them from the sky.
If they were not, I do believe
That some reforming ass
Would recommend to take them down
And light the world with gas!"

The present attempt to amend our Constitution so as to permit the so-called "nondenominational" prayers should be firmly rejected. It would invade our present fundamental Constitutional rights and basic freedoms rather than confer an additional one. It would impair the integrity of our hard-won guarantee of religious liberty. It would tinker with the solid base of interpretive case decisions that have given life and substance to the means by which our Founding Fathers set out to preserve peace and harmony among our people. Such a deviation as now proposed, however slight and however well meant, would be exploited by religious zealots. It would be the foot in the door, the camel's nose in the tent, sure to result in further and eventual fatal intrusions.

May I suggest that as an individual you make your voice heard. Tell your views to your elected representatives. Your help can be decisive.

HENRY C. CLAUSEN, 33°
Sovereign Grand Commander.

INDUSTRIAL UNION
DEPARTMENT AFL-CIO,
Washington, D.C., November 4, 1971.

DEAR CONGRESSMAN: This is a plea to Congress that it not meddle with the Bill of Rights. These amendments are the building blocks which sustain our pluralistic society. It is this belief in the virtue and verity of the Bill of Rights which leads us to urge you to vote against the Prayer Amendment (H. J. Res. 191).

Among the most treasured heritages we possess is that of religious freedom. Since the inception of our country, we have retained this right to its fullest. It has been working. It remains unquestioned even in these troubled times. Since this is the undeniable fact why tamper with the Constitution which has so steadfastly guaranteed and made possible this freedom?

We are impressed that all the major religious denominations join in opposition to H. J. Res. 191. They recognize that the task of sustaining the religious spirit in America is deeply individual and essentially private; that it cannot be nurtured by government edict, government preparation of "non-denominational" prayers, by government intervention in the religious lives of children. They realize that the Supreme Court decisions in this area leave religion where it rightly belongs, in the home and our religious institutions, the responsibility of parents and members of the clergy. We subscribe to the sentiment expressed in a recent editorial in a religious publication which noted:

"This amendment is hardly the way to promote a revival of true religion... genuine piety is fostered not by government... but by families and individuals who practice reverence and obedience to him in all their activities and associations."

Finally, a point of great consequence... there has never been a revision of the Bill of Rights in the long history of the Constitution. And for sound reason—the Bill of Rights has worked effectively for the people. To start the process of tinkering with these basic amendments would be to embark on a gravely dangerous adventure. It would encourage the alteration of the Bill of Rights every time a Supreme Court decision did not meet with overwhelming favor. And this would indeed be calamitous.

In short, we ask your support of the Bill of Rights and respectfully suggest that you will best serve the American hope by voting against H. J. Res. 191.

Sincerely,
I. W. ABEL, President.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., July 19, 1971.

DEAR COLLEAGUE: Today you received a copy of the hearings on school prayers, held

in the 88th Congress, 2d session. You will note that there were 18 days of hearings and you will note further that every facet of this sensitive issue was explored. These hearings were held before the full Committee of 35 lawyers and at the conclusion thereof no consensus on language could be found that would not breach the intent of the First Amendment.

I commend to your attention the exhaustive nature of these hearings and trust you will conclude, as I have concluded, that additional hearings cannot cover any ground which has not already been covered in the volumes before you.

To discharge the Committee and bring the prayer resolution to the floor of the House would nullify the intensive work of this Committee.

With every good wish, I am
Sincerely yours,

EMANUEL CELLER,
Chairman.

[From the Washington Evening Star, Nov. 2, 1971]

ALBERT SAYS HE WILL OPPOSE RESOLUTION ON SCHOOL PRAYER

House Speaker Carl Albert said today he will oppose the resolution for a constitutional amendment to permit school prayers. The vote is set for Monday.

"Prayer in school is all right," Albert told reporters, "but I'm afraid this would be tampering with the First Amendment and I'm not prepared to do that at this stage of the game."

Rep. Chalmers P. Wylie, R-Ohio, is leading the prayer effort. He was the chief sponsor of a successful petition drive to force the resolution out of the Judiciary Committee over the objection of Chairman Emanuel Celler of New York.

Nothing can stop Wylie from calling up the resolution Monday. It is considered a privileged matter. As a proposed constitutional amendment, however, passage requires a two-thirds vote.

CONFIDENT OF MAJORITY

Carrying a well-thumbed list of House members, Wylie has said he is confident he has more than a majority for the resolution but he is not certain he has two-thirds.

Wylie said there are 96 House members firmly opposed and 246 for the amendment. That leaves 98 either undecided or unwilling to talk.

House attendance on Monday often is off as much as 100. If only those committed one way or the other show up, Wylie would win. But absenteeism is likely to strike both sides. Albert said he would be unsurprised if Wylie succeeds.

OPPOSITION MOUNTS

Opposition outside Congress has mounted steadily since the petition drive went over the top with the required majority of 218 signatures.

The list of opponents now includes the National Council of Churches, the Southern Baptist Convention, the Lutheran Church of America, the American Baptist Convention, the United Methodist Church, the National Jewish Community Relations Advisory Council and the American Civil Liberties Union.

Until 1962 it was common in public schools to open the day with a classroom prayer. But that year the Supreme Court struck down the practice as a violation of the First Amendment.

[From the Knoxville (Tenn.) News-Sentinel, Sept. 26, 1971]

THE PRAYER AMENDMENT

Congress should reject as unwise the latest proposal to bring religious ritual back into the public schools.

Over the objections of its own Judiciary Committee, the House has agreed to vote

Nov. 8 on a constitutional amendment permitting "non-denominational prayer"—whatever that is—in schools and other public buildings.

This is the same amendment the late Sen. Everett McKinley Dirksen championed without success in the 1960s. And it has no more merit now than it had then.

The Supreme Court ruled in 1962 and 1963 that neither the recitation of prayer nor the required reading of Bible passages has any place in the nation's public schools.

Such ceremony is a clear violation of the separation of church and state and, in many cases, a ritual that tends to degrade religion rather than glorify it.

The prayer amendment is opposed by many churches as a Government intrusion into the religious affairs of the people.

Yet the amendment seems to—have a good chance of passing the House, and at least a fair chance of getting the necessary two-thirds approval in the Senate.

This would be an appropriate time for Congress to put an end to such controversy—once and for all—turn its attention to more urgent public business.

OAK RIDGE, TENN.,
October 26, 1971.

HON. JOE L. EVINS,
U.S. House of Representatives,
Washington D.C.

DEAR REPRESENTATIVE EVINS: I wish to make you aware of my opposition to the proposed non-denominational prayer amendment to the Constitution of the United States which will soon be acted upon in the House and Senate. I feel that the right to pray voluntarily is amply protected by the First Amendment and that the Supreme Court rulings on school religious exercises in 1962 and 1963 were wise ones.

As you know, national religious leaders have expressed their opposition to such an amendment and I wish to associate myself with their position. I trust that you will consider carefully your position in this matter.

Sincerely,
Rev. Dr. ARTHUR GRAHAM,
Minister.

FIRST BAPTIST CHURCH,
Monterey, Tenn., October 29, 1971.
Congressman JOE L. EVINS,
House of Representatives
Washington, D.C.

DEAR CONGRESSMAN EVINS: I had hoped the so-called Prayer Amendment would die a natural death, but since it is still a possibility I urge you to vote against it.

I believe we are protected sufficiently by the First Amendment, and I fear any move to weaken it.

Sincerely yours,
WM. J. POWELL.

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.

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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.

OAK RIDGE, TENN., Nov. 1, 1971.

HON. JOE L. EVINS,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN EVINS: We would like to urge you to oppose House Joint Resolution 191 which would, in effect, allow prayer in

* Deans of law schools.

public places and thus alter the First Amendment to the Constitution.

For us, religion is a personal thing. Its practice belongs in the home and in the church, not in public places. House Joint Resolution 191 will change this and therefore, deny those people of dissenting religious beliefs or those who do not wish to make religious expression in public the opportunity to behave as their beliefs dictate. Of course, it can be argued that those people do not have to participate in this public prayer, but self-consciousness and the fear of being made fun of will coerce would-be non-participants into participating. What really frightens us is the effect of this on children. These children will not refuse to participate because they are either too young to understand or too afraid of being ridiculed if they do understand and wish not to participate. The religious teachings of American parents and American churches could be gravely undermined with no legal recourse for these parents. And what we especially fear is an over zealous teacher or group leader altering or destroying all of the beliefs and ideals we have worked so patiently to instill in our children.

There have already been two cases before the Supreme Court that have argued that in choosing whether or not to participate in public prayer or public religious instruction will cause children to have to choose between accepting this religious expression or being made fun of for not participating. These cases are *McCullum v. Board of Education* (1948) and *Engel v. Vitale* (1962). The court ruled in favor of the parents protesting these religious activities in both cases because it was obvious that these children could make no fair decision with respect to their religious beliefs. But H.J. Res. 191 could change all that.

The case of *Engel v. Vitale* especially intrigues us. The Court ruled that the Board of Education in a New York town was unconstitutional in giving a prayer to a principal that each child was to say aloud each day (allowing students not wishing to participate to remain silent or leave the room). However, it was the one dissenting opinion that bothers us. The Justice in question wrote, "...I think that to deny the wish of these school children to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation." This statement, we feel, shows an insufficient comprehension of the early history of our country. The concept of religious freedom and dissension developed from a desire to establish a place where all religions or no religion would be accepted. This does not connote a unified religious heritage, rather a heritage of diverse religions free from persecution by the government and not attached to the government as with the concept of a state church. H.J. Res. 191, if passed, would nullify this heritage of religious freedom and thus wipe out a cornerstone upon which this country was founded.

But most basically, we feel that H.J. Res. 191 must be defeated because its passage would alter the civil rights of American citizens to their great disadvantage. It would also open the door to abuse of this Resolution without legal recourse. We must keep church and state—prayer and public places separate. We implore you to vote against House Joint Resolution 191.

Sincerely,

SANDY K. JOHNSON,
ERIC J. JOHNSON.

OAK RIDGE, TENN.,
October 30, 1971.

DEAR MR. EVINS: I am writing to you about the school prayer amendment (H.J. Res. 191).

Please do all you can to stop this amendment which will weaken the First Amendment, a bulwark of our Constitution.

I am all in favor of everyone praying according to his conscience, but let us not allow the government to interfere in our personal rights.

With best wishes,

Mrs. HENRI A. LEVY.

OAK RIDGE, TENN.,
October 24, 1971.

DEAR CONGRESSMAN EVINS: At this time, I wish to express my feelings about the Prayer Amendment.

I feel that separation of church and State is one of the most fundamental rights of democracy and guaranteed to us by our great Constitution. We are each entitled to worship in our own way and to raise our children accordingly.

I feel that the people who want prayer in the schools are really trying to influence other people's children.

I hope you will vote against this amendment.

Sincerely yours,

ROSE G. ROBBINS.

TULLAHOMA, TENN.,
October 26, 1971.

HON. JOE L. EVINS,
House of Representatives
Washington, D.C.

DEAR MR. EVINS: Last week I attended my church circle. Our Pastor, A. Richard Smith, attended and brought up the subject of the Wylie Bill (concerning school prayer). Off-hand, I would have said I was for it but, after discussing the matter with Pastor Smith and learning that most of the higher-ups in church circles are against it for various reasons, I feel I am inclined to be against it also. I feel the church dignitaries have gone into this fully and are better fitted to judge its merits. I understand that a number of denominations have banded against this bill.

Therefore, I am writing to urge you to vote against the Wylie Bill when it comes up, I believe, the 8th of November.

Thanks for past courtesies,

Sincerely,

MARY JEAN BLACKMAN.

NEW ALBANY, IND.,
November 1, 1971.

HON. JOE L. EVINS,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE EVINS: We have been reading with much concern that the School Prayer Amendment will soon be brought before the House for voting.

We strongly support the restoration of public Prayer and know that its influence is vital to students in the school system.

Those who understand the real meaning of Prayer know that with God all things are possible. And without Spiritual awareness all is chaos.

When Prayer was removed from the schools, crime was accelerated tremendously.

It was the acknowledgement of God in the lives and affairs of the founders of our country that brought it to the success that was attained. Since attention has been turned elsewhere, we have suffered considerably—as individuals and as a nation.

We urge you to vote in favor of the Amendment that will restore public Prayer to these United States: H.J. Res. 191—November 8, 1971.

Very respectfully yours,

Mr. and Mrs. MILLARD V. HAMMOND.

OAK RIDGE, TENN.

HON. JOE EVINS,
House of Representatives,
Washington, D.C.

SIR: I wish to protest against the proposed amendment to the United States Constitution to permit non-denominational prayer in the public schools and other public places.

This action is a direct defiance of recent Supreme Court rulings. It raises many questions such as: "What is non-denominational prayer?" It will change the interpretation of the amendment and affect the established separation of church and state. Such prayer will have a divisive effect on the Nation, and our Bill of Rights will be changed, as a result.

I urge that all matters pertaining to religion be left in their proper sphere—that of the church, synagogue and home—and that prayer, which is so individual, be left to each individual where and when he chooses to use it.

Respectfully yours,

Mrs. F. T. HOWARD.

NORRIS, TENN.,
October 23, 1971.

Representative JOE EVINS,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE EVINS: This is to let you know that, as a member of a Christian church, I am unalterably opposed to the school prayer amendment (H.J. Res. 191) which the Congress will soon consider. This amendment represents a serious threat to the American religious freedom which we have enjoyed since the country was founded. I hope you will note that at least 26 religious organizations, including the Southern Baptist Convention, have gone on record as opposing the measure. I hope you will use your vote and influence to defeat it.

Sincerely,

R. E. FARMER.

OAK RIDGE, TENN.,
November 1, 1971.

HON. JOE EVINS,
Washington, D.C.

DEAR SIR: Don't you think it would be a dangerous precedent to alter (or weaken) the safeguards supplied in the Bill of Rights to our Constitution?

The prayer amendment being considered would do just that! It could conceivably open the door to governmental tampering with religious freedom at the local as well as national level.

Please give this serious consideration as it is indeed a serious matter.

Let me assure you that there are many, many of us who feel that the passage of this amendment would be a serious mistake.

Sincerely,

WILFRED J. WARD.

OAK RIDGE, TENN.,
November 2, 1971.

Representative JOE L. EVINS,
House Office Building,
Washington, D.C.

DEAR REP. EVINS: I think the school prayer amendment (H.J. Res. 191) is one of the most unwise and dangerous pieces of legislation to come along in a very long time. The Bill of Rights has served us well for almost 200 years and it is sad that the unthinking response to emotional feelings might lead us to change it for the first time over this issue.

Please vote against the bill and urge other Congressmen to do the same.

Sincerely,

Mrs. ELIZABETH PEELLE.

NASHVILLE, TENN.,
November 2, 1971.

HON. JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR MR. EVINS: Please list me as one very much in favor of continuation of the religious liberties afforded Americans by the First Amendment and, thus, as one in opposition to the proposed "nondenominational prayer amendment" (House Joint Resolution 191).

Prayer is an intensely individual, personal, very denominational relationship/response to God . . . something that can be entered into only voluntarily and spontaneously. It is not something that can be confined to the repetition of a grouping of governmentally prescribed words. We have, now, religious freedom. Let us not allow our government (or any elected agency) define, restrict, or interpret our religious responses.

I endorse the Baptist Joint Committee on Public Affairs' listings, charging that opposition to the prayer amendment:

1. Supports the right of all persons to engage in genuine prayer without governmental determination of either place or content of such prayer;

2. Opposes any amendment which would "make of government a judge of theology and an administrator of religious practice";

3. Protests involvement of a "new religion of nondenominationalism" which would threaten the integrity of both Church and State;

4. Charges that imposing the limits of nondenominationalism on prayer in public buildings nullifies the constitutional rights of the free exercise of religion; and

5. Affirms the right of school children or any other segment of the population to engage voluntarily in their own prayers without government authorization or supervision.

Government cannot determine what is acceptable prayer. Please vote against this proposal and preserve our religious freedom.

Sincerely,

(Miss) LIZ POITRAS.

OAK RIDGE, TENN.,
October 30, 1971.

HON. JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR MR. EVINS: This is to inform you of my opposition to the school prayer amendment, which is soon to be voted on by the House of Representatives.

The principle of the separation of church and state, as guaranteed by the first amendment, has been the cornerstone of religious freedom in the United States. Tampering with this guaranty would be deplorable.

In view of the fact that practically all the organized religious bodies are opposed to the school prayer amendment, I am puzzled as to where the support for it is coming from, and I wonder whether it really has much support. It appears to be a phony issue if there ever was one.

I am not going to argue the merits of the school prayer question, since this was done by the Supreme Court in its decisions in 1962 and 1963, with which I am sure you are familiar.

Sincerely yours,

RICHARD P. METCALF.
OAK RIDGE, TENN.,
October 31, 1971.

Congressman JOE L. EVINS.

Will you please vote against House Bill, H.J. Res. 191 the so called school prayer amendment.

I do not wish the Bill of rights to be altered in any way.

I teach an adult Sunday school group in my church, First Christian, in Oak Ridge. Thank you.

ALMA J. FULKS.
OAK RIDGE, TENN.,
October 31, 1971.

JOE L. EVINS,
Member of Congress, House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN EVINS: We are writing to inform you of our heartfelt opposition to the H.J. Resolution 191 (School Prayer Amendment). As you probably are aware, twenty-six major religious faiths are in op-

position to this amendment—ranging from the Southern Baptist Convention to the Union of American Hebrew Congregations.

We oppose this attack on the first amendment because it surely will impinge on individual religious freedom. We urge you to use your offices to defeat this effort.

Sincerely,

Dr. and Mrs. RALPH M. KNISELEY.

OAK RIDGE, TENN.,
October 31, 1971.

Representative JOE EVINS,
House of Representatives,
Washington, D.C.

DEAR MR. EVINS: On November 8, I understand that the House will vote on the so-called "prayer amendment" intended to permit something called non-denominational prayer in the schools.

I urge you to vote against this evil bill. I want the government to have nothing to do with making laws about religion. The First Amendment is all I want to hear the government say about the subject. A lot of meddlers think they will put God in the schools with laws. They will put the devil in instead.

Please vote against the prayer amendment.

Sincerely yours,

MELVIN FABRIC.

OAK RIDGE, TENN., November 1, 1971.

HON. JOE L. EVINS,
House of Representatives,
Capitol,
Washington, D.C.

DEAR SIR: It has come to my attention that religious freedom, guaranteed by the First Amendment of the U.S. Constitution, is under frontal attack by means of H.J.R. 191 (Prayer in Schools Amendment).

Through this letter, I wish to inform you that I am unalterably opposed to H.J.R. 191.

The Bill of Rights, in its present form, has served this republic well since its inception. Recent cases before the U.S. Supreme Court, in which the Court demonstrated its true greatness in defending the Bill of Rights amply document the need for the minority to be protected against the power of the majority.

If you have any patriotism; if you love your country; if you love freedom, vote no to H.J.R. 191!

Sincerely,

JAMES M. JACOBS.

OAK RIDGE, TENN.,
November 1, 1971.

HON. JOE L. EVINS,
Capitol, House of Representatives,
Washington, D.C.

DEAR SIR: I urge you to vote against House Joint Resolution 191, the so-called school prayer amendment.

H.J. Res. 191 would in fact operate in the public school systems, to captive audiences, required by the State to be there.

H.J. Res. 191 would in fact also extend beyond the public schools into all the public forum.

H.J. Res. 191 will give popular support to the predominant religious practices and persuasions of the majority.

Such popular support will be stifling to the atmosphere of freedom for other religious expression. There will be an environment of a State religion in fact if not in law.

As the Bill of rights is now written, separation of Church and State protects all citizens. H. J. Res. 191 will further the religious freedom of only a "democratic majority."

The intolerance of the silent majority is well-known to all. Note particularly previous cases of point, McCollum v. Board of Education (1948), and Engel v. Vitale (1962). These Supreme Court decisions demonstrate the Court's greatness in protecting every individual American. These cases document clearly

the group pressures on minorities to participate against their will; they document clearly the coercive power of the majority; they document the need for the present Bill of Rights, unamended, to protect the minorities.

If you vote no to H.J. Res. 191, you will not be voting to take prayer out of the public schools. Time for individual prayer in the schools and in other public institutions is not prohibited by the Bill of Rights or by any Supreme Court decisions interpreting freedom of religions.

If you vote no to H.J. Res. 191, you will be voting to retain clear separation of Church and State.

Sincerely,

DONNA N. JACOBS.

P.S.: If you couple H.J. Res. 191 with Tennessee's law forbidding disruption of a religious service, then the extent to which both laws might act in concert to prevent religious and political expression in the public forum is unlimited. This is another reason to not only vote no on H.J. Res. 191, but to actively speak against it to your constituents and colleagues.

NASHVILLE, TENN.,
November 1, 1971.

HON. JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR MR. EVINS: The Wylie Amendment concerning authorized prayer has come to our attention. Citizens of the United States do not need this change of constitution. Therefore we urge you to vote against the bill when it comes before the House on November 8.

Thank you and best wishes.

Sincerely,

IRMA LEE BATEY
ANNIE MARY BATEY.

STAR BIBLE PUBLICATIONS,
Fort Worth Tex., October 28, 1971.
JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR BRO. EVINS: This is to register my vigorous opposition to the nondenominational prayer amendment which is to come before the house on November 8. It seems to me that this would be contrary to the first amendment and that it would give further occasion for religions to demand tax money for the support of their private institutions.

Sincerely yours,

ALVIN JENNINGS,
President, Star Bible Publications.

OAK RIDGE, TENN.
Representative JOE L. EVINS,
House of Representatives
Washington, D.C.

We are opposed to the school prayer amendment H.J. Res. 191.

DON and ROBERTA STEINER.

MEMPHIS, TENN.,
October 30, 1971.

HON. JOE L. EVINS,
House of Representatives,
Washington, D.C.

DEAR SIR: I am opposed to the "Nondenominational" Prayer Amendment to the Constitution.

Prayer is not presently forbidden in public facilities and there is no need to amend the Constitution to authorize prayer. Voluntary prayer has never been forbidden.

Please do not support this seemingly innocent but deceptive Amendment.

Sincerely yours,

Mrs. GERTRUDE SPARKS.

ROBERT E. LEE SCHOOL,

Fayetteville, Tenn., November 1, 1971.

HON. JOE EVINS,
House Office Building,
Washington, D.C.

DEAR SIR: Vote "no" on the proposed "non-denomination prayer amendment." This proposed change is fraught with political and religious Chicanery.

There is enough divisiveness in our land without inviting more.

We are unalterably opposed to this proposed amendment.

Vote "no."

Sincerely,

C. A. GEARISH,
HAVELON E. GEARISH.

STATEMENTS BY RELIGIOUS GROUPS IN OPPOSITION TO THE WYLIE "PRAYER" AMENDMENT

OPPOSITION TO THE SO-CALLED PRAYER AMENDMENT

Mr. PASSMAN. Mr. Speaker, I include the following letter from the New Orleans Baptist Theological Seminary regarding the so-called prayer amendment.

The letter follows:

NEW ORLEANS BAPTIST
THEOLOGICAL SEMINARY,

New Orleans, La., October 19, 1971.

HON. OTTO E. PASSMAN,
House of Representatives,
Washington, D.C.

MY DEAR MR. PASSMAN: I note with keen interest that the House of Representatives will vote soon on H.J. R. 191, the so-called prayer amendment. I am writing to urge you to vote against this proposed amendment to the United States Constitution.

I am fully sympathetic to the desire of many people to preserve the right of all persons to engage in genuine prayer. It is unfortunate that many who have clamored for a prayer amendment such as H.J. R. 191 have been mistaken in their belief that the Supreme Court prohibited voluntary prayer in the public schools or other public buildings. As a matter of fact the Supreme Court was very careful to point out that it was only ruling against governmentally required recitation of an officially composed prayer.

The present prayer amendment is not needed to affirm the right to engage in voluntary prayer. That right is already adequately insured in the Bill of Rights in the first amendment. The present proposed amendment opens a Pandora's box of constitutional questions which it will take generations to untangle. It would appear to establish a religion of "nondenominationalism" without defining what that is. It also puts the government in the position of deciding what is and what is not acceptable prayer in a public place. It is not in keeping with the long established tradition of religious liberty and the separation of church and state in America. It is not the business of any governmental official or agency to determine the place or content or leader for any form of prayer or other religious exercise. This is said with perfect clarity in the first amendment of the United States Constitution. "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. . . ."

I am aware that you signed the discharge petition to bring this bill to the floor. I would hope that your signature on the petition was only for the purpose of bringing this bill to a vote and does not imply your support for it. I agree that Congress needs to face this issue and vote it down resolutely.

The people at the grass roots level who have clamored for the passage of this bill need to be told of the inherent dangers contained in it. I do not understand how anyone who has seen the potential danger of this bill could support it.

Sincerely,

J. TERRY YOUNG.

METHODISTS OPPOSE PRAYER AMENDMENT

Mr. SCHWENDEL. Mr. Speaker, as evidenced by the following statement, the Methodists of this country are opposed to the proposed constitutional amendment regarding prayer in public buildings:

A STATEMENT CONCERNING CHURCH-GOVERNMENT RELATIONS AND EDUCATION

(Adopted by the General Conference of the United Methodist Church, May 1968)

"The fundamental purpose of universal public education at the elementary and secondary level is to provide equal and adequate educational opportunities for all children and young people, and thereby insure the nation an enlightened citizenry.

"We believe in the principle of universal public education and we reaffirm our support of public educational institutions. At the same time, we recognize and pledge our continued allegiance to the U.S. constitutional principle that citizens have a right to establish and maintain private schools from private resources so long as such schools meet public standards of quality. Such schools have made a genuine contribution to society. We do not support the expansion or the strengthening of private schools with public funds. Furthermore, we oppose the establishment or strengthening of private schools that jeopardize the public school system or thwart valid public policy.

"To fulfill the government's responsibility in education, sometimes it and non-public educational institutions need to enter a cooperative relationship. When public funds are utilized, it should be only when it is in the best interests of the whole society. Extreme caution must be exercised to see that religious institutions do not receive any aid directly or indirectly for the maintenance of their religious expression or the expanding of their institutional resources. Such funds must be for the expressed purpose of fulfilling a strictly public responsibility subject to public accountability.

"Public schools have often been an important unifying force in modern pluralistic society by providing a setting for contact at an early age between children of vastly different backgrounds. We recognize in particular that persons of all religious backgrounds may have insight into the nature of ultimate reality which will help to enrich the common life. It is therefore essential that the public schools take seriously the religious integrity of each of the children entrusted to their care. Public schools may not properly establish any preferred form of religion for community and its governmental agencies, and examine their obligations to the community in the light of this support. We believe it is imperative that all church-related institutions of higher education determine on their own initiative what benefits, services, and opportunities they ought to provide for the community as a whole as distinct from their usual campus constituencies.

"In situations where the continued existence of church-related colleges and universities seems dependent upon the availability of direct public grants, those responsible for the administration of such institutions—including the judicatories of the church to which they are related—may have to give serious consideration to several possibilities:

"1. Merger with similarly threatened institutions in order to produce a stronger united institution.

"2. Relinquishing church ownership or control to become public or nonsectarian private institutions.

"3. Establishing schools, departments or chairs of religion adjacent to the public or non-sectarian institutions permitting interchangeable credits.

"In making provision for church-related educational institutions, churches should avoid spreading their resources so thinly that their ability to maintain the integrity

of their mission in higher education may be undermined.

"The hazards which confront church-related institutions of higher education in becoming involved in programs supported by government are that such participation may:

"1. compromise academic freedom or divert the institution from its basic philosophy of education;

"2. develop into dependence or lead to adaptation of program in order to insure continued government support;

"3. inhibit the right and responsibility of social criticism, including criticism of governments;

"4. create imbalances in program that will make of education a narrowing rather than a liberalizing experience;

"5. interfere with the right of the institution to be innovative and experimental in program, method, and procedures;

"6. require secrecy with respect to the development, reporting, or proposed application of results of research, which secrecy violates the scholarly norm of free search for and sharing of knowledge;

"7. deny the right to emphasize those values and commitments which it shares with its sponsoring religious body."

"Freedom of inquiry poses a risk for established ideas, beliefs, programs and institutions. We accept that risk in the faith that all truth is of God. Colleges and universities can best perform their vital tasks of adding to knowledge and to the perception of truth in an atmosphere of genuine academic freedom.

"We affirm the principle that freedom to inquire, to discuss, and to teach should be regulated by the self-discipline of scholarship and the critical examination of ideas in the context of free public dialogue, rather than by supervision, censorship, or any control imposed by churches, governments, or other organizations. In the educational process, the individual has the right freely to appropriate for himself what he believes is real, important, useful and satisfying.

"Experience has demonstrated that freedom to inquire, to discuss, and to teach is best preserved when colleges and universities are not dependent upon a single base or a few sources of support. When an educational institution relies upon multiple sources of financial support, and where those sources tend to balance each other, the institution is in position to resist undue pressures toward control exerted from any one source of support. In the case of church-related colleges and universities, we believe that tuitions, scholarships, investment returns, bequests, payments for services rendered, loans, government grants, and gifts from individuals, business corporations, foundations, and churches should be sought and accepted in as great a variety as possible. Care must be exercised to insure that all support from any of these sources is free from conditions which hinder the college or university in the maintenance of freedom of inquiry and expression for its faculty and students.

"We recognize that the freedom necessary to the existence of a college or university in the classical sense may be threatened by forces other than those which are involved in the nature and source of the institution's financial support. Institutional freedom may be adversely affected by governmental requirements of loyalty oaths from teachers and students; by public interference with the free flow of information; or by accreditation and certification procedures and requirements aimed at dictating the content of college and university curricula.

"With respect to church-related institutions of higher education, we deplore any ecclesiastical attempts to manipulate inquiry or the dissemination of knowledge; to use the academic community for the promotion of any particular point of view; to require

ecclesiastical 'loyalty oaths' designed to protect cherished truth claims; or to inhibit the social action activities of members of the academic community. We call upon all members of The United Methodist Church, in whatever capacity they may serve, to be especially sensitive to the need to protect individual and institutional freedom and responsibility in the context of the academic community.

BAPTIST GENERAL CONVENTION OF TEXAS OPPOSES ERRONEOUSLY LABELED PRAYER AMENDMENTS

Mr. ECKHARDT. Mr. Speaker, the House will soon be called upon to vote on House Joint Resolution 191, commonly called the prayer amendment. The Baptist General Convention of Texas messengers—delegated—met in Houston, Tex., last week. The issue, House Resolution 191, was opposed by this group. For the information of my colleagues, I submit the following wire service report of the action by the Baptist General Convention of Texas:

The 1.0 million Baptist General Convention of Texas reaffirmed Thursday its "opposition to the constitutional amendments erroneously labeled in some channels as 'prayer amendments,' now being considered by the Congress of the United States, which would revise or supersede the First Amendment." The resolution said any amendment would weaken the First Amendment's strength "and open the way to further revision and modification in the future and therefore endanger our precious freedom of religion and religious liberty." The Convention Christian Life Commission report stated that authorizing participation in nondenominational prayer "opens the door for government to determine what is acceptable prayer. . . . No government has the right to determine either the place or the content of prayer. To authorize government to intervene in the sacred privilege of prayer makes government a judge of theology and an administrator of religious practices. The amendment would enable government to impose the limits of 'nondenominationalism' on religious practices in any building built in whole or in part by public funds."

MORE ON PRAYER AMENDMENT

Mr. SCHWENGLER. Mr. Speaker, I have just received the following letter from Tilford E. Dudley, director of the Washington Office of the Council for Christian Social Action, United Church of Christ. The letter, together with the enclosed statement give further indication of the growing concern of church leaders with respect to the so-called prayer amendment:

UNITED CHURCH OF CHRIST, COUNCIL FOR CHRISTIAN SOCIAL ACTION, Washington, D.C., October 29, 1971.

Re: The Prayer Amendment.

DEAR CONGRESSMAN: You will soon be considering the proposed constitutional amendment permitting devotional prayer in the public schools. I'm sure you are interested in the position of church bodies.

Enclosed is the resolution of the Executive Council of the United Church of Christ, adopted October 13, opposing the amendment because it might be "interpreted as over-riding or reversing the Supreme Court decisions . . . banning prescribed prayers in public schools."

The United Church of Christ is a Protestant denomination formed by the merger of the Congregational and the Evangelical & Reformed Churches. It has 7,000 local churches with about 2,000,000 members. Its top deliberative body, the General Synod with about 700 delegates, meets biennially. The Synod elects the Executive Council, both its 21 members and the 4 church officers who are members ex officio. The Executive Council

is empowered to act for the Synod between Synod sessions.

The Division of Christian Education of the United Church Board for Homeland Ministries adopted a statement opposing the amendment on October 19. It said the practical effect of the proposal would "signal the end of . . . the historic neutrality of government toward religion" and require the government to become a theological arbiter. It said the public schools "should save the learning needs of children, not their devotional needs."

On June 10, 1963 the U.C.C. Council for Christian Social Action adopted a similar statement, saying that "devotional activities . . . should not be included in the curriculum of the public schools."

Respectfully yours,

TILFORD E. DUDLEY,
Director, Washington Office.

UNITED CHURCH BOARD FOR HOMELAND MINISTRIES—DIVISION OF CHRISTIAN EDUCATION, EDWARD A. POWERS, GENERAL SECRETARY

Statement Adopted by the Divisional Committee on Christian Education, October 19, 1971

The Division of Christian Education of the United Church Board for Homeland Ministries is deeply concerned about the proposed Wylie "Prayer" Amendment (H.J. Res. 191) calling for the legitimization of "nondenominational prayer" in publicly funded facilities.

The historic neutrality of government toward religion stated in the "no establishment—free exercise" clauses of the present Bill of Rights has kept national public life free from sectarian controversy and . . . The practical effect of the proposed change would signal the end of this American tradition and could bring about a scramble for state approval by one religious denomination or another. To assume that consensus can be achieved about a non-denominational prayer is unrealistic in the light of American cultural diversity and religious pluralism. Its adoption would require the government and the courts to become theological arbiters, judging which prayers addressed to the Deity are acceptable to the state and which are not. Nothing could be more alien to the spirit of prayer than to shape it to the requirements of the state.

Though we are concerned about the integrity of religion, we are equally concerned about the integrity of the schools. It is no secret that the backers of the proposed change hope and intend to upset the present constitutional prohibition on official prayer in the public schools. It is worth noting that there is no such prohibition on voluntary prayer by believing individuals when they deem it appropriate nor can there be any such prohibition of a voluntary act in accordance with the free exercise clause of the First Amendment.

The schools have a monumental educational task in these days of rapid change and social upheaval. Diverting them from that task and adding theological concerns to their educational agenda would be tragic. The public schools, in a religiously pluralistic society, should serve the learning needs of children, not their devotional needs. If anyone imagines that the religious groups of America could agree on "non-denominational" prayer or accept the state's definition without conflict, he does not understand the dynamics of religious commitment. The public schools must not become the arena for such controversy. For the integrity of the schools as well as the integrity of religion, we urge the defeat of this proposed change in the Bill of Rights.

RELIGION IN THE PUBLIC SCHOOLS

A Resolution Adopted by the Executive Council of the United Church of Christ, October 13, 1971

The Executive Council of the United Church of Christ supports the Supreme Court decisions banning prescribed prayers and prescribed Bible reading in the public schools, calls attention to the aspect of the Supreme Court decision which affirmed the freedom of the schools to engage in the study of religion, and opposes House Joint Resolution 191 which seeks to amend the United States Constitution. The Executive Council believes this proposed amendment has the danger of being intercepted as over-riding or reversing the Supreme Court decisions and permitting prescribed prayer in public schools.

At the same time, believing that the health of our communities depends upon widely shared and deeply held moral values resting upon fundamental convictions about the meaning of human life and that our society's well being also requires scrupulous fairness to all such convictions and full religious liberty, the Executive Council.

(1) strongly supports efforts of schools to increase and improve the teaching of moral values and the appreciation of the role of religion in the development of our heritage, and

(2) urges the Instrumentalities, Conferences and churches of the United Church of Christ to work to help the public understand both the scope and the limitations of the Supreme Court decisions concerning prescribed prayers and prescribed Bible reading in the public schools.

SCHOOL PRAYER

Mr. DORN. Mr. Speaker, I commend to the attention of my colleagues and to the people of our country the following editorial from the Anderson Independent, October 3, one of the South's leading newspapers:

SCHOOL PRAYER AMENDMENT: CHURCHES RIGHT IN WARNING AGAINST DANGER

Two hundred eighteen representatives, just the needed number, have appended their signatures to a discharge petition to pry the school prayer amendment out of committee and onto the House floor, and it may be that all of them have good intentions in so doing.

But you know what road is paved with those. We submit that the intentions of the 38 national religious leaders who signed a statement in opposition to the proposed constitutional amendment are just as good and their understanding of American traditions better.

The religious leaders include representatives of the Southern Baptist Convention and several other Baptist groups, the United Presbyterian Church, the National Council of Churches of Christ, the Episcopal Church, the United Methodist Church, the United Church of Christ, the Church of the Brethren, the Lutheran Church, the Synagogue Council of America and the American Jewish Congress.

Affirming "the right of school children or any other segment of the population to engage voluntarily in their own prayers without government authorization or supervision," the religious leaders point out that "this right is adequately protected by the First Amendment as it now stands."

So the school prayer amendment is, in the first place, quite unnecessary.

But in the second place, it is fraught with danger. For the evil at which the U.S. Supreme Court struck when it forbade officially authorized or supervised prayers and religious observances in the public schools was precisely the evil which our ancestors sought to escape from in Europe.

It is the kind of evil which produced centuries of religious persecution—government intrusion into the sphere of religion, which is and ought to be a private affair between the individual and the God he worships or does not, as he chooses.

What IS the "interdenominational prayer" which the proposed amendment would permit? As the religious leaders pointed out, they themselves can achieve no consensus on a definition. How, then, can politicians or school board members expect to?

And why should they? Why should prayer be cheapened by using it as a device to quiet unruly children?

The basic issue, though, was stated in simple terms by Sen. Sam Ervin almost exactly five years ago when the Senate rejected a similar amendment.

"Political freedom," the North Carolina Democrat declared, "cannot exist in any land where religion controls the state, and religious freedom cannot exist in any land where the state controls religion."

This the men who wrote the Bill of Rights knew full well, and we do not think their latter-day would-be successors are likely to improve upon their handiwork.

MORE ON THE PRAYER AMENDMENT

Mr. SCHWENGLER. Mr. Speaker, opposition to the proposed constitutional amendment regarding prayer in public buildings continues to grow as evidenced by the following editorial which appeared in the September 24 issue of the Washington Daily News:

THE PRAYER AMENDMENT

Congress should reject as unwise the latest proposal to bring religious ritual back into the public schools.

Over the objections of its own Judiciary Committee, the House has agreed to vote Nov. 8 on a constitutional amendment permitting "nondenominational prayer"—whatever that is—in schools and other public buildings.

This is the same amendment the late Sen. Everett McKinley Dirksen championed without success in the 1960s. And it has no more merit now than it had then.

The Supreme Court ruled in 1962 and 1963 that neither the recitation of prayer nor the required reading of Bible passages has any place in the nation's public schools.

Such ceremony is a clear violation of the separation of church and state and, in many cases, a ritual that tends to degrade religion rather than glorify it.

The prayer amendment is opposed by many churches as a government intrusion into the religious affairs of the people.

Yet the amendment seems to have a good chance of passing the House, and at least a fair chance of getting the necessary two-thirds approval in the Senate.

This would be an appropriate time for Congress to put an end to such controversy—once and for all—and turn its attention to more urgent public business.

WHAT IS A NONDENOMINATIONAL PRAYER?

Mr. ECKHARDT, Mr. Speaker, in a column appearing in the Baltimore News American on October 9, John Roche takes a very perceptive look at the issue of prayer in public schools. Aside from the constitutional questions this issue has raised, Mr. Roche sees some very practical reasons why a constitutional amendment to allow nondenominational prayer in public buildings is not a good idea. For instance, he points out the questionable value of "mechanized piety" and the difficulty of determining an acceptable nondenominational prayer.

I urge my colleagues to read the column which follows:

NONDENOMINATIONAL PRAYERS

(By John P. Roche)

There is something profoundly distasteful, even sacrilegious about organized, mechanized piety. Thus I have always reacted negatively to prayers in the public schools (along with such secular liturgies as the pledge of allegiance to the flag).

I recall, 35 or 40 years ago, starting every school day with the singing of "America," the pledge of allegiance, and a prayer. We went through it like robots (I thought for years it was "one nation, invisible, with liberty justus frall") except that around 1936 the accompanying Nazi-like salute was eliminated. Instead of putting one's arm out, palm out, towards the flag in the corner, you put it out, palm in, and then brought it back to rest roughly on your heart.

The content of the prayers is a total blank, though one can guess that the Almighty was regularly invoked in a supportive, disciplinary role. At any rate, we marched in, went through the drill, marched out. Somewhere along the way a critic popped up briefly and called for an end to the flag salute, but my vague recollection is that my father and his friends of the Veterans of Foreign Wars put a speedy stop to that caper. I can't recall anybody protesting against the prayer, probably because the Jewish kids didn't listen either.

The result is that I have never, over the years, been able to work up much ideological steam on either the pledge or the prayer.

The notion that eliminating prayers from schools will breed Godlessness strikes me as preposterous (I have always believed that Sunday schools are truly the devil's workshops.)

On the other hand, school prayers have never impressed me as a bulldozer that was leveling the wall of separation between church and state. Historically that simply won't wash: note the prayer that opens each congressional day and has since 1790.

However, I was pleased on other grounds when the Supreme Court knocked out school prayers; you might say I found it esthetically cheering. I am deeply moved by the liturgical beauty of a Latin High Mass, and have sat transfixed with grief at a conservative Jewish funeral service as a magnificent cantor poured 5,000 years of suffering into the Kaddish, the prayer for the dead. I am appalled at the thought of millions of little Americans converting religious beauty into a babble of mumbo-jumbo, into a kind of bureaucratic petition.

Moreover, it is an invasion of privacy. Without getting involved in the immensely complex theological question of the efficacy of prayer, we have it on very high authority that when Christ was asked by the Pharisees "when the Kingdom of God should come. He answered them and said, the Kingdom of God cometh not with observation . . . the Kingdom of God is within you." (Luke 17, 20-21).

Congress has before it a constitutional amendment designed to legalize something called "nondenominational prayer" in public buildings, e.g., schools. It is, in effect, an attempt to overturn the various court decisions on the subject.

The proposal is simply insane. What is a "nondenominational prayer?" One addressed "to whom it may concern?" Who will formulate such a monstrosity? An expert committee composed of a Muslim, a Jew, a Catholic, a Jehovah's Witness, 15 assorted Protestants, and a Zen Buddhist? All one can hope is that Congress will quietly give this scheme a "nondenominational" funeral and get back to serious business.

SCHOOL PRAYER AMENDMENT

Mr. DELLENBACK, Mr. Speaker within the near future the House of Representatives will be considering the so-called school prayer amendment to the U.S. Constitution. On the surface a proposal to permit prayer in public buildings seems unquestionably laudable, but I believe that, under careful and close examination, the proposed amendment shows itself as being highly undesirable and even dangerous.

Recently two of the leading newspapers in my Congressional District, the Eugene Register-Guard and the Medford Mail-Trib-

une, each published an excellent editorial explaining some of the dangers of the school prayer amendment. Since this issue will be before us soon, I call these editorials to the attention of my colleagues and urge them to give careful scrutiny to the points raised therein.

The editorials follow:

[From the Eugene (Oreg.) Register-Guard, Sept. 29, 1971]

HOW NOT TO HELP THE CHURCHES

Soon the House of Representatives will vote upon submitting to the states a proposed Constitutional amendment which would read as follows:

"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 non-denominational prayer."

This, of course, is an attempt to get around the Supreme Court's so-called "school prayer decisions," which are so misunderstood by the many and so misrepresented by the few.

Contrary to what a few would have the rest of us believe, the Supreme Court did not rule prayer out of the classroom. Any teacher or pupil can pray all he wants in any school, church, gas station, hardware store, restaurant or football stadium. He has an absolute right to do this. What the Court did say was that nobody should be compelled to pray in any place and, especially, that he could not be required to recite a prayer that somebody else prescribed. Thus prayer, the prayer the supplicant chooses, is protected, not forbidden. Also protected is the right not to pray at all.

And what in the Sam Hill is a "non-denominational" prayer? It should be a prayer that is satisfactory to the Roman Catholic, the Mormon, the Methodist, the Jew, the Buddhist, the Moslem, the Adventist, the agnostic and the non-believer. If it does not please all, it is not non-denominational. Who wants a prayer that fits those exacting requirements?

Most responsible church leaders oppose this foolishness. Congressman John Dellenback is an example. A nationally known figure in Presbyterian circles, he understands the guarantees of the First Amendment. That amendment does not abridge liberty, but enhances it. It guarantees that a person can practice a religion that might be out of favor with the civil authorities—as long, of course as he otherwise behaves himself. Cannibalism is a no-no, religious belief or not.

The founding fathers lived in an age when the church dominated the political life of many countries, as it still does in some. They did not want that to happen here. They also had close at hand instances of religious persecution in which the political institutions dominated or outlawed certain kinds of religious assembly. They didn't want that to happen here either. Thus the First Amendment was drawn to insure the mutual protection of church and state and to keep each from becoming predatory.

On Constitutional grounds, the proposed amendment is a monstrosity. The genius of the U.S. Constitution is the absence of trivial details. It is a broad document, setting up a general framework, not a petty listing of exceptions to the rule. If the Constitution had not been broad, and interpreted that way over the years, it could not have survived.

The proposed amendment is a can of worms.

[From the Medford (Oreg.) Mail Tribune, Sept. 24, 1971]

VICIOUS PRAYER AMENDMENT

The House of Representatives soon will vote on a proposed new amendment to the U.S. Constitution. It says:

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.

Sound innocent enough? Maybe. But maybe not.

What, for heaven's sake, is "nondenominational prayer"?

Is it something that Jews, Mohammedans, Buddhists, Roman Catholics, Baptists, Lutherans, Methodists, Presbyterians, Episcopalians, Seventh-Day Adventists, Jehovah's Witnesses, atheists, agnostics, freethinkers—and those who seldom even think about religion—all can subscribe to without offense?

If so, such a "nondenominational prayer" is going to be a pretty wish-washy affair with no real religious meaning.

And who is going to write these "nondenominational prayers"? A teacher? A school superintendent? A school board? Or a Governor or member of the Legislature? And who gives them that right?

Do you, Mr. Methodist, want your friend and neighbor, the school superintendent, (who may happen to be a Seventh-Day Adventist) to write prayers your children will hear in school, or be asked to recite—or leave?

Or do you, Mr. Roman Catholic, wish an agnostic to prepare a "nondenominational prayer" for the use of your children—or for you yourself, for that matter?

It can readily be seen why the major Christian denominations are opposed to this proposed amendment. What is less clear is how a majority of the House of Representatives was gulled into signing the petition to have it brought to the floor from the Judiciary Committee. And just what are the motivations of those who pushed the petition?

Presumably, this is intended to "return God to the public schools." We had not been informed He had been rejected.

The Supreme Court has never "banned prayer in the public schools." What it did ban was an officially-prepared prayer that could be forced on children of any or all or no religious beliefs.

School children and teachers are now free to pray—or to refrain from prayer—as the spirit moves them, just so long as they do not infringe on the religious or educational rights and beliefs of others. And they can do this in school, or in the courthouse, or the federal buildings, just as freely as they can in their own homes and churches.

This proposed amendment is vicious in that it seeks to enforce a conformity of belief—and in view of the "nondenominational prayer" business, it would be a conformity so bland and meaningless as to be near-sacrilegious to confirmed believers.

Not only is it a threat to freedom. It is a threat to organized religion itself—which in this country has thrived as in no other nation because of the firm wall of separation between church and state.

—E. A.

DISTRICT OF COLUMBIA REST ROOMS UNSAFE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. RARICK. Mr. Speaker, safety in our Nation's Capital continues to deteriorate so rapidly that it may soon be necessary to assign an armed guard to every female employee so that she can go to the powder room without being assaulted.

Yesterday's double rape on Pennsylvania Avenue right beside the White House is going a long way to educate by firsthand experience our permissive minded people that crime is neither controlled nor curbed by massive outpourings of tax dollars, increased civil rights for the criminals, or even gun control laws.

Now the Federal employees in the downtown area near the White House are to have locked rest rooms and additional security guard patrols, and the women are to be advised to go to rest rooms only in pairs. I ask that related newscippings follow my remarks.

The material follows:

SECURITY TIGHTENED AFTER RAPES—POLICE SQUADS GUARD OFFICES

Two 10-man tactical squads were moved into the downtown area near the White House today in the aftermath of two rapes in office building rest rooms.

The police commander of the area met with security officials from the busy section of the city to plan tactics against intruders.

Insp. Garland Waters, commander of the 2nd District, which covers many of the newer downtown office buildings, including the two Pennsylvania Avenue structures where the rapes took place, said he would re-emphasize a security program instituted last November.

The additional scooter patrolmen sent into the area today were given special instructions and a lookout for the rape suspect—believed to be the same man in both cases. However, their deployment today was also partly for security for the visit here of India's prime minister, Indra Gandhi.

WILL LOCK REST ROOMS

An official of one federal agency that rents space in the building at 1750 Pennsylvania Ave., where one of the rapes occurred, said today that security would be bolstered in its jurisdiction. This would include more uniform guard patrols and locked rest rooms. The official also said that women would be advised to go to rest rooms only in pairs. The United States Information Agency, with main headquarters next door, occupies several floors at 1750.

Police also revealed they were called to another downtown office building yesterday to check a report of a suspicious-looking loiterer near a women's washroom shortly before the two rapes.

Officers could not locate the man. But his description tallied with that of the man believed responsible for the two rapes that occurred within a half-hour of each other yesterday.

The first attack occurred about 12:15 p.m., when a 46-year-old woman was raped in a seventh-floor rest room of the Mills Building at 1700 Pennsylvania Ave. NW.

The busy office building is within a block of the White House and is across the street from the Executive Office Building where a 30-year-old economist, Ritchie Reed, died of multiple stab wounds after being attacked in a rest room Oct. 1. There has been no arrest in that case.

The second rape occurred about 25 minutes later, at 12:40 p.m. in the building at 1750 Pennsylvania Ave., when a 50-year-old woman entered a rest room on the fifth floor.

She was in a cubicle when a man who police said apparently was already in an adjacent booth said, "Don't scream or make any noise or I'll shoot you." He then asked her if she had any money.

When she said she did not, the man—still in the next cubicle and out of her sight—said, "Do as I say and you won't get hurt . . . If someone comes in, don't make a sound."

He ordered her to unlock the cubicle door and face away from it. The man then entered and was attempting to rape her when another woman entered the rest room.

The assailant pushed her face against the wall and held her until the second woman left. The man then raped her, told her to wait there for five minutes, and fled, police said.

In the first rape, police said the assailant may have followed the woman into the rest room. And in one of the assaults, the room was locked, with keys available only to employees.

DESCRIPTIONS MATCH

One of the victims was a federal government employee; the other was employed by a private firm. Both women were white.

Both women gave similar descriptions of the man. He was described as black, in his early 20s, slender, wearing a tan trenchcoat. The second rape victim said he was wearing maroon trousers and brown shoes with a strap and buckle.

The women said they saw no weapons.

A representative of the Charles E. Smith Companies, one of the city's large management firms and which operates 1750 Pennsylvania Ave., said restrooms there, in areas rented by private tenants, had been locked for several years. He said this was the firm's policy in all private-tenant buildings.

An official of the United States Information Agency, said that security also would be tightened in the part of the building in its jurisdiction.

He said that uniformed patrols would be increased. He said a plan was already being put into effect to lock restroom doors "because of a general feeling of unease" and numerous thefts.

Of thieves operating in the area, he said, "The character of these guys has changed. They're more brazen, and they're no longer deterred by old-fashioned controls" such as the mere presence of a guard.

NEW ACTION EXPECTED

The Oliver T. Carr firm, which manages and has an interest in the Mills Building at 1700 Pennsylvania, called a meeting of its officers today to discuss heightened security.

Oliver T. Carr Jr., president of the company of the same name, said today that "we are reacting in a very positive and constructive way" in reviewing and changing security measures in buildings managed by the firm.

He would not discuss specific precautions, either at the Mills Building or at some dozen other buildings managed by the firm, mostly downtown. However, he said, "We have already decided on half a dozen changes and are reviewing our procedures." He said the firm had begun discussing the problem after the Reed slaying.

Police said that the only case similar to yesterday's in the downtown area was a rape of an employee of a building on 15th Street NW two months ago. It also occurred in a restroom.

Security in downtown office buildings—private and government—has been increasingly a problem in recent years, and was highlighted by the rest-room slaying of Reed. Shortly after that at least one agency—the Small Business Administration—installed combination locks on rest-room doors.

GSA IS CAUTIOUS

A spokesman for the General Services Administration, the government's housekeeping agency, said today that "we feel security is tight in our own buildings." But, he noted, "You just can't provide enough people to make any building 100 percent secure—what do you finally do: Put a guard in every rest room?"

The two buildings where yesterday's rapes occurred are private buildings, with some space leased by the federal government. Usually, the GSA spokesman said, the agency would have security responsibility only when a sizable segment of the building was leased.

At GSA buildings, he said, the agency feels that having uniformed guards at most entrances as well as roving patrols inside acts as a deterrent.

Guards are posted during the night at entrances of both buildings where the rapes occurred—but not during the day.

[From the Washington Evening Star, Nov. 5, 1971]

SCREAMS SCARE AWAY MAN IN NW REST ROOM

A woman in a third-floor rest room in an office building at 1800 G Street NW today screamed to scare away a would-be assailant who matched the description of the man who raped two women in separate downtown buildings on Wednesday.

District police early this afternoon had few details about the attack about noon but said that the suspect evidently used the same method as a man who raped a 50-year-old woman in the Proprietary Association Building at 1700 Pennsylvania Avenue and a 46-year-old woman in a fifth-floor rest room at 1750 Pennsylvania Ave. within a 25-minute period.

The building where today's incident occurred is only a block away.

MR. HOFFMAN'S SEEDBED

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. FRELINGHUYSEN. Mr. Speaker, this next January will mark the end of the career of an outstanding servant of the world community. Mr. Paul G. Hoffman was appointed in 1958 to be administrator of the United Nations Development Program, and it was through this agency of the world body that Mr. Hoffman was able to work toward his aim of creating "a world without want and a world without war."

Mr. Hoffman's work in the U.N. Development Program laid the groundwork for further development of the less affluent countries of the world, by viewing their problems as a matter of increasing skills and knowledge that would allow them to control the economic development of their countries. He saw a need to improve individual economies, to work "from the outside on the inside, using the resources of the countries themselves, instead of outside stimulants." His was an approach aimed at improving the scientific and technological capabilities of the people of less developed countries, as well as utilizing the resources of such countries in the world market, thus stimulating these underdeveloped economies. Under his leadership, the program has moved from a budget of \$54 million in 1959 to \$241 million in 1971, with a projected aim of \$500 million in 1976.

The following is an editorial from the New York Times, honoring Mr. Hoffman and a farewell statement made by him before the Second Committee of the General Assembly on October 14, 1971:

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

MR. HOFFMAN'S SEEDBED

"In order to build a united Europe," Paul G. Hoffman once said, "you first have to build Europeans." In pursuit of this ideal, now seemingly near fulfillment, Mr. Hoffman as head of the Marshall Plan for European recovery after World War II stressed self-help and cooperation among Europeans to solve their common problems.

A similar philosophy has guided Mr. Hoffman's efforts over the last thirteen years to move nations toward a far more ambitious goal, the development of a "global integrated economy" which he sees as the best hope for the prosperity and peace of mankind. As Administrator of the United Nations Development Program, the former automobile executive has used his generous gift of persuasion untrillingly to promote self-help and mutual aid among the nations of the world, rich and poor.

Beginning with a modest \$54 million in 1959, the U.N.'s development effort has expanded to \$241 million in 1971, with a target of \$500 million five years hence. These are modest sums compared with the billions invested in the reconstruction of war-torn Europe after V-E Day. They are pitifully inadequate when measured against the needs of the developing countries. But through its location of resources and its development of technicians, the program has laid the groundwork for economic returns far beyond its original investments. The future may reveal this effort as "the seedbed for a flowering human well-being that could cover the face of this planet," Mr. Hoffman told the General Assembly's Second Committee in a farewell address the other day.

Secretary General Thant has nominated Rudolph A. Peterson, the San Francisco banker who headed President Nixon's Task Force on Foreign Aid, to succeed Mr. Hoffman when he retires next January. This could be a fortuitous choice, since Mr. Peterson's study group recommended a major shift in United States aid to multilateral institutions, including U.N.D.P. But if Mr. Hoffman's seedbed is to flower, Congress will have to begin to act on Mr. Peterson's sound advice.

Last year while fifty other countries increased their contributions to the program, the United States contribution remained static at \$86.3 million because of Congressional cuts in a Nixon request for \$100 million. It is essential that the full \$100 million requested as the United States commitment for this year be voted to maintain the momentum of this cooperative effort toward a more prosperous and peaceful world.

NO TIME LIKE THE FUTURE

(Statement by Paul G. Hoffman)

Mr. President, fifteen years ago, in the fall of 1956, I joined this Second Committee of the General Assembly as a representative of the United States of America. On the basis of many discussions with my fellow members from the developing countries, I came to believe strongly that the underlying cause of poverty in the low-income nations was not a lack of resources. Rather it was a failure—a tragic failure—to realize the potentials of the natural wealth and human talents at the disposal of those countries. It seemed to me, therefore, that there was urgent need for a large-scale programme specifically designed to help the developing nations make progressively better use of their vast latent power to speed their own progress.

The members of the second committee agreed that such an action programme was essential. They appointed a sub-committee which worked diligently and creatively for some two years to determine just how this type of technical cooperation could best be moved from concept to reality. They decided that a new United Nations agency was called for, and recommended the creation of the special fund. Among others, Ambassador Henry Cabot Lodge became interested—more than that, he became enthusiastic—about the approach the special fund represented. And he persuaded the United States of America to pledge that it would contribute one dollar for every two dollars that might be raised for such a programme from all other sources.

Mr. President, in 1958, on this very same fourteenth of October—precisely four thou-

sand, seven hundred and forty-eight days ago—the United Nations General Assembly, by resolution 1240, officially established the proposed special fund. I give the exact number of days which have elapsed since the passage of resolution 1240, because the basic meaning of everything that has been accomplished by the special fund—and its successor, the UNDP—is to be found in the impact of our work on daily human life. Development planning must often take the perspective of years and decades. But development progress must gain momentum day by day. For people—and it is people and their human needs that concern us here—must be able to see, and sense, and take hope from perceptible changes for the better in their lives.

In fact, when Secretary-General Dag Hammarskjöld invited me to become managing director of the special fund, I accepted out of a deep-seated conviction that at least three fundamental changes were needed in world affairs. First, I believed that there had to be a change in the old ways of peace-making and peace-keeping—since such traditional methods as maintaining a balance of power, creating spheres of influence or building alliances and ententes had proved to have dangerous and sometimes fatal weaknesses. Thus I saw the potential role of the United Nations—based as it was on the principle of collective security—as being supremely important.

But I was also convinced that if the United Nations did not function in ways substantially different from those of the League of Nations, it, too, would fade into formalized futility. Specifically, I felt that the United Nations must be made as directly relevant as possible to the daily lives and future hopes of all the world's peoples. And since there was such desperate need—in everyone's interest—to help speed the economic and social progress of the world's low-income countries, it seemed clear that a major UN role in that effort would do much to give the organization this life-sustaining relevance.

Finally, I felt that some fairly radical changes were called for in the development process itself. As I indicated earlier in these remarks, I believed that such changes must focus on a better and fuller utilization of low-income country resources. For example, the low-income countries obviously required large-scale capital investments—both domestic and external—to finance urgently needed and often quite costly improvements in agriculture, industry, infrastructure and other economic sectors. Yet they could not realistically count on a long-term continuation of these capital flows, unless they could accurately identify and assess those natural resources that were truly investment-worthy. For while, as I have noted, it seemed clear in 1959 that the low-income countries did possess vast untapped natural riches, their location generally remained to be tracked down and their specific usefulness in the complex development process remained to be discovered.

Then, again, the people of the low-income countries had to be helped to acquire the skills and knowledge which would allow them to assume control of their own development and—particularly—of the domestic resources for fueling that development. Only in this way could these countries become fully independent both economically and politically—and take their rightful place as full members of the world community.

Finally, if either of these new directors were to be followed with any real hope of success, the low-income countries would have to acquire the scientific and technological capabilities that are essential both for creating economic wealth and for using it to advance human well-being.

This interlocking pattern—which soon came to be known as "pre-investment and technical cooperation"—was not only some-

what experimental but also a bit paradoxical. On the one hand, because pre-investment was a rather indirect approach, it could not be expected to produce such rapid short-term results as could, for example, the direct provision of capital. On the other hand, it seemed the surest path to long-term progress—progress that would have steadily growing momentum and lasting impact because it was based on the *internal* growth resources of the developing countries themselves rather than on perpetual injections of outside stimulants.

Mr. President, many events that have taken place since I assumed my first United Nations post have strengthened the convictions I held at that time. With regard to peace-keeping, for example, when governments have provided the UN with the support required to do the job, the organization has compiled a far more constructive record than is generally appreciated. In fact, to borrow a phrase from the national sport of my own country, its batting average in this regard is better than that ever registered by any other peace-keeping mechanism. Moreover, the UN has acquired matchless facilities for quiet diplomacy, for conciliation, for relieving tensions through public dialogue on debate, and for constabulary action. These capabilities, if allowed their full potential scope, could make our organization what the peoples of the world originally dreamt it would be—the eventual guarantor of a world without war.

It can also fairly be said that the UN's involvement in efforts to realize another great human dream—the dream of a world without want—have strengthened all aspects of the organization. Although its economic and social activities have been quantitatively modest, they have made the UN newly relevant to more than a hundred governments and to hundreds of millions of people. Thus, the United Nations' future now rests on a far firmer base than that ever possessed by any previous international organization.

A prime reason for this, of course, is the fact that on balance the development efforts of the United Nations family have largely met the expectations with which they were undertaken. Speaking of the UNDP alone, its cooperation with low-income countries all over the world has already helped rewrite our planet's catalogue of such vital natural resources as arable land, water for irrigation and power production, industrial minerals, conventional and exotic fuels, and the varied wealth of the oceans. Moreover, the projects that uncovered these resources, and others aimed at evaluating low-income country opportunities for productive commercial enterprises, have helped to stimulate five thousand million dollars of follow-up investment capital.

In addition, well over six hundred thousand men, women and young people of the developing nations have been locally trained in the skills required for exploiting domestic resources to produce domestic benefits. Because much of this training work involves the teaching of teachers and the instructing of instructors, new knowledge and new abilities are multiplying themselves and spreading very widely from small core-groups.

The achievements of UNDP-assisted institutes for applied technical research cannot, naturally, be quantified in the same statistical fashion. Nevertheless, there is ample evidence that this work has appreciably strengthened the technological muscle of the developing nations. What is happening here is not a mere transfer of technology from the industrialized to the low-income countries. It is an organic adaptation and root-taking process—in the course of which, incidentally, some new technologies are springing up which may find an even fuller flowering as they are re-seeded in the wealthier countries to whose problems they are also applicable.

One example which immediately comes to mind, is the use of saline water for irriga-

tion. The rather fascinating story of that project is told in the portfolio entitled "in a real and vital way" which I have had the privilege of providing to the members of this committee. And that portfolio presents only a minute part of the indisputable evidence that multilateral pre-investment and technical cooperation is no longer experimental but essential.

Beyond these tangible accomplishments, there are a number of intangible gains which merit mention here. The special fund, and later the UNDP, have used their resources to help finance and coordinate the field activities of the UN's department of economic and social affairs and of sixteen other international agencies affiliated with the UN family. In this way the UN system has made available to the low-income countries development wisdom and experience from every part of the world—including the hard-won practical know-how of the developing countries themselves. We are proud that one third of the experts serving abroad under UNDP programming and financing come from low-income countries that are receiving UNDP assistance.

The UNDP's participating agencies, for their part, have not only restructured themselves individually for effective development work in the field. They have also made remarkable progress towards welding themselves into an integrated development system which—though by no means fully perfected—is already unique in the annals of international and inter-organizational cooperation.

Furthermore, in 1958, the United Nations needed a greatly expanded field development network—because development is a grass-roots matter which cannot be successfully masterminded from a detached and lofty distance. I take particular satisfaction from the fact that, starting with twenty-eight resident representatives of the technical assistance board, the UNDP now has almost one hundred full-time, local and regional offices. All of these, today, have great responsibilities and great opportunities to function as leaders of the most experienced development coalition the world has ever known. Moreover, through its field offices, our UN development system can maintain direct and intimate contact with the needs, opportunities, activities and aspirations of the low-income countries we serve.

I would not lay claim, Mr. President, to a record of total success. We have experienced a number of serious problems and shortfalls affecting, on occasion, the quantity, quality and rapidity of our response to low-income country needs. As this committee knows, at the June 1968 meeting of the UNDP's governing council, I asked that council to authorize the undertaking of what was called a "capacity study". This study aimed at providing recommendations for so restructuring the UNDP that it would be able—with normal evolutionary changes—to handle a \$1,000 million programme by 1976, with approximately half the resources for such a programme coming from the recipient countries. Such restructuring was necessary because of a four-fold growth in services rendered by the UNDP over the years since 1959, and an even greater growth in the diversity and depth of those services.

On the basis of the capacity study, of the UNDP's own experience, and—above all—of the work undertaken by our governing council, a consensus on restructuring was reached. To the best of our ability, the changes recommended in that consensus have been fruitfully carried out. We have established four regional bureaux, a bureau for programme coordination, and a bureau for policy planning. This latter bureau is concerned with evaluating our programme's progress and effectiveness, and with providing long-range guidelines on new directions the UNDP might

take. It also serves the advisory panel on programme policy, whose members include some of the most distinguished experts in the entire development field. Working under the chairmanship of Mr. David Morse, this panel searches for the best means of helping developing countries to cope with such pervasive and critical problems as unemployment, malnutrition, the population explosion and the relationship between development and environmental protection through new and more adequate forms of technical cooperation. The panel reports its findings to the administrator who, in turn, submits them to the inter-agency consultative board and then—if appropriate—to the governing council for action.

To sum up in a very few words what has happened since 1959, our programme has not only grown in the size and scope of its activities. It has not only evolved a new physical and operational structure. It has also, I believe, become continuously more knowledgeable about the staggering dimensions and unbelievable complexities of the development process—and continuously more flexible and innovative in meeting the demands of that process.

In this connection, Mr. President, I have mentioned some truths that seemed clear to me when I became managing director of the United Nations special fund. But there were also many truths which I did not then clearly see—and quite a number which I didn't see at all.

To begin with, it was common knowledge in 1959 that both gross national products and individual productivity rates throughout the low-income countries had to be greatly and rapidly increased. Sophisticated development thinkers also perceived the necessity for establishing production priorities—so that, for example, industrialization would have an adequate agricultural base, and so that there would be some kind of division of labor among the various low-income countries in their productive output. But at that time few, if any, had grasped the essential truth that a more equitable *distribution* of both the means of production and of newly produced wealth was equally essential. In fact, only lately have we come to realize that this and other types of social reform are not only moral and political imperatives, but vital incentives to productivity itself. For it is a simple human truth that no one can or will work hard or well for long, unless he is rewarded with an adequate income and adequate opportunities for a life of decency and dignity.

This brings me to one of the most acute dangers which we did not foresee at the start of the 1960s—the crisis of unemployment that now casts so dark a shadow over the 1970s. Hundreds of millions are already jobless or underemployed throughout the developing countries, and—because of the population upsurge—their numbers are constantly climbing. This is a mainspring of social unrest and even of violence. It shackles national productivity. Worst of all, it rots the human spirit in as deadly a way as disease ravishes the human body. Unemployment and underemployment are twin plagues which must be overcome—and this may well turn out to be the number one priority of the second development decade.

Considering the problem of health in more literal terms, I also did not fully appreciate, in 1959, the direct relationship between health improvement and economic growth. Healthy people can produce more than they consume. Sick people consume more than they produce. And while major improvements in disease prevention and medical treatment have been realized by the low-income countries, this remains a major problem area.

In 1959, it was also difficult to detect the symptoms of the urban breakdown that now

threatens so large a part of the developing world. Going almost equally unchecked was the deterioration of the countryside which has proved to be a major cause of many troubles afflicting the cities. Now, it is glaringly apparent that new ways must be sought to reduce urban overcrowding by making it possible for people to earn a decent living and live a decent life in rural areas. The "green revolution" is evidence of the contribution that applied agricultural research can make to solving this problem. But further research must be carried out, and the results even more widely applied, so that the benefits of the green revolution will grow, and expand their impact to increasing numbers of people in ever larger parts of the world. Greater agricultural productivity is, of course, only one of many changes which must take place if rural life is to be a better life. Education must be oriented to specific rural needs. Industrialization must be decentralized to rural areas. Above all, the will to modernize and the willingness to accept change must be invigorated.

Again in 1959, many of us fell short of fully understanding the fact that a revolution was needed in all areas of education and training. We know, of course, that the illiterate and the unskilled were numbered in the hundreds of millions. But we did not realize the vital importance of closely orienting education and training to the demands of development itself. Nor did we truly appreciate that this orientation had to be accomplished without neglecting cultural needs, or smashing supportive cultural patterns. For man not only does not, but cannot, live by bread alone.

The overwhelming impact of the population explosion was also only dimly felt at the start of the 1960s. Now, however, we know that the war against poverty and poverty of opportunity simply cannot be won so long as masses of unwanted children continue to be born into a world that cannot adequately feed, clothe, house, and school them—or, even give them the loving care which is as essential to their healthy growth as having enough to eat.

A further problem which we sensed—but about which we were too little concerned a decade or so ago—was the problem of protecting our planet's environment and conserving its resources. For this, I have less excuse than most, since it was two of my own countrymen—President Theodore Roosevelt and Governor Gifford Pinchot—who over sixty years ago first sounded the environmental alarm. The clamour of that alarm is today almost deafening—and for very good reason. We have used up this planet's natural resources at a frighteningly reckless rate. We have so polluted the atmosphere, the water and the soil that with almost every breath of air and every bite of food, we also too often ingest an assortment of environmental poisons.

Yet I firmly believe, Mr. President, that there is no irrevocable conflict between development and environmental protection. Quite to the contrary, they can and must be mutually supportive. I would like to dwell briefly on this point because it is rightly of such great public concern.

First of all, increased productivity is necessary for providing both the financial and the technical resources to undo the environmental damage that has already been done. Second—and here the work of the UNDP provides confirming testimony—development properly carried out is a means of resource improvement and conservation. In fact, our projects of land irrigation, soil improvement, reforestation, fishery development, hydroelectric and geothermal power production and urban planning are environment-oriented by their very nature. Third, the new earth resources satellites which will soon be orbiting our planet, are equipped both to locate new resources, and to detect the early signs

of resource damage or depletion. This is another example of the potential marriage between development and conservation, with technology as the beneficent broker.

Furthermore, I have read some recent research reports which throw an interesting light on this entire situation. From this research, it seems probable that our growing pollution problems are not primarily caused by excessive growth in production. A more basic reason may be that we are turning out new types of goods, and using new types of productive methods which are highly pollution-prone. It has been suggested, therefore, that one way in which the pollution crisis can be substantially eased is through an increased use of such renewable, natural substances as wood, rubber and animal fibres. I find this suggestion intriguing because, for obvious reasons, it would offer the low-income countries significantly better opportunities in international trade.

There is another truth about the development process which was perhaps not sufficiently recognized in 1959. This has to do with the importance of building a network of global trading relationships in which the low-income countries can make their essential contributions to a healthier global economy—and through which they can earn increasing amounts of the capital they need for modernizing their productive machinery. To this end, the wealthier countries must make concessionary adjustments in both their tariff barriers and their import quota systems—since these present "rules of the game" put most of the low-income countries at an unfair and insuperable disadvantage in the international market place. As a by-product, they also perpetuate today's globally distorted patterns of international trade, and prevent a truly rational division of productive labour. For their part, however, the developing countries must not so over-protect their domestic industries as to keep production costs at levels which would both limit domestic consumption and prevent a sizable growth in exports. This kind of export growth is essential to the low-income countries—as I have just suggested—since it constitutes their primary means of earning foreign exchange. In short, a delicate balance must be struck that will serve the interests of both the low-income countries and the entire global economy—a difficult, but surely not unattainable, goal.

One step toward reaching it would be the provision and use of external aid in ways that would more directly help the developing countries to strengthen their trading capabilities, both with each other and with the rest of the world. A growing number of UNDP-supported projects are devoted to this end—as well as to helping the low-income nations increase their earnings from such so-called "invisibles" as the tourist trade. Might I also add my voice to that of the under-secretary-general for economic and social affairs, Mr. Philip De Seynes, who so eloquently expressed to this committee the need for the current reexamination of world fiscal policies to take into account the requirements of the low-income countries—Not as a peripheral matter but as part of the vital centre.

Finally, and of great importance, I did not adequately appreciate the role that a stable government—and a centralization of development responsibility—play in the development process. Unless such responsibility is accepted at the very highest levels—by a prime minister, or a single member of his cabinet, or a central planning authority—progress will be unnecessarily slow and erratic. At the same time, experience has also demonstrated the importance of popular participation in planning, as well as in carrying out, development activities. For there is a direct link between the degree of participation and the depth of motivation.

Mr. President, the list of problems I have just cited would seem enough to stagger the stoutest of heart—even though that list is by no means all inclusive. Yet, there is another—and I think fundamentally more valid—way of reacting to this roster of difficulties. For the problems we face today are essentially not new problems. They were present, at least in embryo, long before the start of the 1960s. The fact that today we can and do recognize these problems is to me a source of great encouragement. For it is a matter of historical record that the gravest political and economic crises which have confronted the world in the twentieth century came to a head because men could not see, or would not face, their basic causative factors. The other side of the coin is equally a matter of record. Whenever we recognized our dangers and defined their dimensions accurately, we have always been able to cut them down to manageable size. In many cases, we have even been able to convert them into opportunities for progress. In short, while the 1970s are pregnant with possible disaster, these same years can also give birth to both a far more livable world and a far better way of life for all its people.

But if this is going to happen, certain economic, political and social conditions must be met. In the political field we must ease international tensions, thus creating a climate which will permit us to reduce our present obsession with armaments to a more realistic level based on actual security needs. It simply mocks reason that the wealthier nations are devoting some two hundred thousand million dollars every year to building their defense capabilities, and less than fifteen thousand million dollars to helping their poorer next-door neighbours combat the poverty and poverty of opportunity which are major sources of international tension.

At the same time, we must also move rapidly toward a goal which may now be unattainable in the political sphere but is quite feasible in the economic. For while it may take nations a long time to learn how to stop shooting, or even shouting, at one another, they can surely come to terms with the fact that—from an economic standpoint—our planet is no longer many worlds. Actually, it is very close to being one world—and all our economic policies must be shaped in conformity with this growing interdependence.

I can attest to the feasibility of that aim on the basis of my personal experience as Administrator of the European Recovery Programme. It has been quite rightly said that there are vast differences between the Marshall Plan and our current development efforts, because the one dealt with the basically simpler problem of reconstruction while the other involves the much more difficult business of building from the ground up. Yet, if the methods were different, some of the goals are very much the same. So, too, can be some of the end results.

Specifically speaking, the integration of Western Europe's national economies and the eventual creation of a European Common Market were indispensable prerequisites for progress toward recovery. That integration moved rapidly ahead and the Common Market came into being. Not only did this help stimulate an almost miraculous economic growth in the participating countries, it also welded their economies so tightly and complexly together as to make it highly unlikely that war can ever again erupt between those nations of Europe that were long traditional enemies. In the same sense, a globally integrated economy—one in which the richer and the poorer countries both contribute and receive as equal partners—is a prime prerequisite for tomorrow's development progress. And to the extent that we do create this one

economic world, we shall also build an irreversible momentum towards world peace.

I think I can add, Mr. President, without being accused of self-serving, that an important part of this progress toward economic globalism must be a substantial strengthening and expansion of multilateral development programmes. Every survey made of today's development scene agrees on the need for increasing the ratio of multilateral to bilateral assistance, from its present level of approximately ten per cent to between 20 and 25 per cent.

As regards the UNDP, let me take this opportunity to make a final restatement of our need for increased resources. It is true that voluntary pledges have grown from some 54 million dollars for 1959 to some 240 million dollars for 1971. But that 240 million dollars, in my view, represents just about half of what the developing countries require and could absorb from the UNDP system—and about half of the amount which that system is rapidly equipping itself to dispense with full effectiveness. Thus, I should like to express once again my fervent hope that—by no later than 1976—voluntary contributions to the UNDP will reach the 500 million dollar level.

To these political and economic considerations, let me add a brief word about the need for new social approaches. As I have already said, extensive social reform is essential to permit a much wider distribution of wealth and a much greater equality of opportunity than most of the world's people now enjoy. But there is another type of social reform which I consider no less imperative. By this I refer to the need for more mature and farsighted approaches to the use of technology.

Frankly speaking, the way we have handled technology resembles far too closely the way that the sorcerer's apprentice in the fairy tale tried to employ powers which he did not understand and could not fully control. Far too much of our technological wizardry has been devoted to creating unspeakably frightful weapons. Far too much of it has also been heedlessly employed for exploiting the earth's resources, rather than for rationally using and continually replenishing them. And far too much of our technology has been applied without due consideration for its impact on the human spirit, on our cultures and on our ways of life. As a result—while technology has made it possible for hundreds of millions of people to improve their material conditions—our planet is in many ways becoming a more dangerous and less humanly satisfying homelike for the entire race of man.

In view of this trend, we must make a clear-cut decision. Either we take fuller control of our technology and consciously turn it to more humanistic ends, or eventually our technology will control and completely dehumanize us.

As I appear before you for the last time, Mr. President, I will take the liberty of saying a very few personal things that I have long wanted to say. The days of my involvement with development have been among the richest, the most fulfilling, and the most gratifying of my life. They have been enriched by invaluable associations with men and women of good will from every part of the world. They have been fulfilling because my work has been more absorbing, more challenging and more interesting than anything I have ever done or could even imagine doing. And they have been gratifying because I have had the chance to see that progress toward a better world is in fact being made. That progress is far too slow—and it is appalling to contemplate the fact that in large parts of our planet poverty and poverty of opportunity still kill and permanently cripple quite as many people as would be killed or permanently crippled in a conventional war. Nevertheless, conditions are demonstrably better in several respects than they were ten years ago. Beyond this, there is

a visibly growing momentum in both the developmental process, and the process of international cooperation for development. If we take full advantage of our opportunities to accelerate that momentum, we can create a future quite unlike any time that ever was before. We can build the first truly humanistic society in all of human history—a society in which the great majority of men, women and children can find personal happiness, personal fulfillment, personal meaning and purpose in the days and years of their lives.

May I close by saying that major credit for whatever may have been accomplished by the United Nations development programme belongs to Secretary-General U Thant. He is not only intellectually but emotionally concerned with speeding development progress for he comes from a poor country, and poverty is something he has seen and lived with. His unfailing encouragement and support for our programme has been one of its strongest moving forces.

I would also be remiss if I did not place on the Record here the great contributions made by my present and former associates in the UNDP—the headquarters staff, the field staff, the international experts and their national counterparts. I only wish that I could name every one of them, for these many thousands of men and women—who have been called the UN's ploughshare armies—deserve to be personally known for their deeds and their dedication. I am sure that my successor will be supported with the same high competence and unswerving loyalty that has always characterized the UN development family. And I am equally sure that this committee will be the same wise and generous source of strength for the UNDP's new administrator that it has always been for me.

My warmest thanks go to both the present and past members of our programme's governing council. Through the years, they have shown continuing evidence of their deep concern for development. And they have translated this powerful feeling into effective practical action by the enlightened guidance they have provided to the programme's administration.

Very shortly I shall step down from the post I have held for four thousand, seven hundred and forty-eight days. But I shall never step away from the convictions that brought me to that post, or from a concern about the future of development. For, Mr. President, I regard development as one of the greatest causes to which mankind has ever devoted itself in all its long history—a cause which the future may reveal as the seedbed for a flowering of human well-being that could cover the face of this planet.

EVERY RED DIPLOMAT IS A
TRAINED SPY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. RARICK. Mr. Speaker, the decision of the Belgian Government to expel or bar from Belgium more than 30 Soviet spies disguised as diplomats as announced in yesterday's Washington Evening Star is more evidence that imperialistic Russia has not abandoned its traditional practice of subversion of free countries by its agents.

According to the news account, Soviet diplomats and trade representatives will be asked to leave in small groups. Details of the nature of the subversion were

not provided, apparently because the Belgian Government is playing down the incident since the North Atlantic alliance with headquarters in Brussels has assigned Belgium the task of arranging the first talks with the Soviet Union on troop reductions in Europe.

The most recent case of the disclosure of Russian spy activity recalls to mind two other recent instances of subversion by the Soviets.

In March of this year, the Mexican Government expelled five members of the Soviet Embassy staff in retaliation for alleged Soviet support of a plot to overthrow the Mexican Government—See CONGRESSIONAL RECORD of April 27, 1971, pages 12294-12295. Officials had uncovered a plot by Mexican guerrillas trained in Moscow and North Korea to overthrow the Mexican Government.

In September of this year, the British expelled 105 Soviet Communist employees at the Russian Embassy in London on the basis of information and documents revealing a Russian spy network and plans for infiltration of agents for the purpose of sabotage—See CONGRESSIONAL RECORD of September 24, 1971, pages 33403-33404.

But in the United States, where we have diplomats of numerous Communist countries as well as the Reds in the United Nations crowd, the Nixon administration takes the position that the Communists are our friends and can do no wrong. We not only have Red diplomats here in America in the Soviet Embassy and consulate but also have them in embassies of most of the Communist countries of the world as well as at the U.N. Headquarters in New York City where they are given diplomatic status.

And our leaders are so busy improving trade relations with Russia, which supplies 80 percent of the arms, planes, and other materials of war to kill our American men in North Vietnam, that they fail to understand that every Red diplomat is a trained Communist spy.

I insert related newscippings at this point in the RECORD:

[From the Evening Star, Nov. 4, 1971]

BELGIUM SET TO EXPEL 30 RUSSIANS

BRUSSELS.—The Belgian government has decided to expel or bar from Belgium more than 30 Soviet citizens named as spies by defector Anatol Tchebotarev, an informed source reported today.

About a third of the Soviets have already left the country, the source said. He predicted there would be no sudden mass expulsion, as there was recently in Britain; instead, diplomats and trade representatives will be asked to leave in small groups.

They would all be gone "within a reasonable time," the source said. This would reduce the number of adult Soviet males in Belgium by more than a fourth.

The Foreign Ministry declined to comment.

Tchebotarev, 38, was a counsellor at the Soviet Trade Mission in Brussels a few doors from the U.S. Embassy. He left Oct. 3 in a car belonging to his mission. Later, it was announced that he is in the United States. The list of names he furnished was given to Belgium by the U.S. government, the source said.

Among those who have returned to Moscow are Konstantin I. Leontiev, 50, commercial director of a Soviet-Belgian trading firm called Belso, and two employees of the

Soviet airline Aeroflot, Oleg Gluchenko, 34, and Yuri Parefenov, 40.

An informed source said Leontiev was a colonel of Soviet military intelligence though not its chief in Belgium.

One reason the Belgian government is playing down the case is that the North Atlantic alliance, which has its headquarters in Brussels, has given Belgium the job of arranging the first talks with the Soviet Union on troop reductions in Europe. Foreign Minister Pierre Harmel is reported reluctant to take a strong stand for fear of hampering the prospective negotiations.

[From the Washington Evening News, Nov. 2, 1971]

U.S. MAY WIDEN SOVIET TRADE

(By Ted Knap)

President Nixon is reassessing his opposition to giving the Soviet Union "most favored nation treatment" in regard to trade, the White House disclosed today.

"Most favored" status, now granted U.S. allies and only two communist countries (Poland and Yugoslavia), would substantially reduce the U.S. tariff on Russian imports and greatly expand trade between the two superpowers.

A White House official said the question "is under active study on a re-examination basis." Last summer and earlier, the White House said Mr. Nixon was opposed to extending favored status to the Soviet Union.

The re-examination is linked to the President's announcement yesterday that Commerce Secretary Stans will go to the Soviet Union in about two weeks to discuss expanding trade and removing barriers.

Two chief obstacles to U.S.-Soviet trade are high tariffs on Soviet imports and restrictions on what American companies export to Russia.

Mr. Stans' office said he looks on his trip as a "break thru opportunity to launch a new level of "economic diplomacy." He was invited by Soviet Trade Minister Nicalal Patolichiev. Their efforts to open commercial doors between are expected, to pave the way for Mr. Nixon's journey to Moscow next May.

The Commerce Department said Mr. Stans is the first commerce secretary to visit Russia since World War II and the first Nixon cabinet member to go there.

The Stans trip and Mr. Nixon's reassessment of U.S. tariff policy toward Russia are arousing new right-wing anger.

"We are gravely concerned—more so than under any previous President—about Nixon's continued efforts to liberalize trade with the Soviet Union," said Albert Forrester, Young Americans for Freedom program director.

[From the Washington Star, Nov. 5, 1971]

RUSSIANS TO BUY U.S. GRAIN, UNIONS DROP SHIPPING RULE

(By George Sherman)

The Nixon administration has arranged for a massive sale of American grain to the Soviet Union. The deal for the first time will suspend the rule of U.S. maritime unions that all shipments must be carried in American vessels.

According to administration officials, the Agriculture Department is announcing that \$136 million in corn, barley and oats will be sold privately to the Soviet Union between now and July.

Purchases are to be paid for in U.S. dollars by the Russians.

According to these officials, President Nixon himself intervened with the Maritime Council, composed of the leading maritime unions, to gain agreement that the grain can be carried in foreign vessels, based on competitive bidding.

Previously, all such moves to sell grain to the Soviet Union have been thwarted by the demand of the unions that at least 50 per-

cent of the shipments be carried in American bottoms. Because American vessels have been more expensive, there have been no Soviet purchases and private sellers in this country have not been able to reach agreement.

The proposed sales, therefore, are the first since President Kennedy's controversial grain sale to Moscow in 1963. The \$136 million figure, according to administration officials, is more than the total value of all American exports to the Soviet Union last year—\$118 million.

The announcement today precedes a visit to Moscow next month by Secretary of Commerce Maurice Stans to scout the prospects of increasing Soviet-American trade.

The grain sale is expected to have a big political impact in the Middle West, where the grain market is depressed. The \$136 million figure includes two million tons of corn, 600,000 tons of barley and 300,000 tons of oats. Officials say that the contract was negotiated directly between the Soviet government and the Continental Grain Co. of New York and Cargill, Inc., of Minneapolis.

But the administration took a direct hand through personal presidential phone calls and White House meetings persuading the maritime union presidents to drop their ten-year-old opposition and allow competitive bids for shipping.

The stage was set, these officials say, by Nixon's success in getting Congress to pass last year the new Merchant Marine Act, which appropriated the first funds for constructing 300 American merchant ships over the next ten years.

In the official view here, this presidential initiative convinced the maritime unions and shippers that the American government intended to make American shipping competitive in world trade.

Therefore, the argument continues, the unions now realize that more jobs and contracts are to be gained by allowing competitive bids for shipments even to the Soviet Union and Communist China. Administration officials stressed that under the Maritime Council decision, even Soviet vessels would be allowed to carry the grain if they make the lowest bid.

The President's initiative followed his announcement last June, when erasing the barriers to trade with Communist China, that from now on shipments of grain to both mainland China and the Soviet Union would not need prior clearance from the Department of Agriculture. At that time, he also set government policy against the 50 percent requirement for American shipping.

But the maritime unions immediately said they would not drop that requirement. The announcement being made today marks a success for the President, officials say, in gaining the unions' agreement to his policy of last June.

NADER'S REPORT ON THE M-16

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. ASPIN. Mr. Speaker, the Connecticut Citizens Action Coalition issued a report on November 1 charging that the Colt Firearm Co. has engaged in a systematic program of subverting the quality control program in the manufacture of the M-16 rifle.

During the manufacture process, the M-16 is routinely submitted to endurance and interchange tests.

According to the Citizen Action Coalition, that has been organized by Ralph

Nader, Colt insured that rifles would pass the endurance tests by switching parts during the test procedure. Some of the switching was actually done while Government inspectors were present, but their attention was diverted by Colt officials while workers replaced faulty parts.

Based on the testimony of Colt workers and after consultation with ordnance experts, the Nader group has also charged that the interchangeability tests have been subverted by Colt. The interchangeability of weapon's parts of the M-16 rifle is crucial to every American soldier in a combat situation. One Colt worker described how barrels were switched during the interchangeability tests to insure that good results would occur during tests witnessed by Government inspectors.

The Connecticut Citizen Action Coalition has stated publicly that there has been no collusion between the Colt officials and the Government inspectors.

Mr. Speaker, this report raises serious questions about the integrity of a major arms manufacturer. Our soldiers in the field must have the finest equipment that we can provide for them. I recommend this report, which follows, to my colleagues for their careful study:

THE M-16 COLT'S LETHAL LEMON

INTRODUCTION

"The Subcommittee is interested not only in getting the facts, but in seeing that they are reported accurately. Colt Industries shares in this interest. We categorically assert that inspection standards are never violated. In fact, we know of not a single instance when a rifle that had been shipped showed any deviation from quality control standards at the time of shipment."

Mr. Paul Benke, President, Colt's Firearms, Inc., Before Special Subcommittee On M-16 Rifle.

"After every thousand rounds or so we tell Mr. Ivy (the range supervisor) what sort of problems we have covered up in the last series. Parts, including carriers, extractor springs, and bolts, are switched on the endurance gun, out of sight of government men."

A targeter on the testing range at Colt's.

During the past eight years, Colt's Firearms, Inc., a subsidiary of Colt, Industries has produced 2.5 million M-16 rifles at a cost to the government of \$250 million.

This report, based upon that weapon of war, is not prepared in order to support war nor to condone the existence of already inflated defense budgets.

On the contrary, we hope that its publication will help to focus attention on a most cruel and violent form of corporate subversion of the public and national interest. Although we deal here with only the misconduct of a single defense contractor, this report may indicate a much larger problem in quality control procedures of defense contractors generally.

How helpless are the victims of such corporate greed and deceit as that practiced by Colt's? To whom does the soldier in the field turn when his rifle fails to fire, or when a spare part which is supposed to replace a worn one perfectly, fails to fit?

What of the worker in the Colt's plant? There exists, we believe, a peculiarly close parallel between his fate and that of the soldier in the rice paddy thousands of miles away. Both are the victims of a callous and insensitive company attitude. Both have little hope of sympathetic hearings and affirmative action if they do protest about the quality of weapons.

Perhaps it was most of all the feeling of

empathy with the soldier in the field which led some Colt's workers to approach our organization for help after they felt they had exhausted all established channels. In spite of warnings from management that they should not make trouble and at the risk of losing their jobs and security, these workers told us their story.

Whether their courageous action becomes a model and an incentive for other concerned employees in other places will depend on the degree of governmental and public support afforded them.

In addition to speaking with workers, we discussed at length our findings with various experts on quality control and the M-16 itself. In most cases they are not surprised at our stories of Colt's violations of quality control standards and their flagrant deceit in attempting to cover up those violations. However, they were astonished, if not shocked, by the severity of those violations.

The series of destructive activities which we are to present in this document paint a brutal picture of a corporation which purports to act in the national interest, which stresses the need for national defense, but which is not interested in defending either its own workers or the troops over whom it waves the flag. Here is a devastating example of a corporate "profit" patriotism which subverts humanity for the pocketbook.

SUMMARY

This report outlines the findings of the Connecticut Citizens Action Group concerning production and testing of the M-16 rifle by the Colt's Firearms Company.

Colt's Firearms Company has engaged in deceit and deception to subvert government testing procedures designed to insure the reliability of the M-16 rifle in combat.

The Quality Control Program of Colt's stressed the concealment of errors in important endurance and interchange tests.

Under standing orders from Colt's management, range employees were told to exchange weakened parts in the endurance test rifles for new parts from the assembly line.

Quality Control Technicians would distract government inspectors while workers replaced weakened parts.

Colt's systematically subverted each stage of the testing process.

Parts of the weapons chosen for the gun interchange tests were inspected before and after disassembly of the rifles and defective parts replaced.

Employees were ordered to improperly pre-test reassembled weapons, change defective parts and target the weapon to insure passage of government tests.

Employees were ordered to cheat during the government test of reassembled rifles to insure agreement between pre-assembly and post-assembly tests.

Colt's hand bent barrels to repair rifles which could not pass accuracy tests.

Bending involved bending the rifle between steel beams and striking the rifle against the floor to realign barrels.

Bending was done during overtime hours when government inspectors were not present or occasionally during the day in a closed, windowless booth.

At one time employees were told to pretend to leave the plant and return later to bend barrels.

Government inspectors at the West Hartford range could not have been unaware of the deceptive practices employed by Colt's.

The practices employed by Colt's meant that defective test weapons were delivered to the government and that the shipments which they represented were not proved reliable or of the contract stipulated quality. The integrity of the entire quality control process was undermined.

CCAG calls for:

Justice Department investigation of the violations of the criminal laws by Colt's management.

House and Senate hearings to examine these derelictions which affect the safety of our troops.

Examination of other Colt's production and testing procedures.

Reassessment of the contract relationship between Colt and the United States and the ability of Colt to bid or receive contracts.

An examination of the federal inspection and contract compliance programs.

Protection of the concerned employees who exposed Colt's deceptive practices.

ACTIVITIES IN THE FIRING RANGE

Every M-16 produced by Colt's receives a *First Inspection* when it is fully assembled and operable. If it is accepted by Colt's quality control inspectors, it is wheeled into the range on a special rack. The gun is first subjected to a *Function Firing Test*, in which it is fired simply to assure that the rifle can cycle a bullet, or round, safely, and at the proper rate of speed. Faults are generally corrected on the spot, with an adjustment or part replacement. Once accepted, the weapon is placed on a concrete mount, from which it is fired in a *Target and Accuracy Test*. An inaccurate gun is set aside in specially marked "repair" racks; an accepted gun is sent out of the range to the *Wash room*, where it is disassembled, cleaned, and reassembled. The weapon is then moved to the *Final Inspection* room. Weapons rejected for targeting deficiencies are supposed to be repaired, tested again for accuracy, and if accepted, sent on through the wash procedure to be replaced among final inspection rifles from the same shipment.

Once the weapons have been approved by final inspectors, government quality assurance inspectors randomly select two sets of M-16's: one set of four for the *Endurance Test* and a group of ten for the *Ten Gun Interchange Test*. These performance tests are designed to calculate the field efficiency of the weapons. In the first case, each weapon in the set is fired 6,000 times in eight hours, with periodic forced air cooling, and regular disassembly and washing of parts. The second test requires that the ten weapons be disassembled and the resulting parts thoroughly mixed, randomly paired, and reassembled into ten acceptably performing weapons. In either test, if any weapon is rejected due to malfunctions or failure to function, the whole set is rejected, and a new set randomly chosen from the same shipment. If the second set must also be rejected, for either of these reasons, the entire shipment is rejected and must be totally reprocessed. Acceptance of either a first or second test set from both the *Endurance Test* and the *Interchange Test* will permit delivery to the government of an M-16 shipment.

QUALITY CONTROL: KEY TO A RELIABLE WEAPON

The elaborate performance tests to which all M-16's must be subjected serve a two-fold purpose. First, they are designed to monitor the extensive manufacturing and assembly processes that precede the weapon's arrival at the range. MIL-Q-9858A, the military's production quality control rule book, states that "final testing shall provide for reporting to designers (of) any unusual difficulties, deficiencies or questionable conditions" that surface in the range. Quality controlled tests, such as the endurance, and target and accuracy tests, are relied upon as flagging operations which will signal weaknesses anywhere in the production line. The appearance of a malfunction in the course of a performance test possibly indicates more than a mere defective weapon; it may denote a specific live weakness—human or mechanical—that if unchecked might adulterate every succeeding piece. When quality controls are maintained, excessive or specifically unacceptable malfunctions are reported in a timely manner; engineers and designers are put on notice of line deficiencies, and the

weaknesses may be identified and corrected. The second function of quality controlled performance testing is to detect and reject defective weapons, or shipments. Integrity of test procedures is especially critical with regard to the endurance and interchange tests, where each selected weapon represents the quality and precision of all 6,000 guns in the subject shipment. The covering of a product defect inscribed in any one rifle may result in the over-looking of a like defect in every other member of the shipment. Adulteration of one quality control record in any part of the extra-critical endurance or interchange tests might mean delivery of a 6,000 gun shipment of unproven weapons.

ENDURANCE TESTING: COLT'S PROFIT CONTROL SYSTEM

Since at least 1966, Colt's has systematically practiced a program of deceit intended to circumvent required government testing procedures. Employees assigned to the endurance guns have been under standing orders to hide malfunctions, particularly those which would cause a shipment to be rejected.

Colt's quality control specialists have closely monitored the tests to discover weakened parts. However, the purpose of this monitoring has not been to detect errors in processing which might affect the performance of the rifle in combat but to pinpoint those defects which must be concealed from government inspectors. According to one of the workers, "It is standard practice that if the gun should fail to feed and fail to fire, we pull back the charging handle, recharge the gun and continue firing without the government men detecting it. The Colt's weapon technician would keep the government agent occupied during the cover up. If a weakened extractor spring is causing trouble, the Colt's men [Quality Control Technicians] might give you a new spring without the government man knowing it."

This practice is in sharp contrast to the testimony of Mr. Dan Grove, head of quality control for Colt's, before a 1967 House Special Subcommittee on the M-16. Mr. Grove testified that on the endurance test, no extraction malfunctions are permitted. Further, he claimed that the company stiffened inspection and testing measures voluntarily, when reports of malfunctions filtered back from Viet Nam.

Colt's, however, does not rely solely upon the watchfulness and ingenuity of its quality control technicians in distracting government inspectors. After each 1000 rounds are fired, the rifle is taken to a washroom to be cleaned. In the washroom, while the rifle is partially disassembled, Colt's quality control analysts have an opportunity to conceal defects. One way in which this is done is just prior to the wash break to have the company quality control officer precede the government inspector and the targeter into the wash room. Having developed concern over some particular part on the endurance gun, the officer selects from fresh assembly line parts a replacement piece for the test weapon. The chosen part is immersed in a parts wash basin filled with a murky solution and capped with a layer of foam. Colt's quality control representative then informs the targeter in which corner of the basin the part lies and the targeter is ordered to perform a sleight of hand operation to swap the worn part for the new one.

According to a Colt's employee, "Parts, including carriers, extractor springs and bolts, are switched on the endurance gun, out of sight of the government men. For example, if we see that the extractor spring is weakened, at the one thousand round regular wash break, the spring is switched by the targeter or the quality control analyst."

Unfortunately, Colt's quality control program, stressing exchange of parts, hiding of defects, and deception does little to insure

the proper functioning of the M-16 rifle in combat. On the contrary, these practices insure that specific endurance guns which were defective are delivered to the U.S. military and that the shipments they represent were not proved reliable or of contract stipulated quality.

However, Colt's quality control program does serve to increase the profits of Colt's by saving Colt's the necessity of remedying deficiencies in their production procedures and of retesting rejected shipments. Retesting would be required if the test rifles failed.

Colt's quality control procedures make the detection of failures unlikely. Unfortunately, for the American public and the soldiers who must depend on the M-16 in extended combat situations, Colt's quality control system has become a profit control system.

TEN GUN INTERCHANGE TEST: A TEST BY ANY OTHER NAME—A FRAUD

One purpose of the interchange test is to insure the reliability of the weapon in combat use. Interchangeability is itself the basis of mass production. To the soldier in the field, the ability to replace and exchange parts is crucial.

For each shipment of approximately six hundred thousand weapons, ten rifles are randomly selected by government agents and disassembled. The parts are mixed and from the mixed parts ten new rifles are assembled. The performance of these reassembled rifles is then tested against the performance of the original ten. The test is usually conducted over a two day period.

Colt's thoroughness in hiding possible defects and in rigging testing procedures was nowhere more clearly indicated than in the practices employed in the gun interchange tests. As soon as the rifles were selected, Colt began subverting the testing procedures. According to an employee the interchange mixing was done in a room called the process room or the parts inspection room. "We did a 'dry run' before and after assembly. This consisted of a check of indent, head space, and trigger pull. Although these weapons came straight out of the final inspection room, we often found improper fits on these checks. We always changed the parts, whether it was before the breakdown, or after reassembly. Orders for switches were given by the quality control man or the range master."

Even accidents could play a role in Colt's test tampering procedures. An employee explains how. "When weapons are disassembled for the interchange, the parts are placed in numbered boxes. Frequently, a box is up-ended and some of the parts are lost. We take new parts from the assembly line to replace them. Government agents are not told."

When Colt's purpose was the hiding of defects rather than the discovery of production deficiencies, Colt's was not satisfied with a single review and replacement of parts from the disassembled guns. The reassembled rifles were improperly tampered with before the government test began. As one employee indicated, "Many a night I or someone else sneaked into the room to shoot, change barrels, and even target the test weapon." The purpose of such tampering was stated by another employee, "I have seen the whole upper receiver—the barrel—changed during overtime, with the new receiver selected from outside the test group. I have seen the test gun fired during overtime and corrected to insure that good results would be had during the government witnessed regular test firing."

Even the government tests were not overlooked by Colt's. Despite Colt's replacement of test part and its improper pretesting of the rifles, Colt's employees were ordered to cheat during the government test of the reassembled rifles. An employee recounted, "Since we were not closely watched during interchange targeting tests, we have been instructed to cheat in that area." Employees

were told to be sure that the preassembly and post assembly target accuracy test agreed even if this meant tampering with the gun during the tests.

If Colt's exhibited the dedication and thoroughness in producing a reliable rifle that it exhibited in subverting the testing process, there can be little doubt that fewer weapon failures would occur in combat.

HAND-BARREL BENDING—A CROOKED CRAFT

"The first word on this is do not do it. . . . "Gunsmithing," Ray F. Dunlop.

Colt's cynical disregard of manufacturing integrity is demonstrated clearly by their repair procedures. Colt's consistent policy has been to turn out quantities of rifles, regardless of the cost to their worker's health (see *Hartford Courant*, July 10, 1971) or the lives of the users of the M-16. The frauds and illegalities that characterized the endurance and interchange tests lurk in the repair procedures as well.

Rifles are target tested to determine accuracy. Those which are approved pass on to await possible interchange or endurance testing. Those which fire high, low or wide of the mark are set aside to be repaired. On rare occasions these weapons are returned to the assembly area to be recalibrated. Most often, however, they are "repaired" by range workers, none of them of whom are gun smiths nor have any special training in weapons repair. In his book "The Complete Guide to Gunsmithing, Gun Care and Repair", Charles Edward Chapel states emphatically "Only a few experts can straighten barrels."

Despite the surgical nature of the hand-barrel straightening process, Colt's workers routinely straighten rifles by hand. One worker described the company's delicate handling of the repairs:

"I have participated in the normal repair process, which involves bending fully assembled weapons between steel beams at the targeting mounts, or whacking the muzzle end on the floor of the firing booths." Another worker illustrated a Colt technique:

"The prime method I was taught and which I have used to repair inaccurate rifles is to bend the barrel either by straining the muzzle between the mounting beams or by striking the flash suppressor against the floor."

It is difficult to conjure up a more amazing image than the picture of a worker in a modern factory grasping the world's most sophisticated rifle by the butt and "whacking" its flash suppressor on the target range floor.

In its face this method of barrel straightening appears highly irregular. Suspicion is deepened when it is known that repairs on U.S. Government rifles always are made out of sight of government inspectors. Usually repair work was carried out in the early morning hours before the day shift reported for work or in the evening after the last shift "departed" from the range.

"It was perfectly understood by all range employees," one worker told the Connecticut Citizen Action Group, "that the practice (bending) while approved by the company was strictly against governmental regulations."

A worker described in detail one way his deception was carried out:

"The range master or his assistant, the lead man, would tell us at 3:30 to walk out of the range, and leave the company grounds for a half hour or so, to give the impression that we were not staying for overtime. This would deceive the inspectors; they would leave for the day and we would return and bend. We were all on the dock the whole time as was the approved arrangement."

Sometimes when the number of defective rifles became too numerous repairs were undertaken during the normal work day. Workers were instructed to make repairs by bending the barrel between steel rods on the firing mounts when inspectors were absent. One worker reported:

"Once in a while, we are told by Mr. Ivy (the range master) to bend a few (rifles) in any part while the government men are out of the range at the wash rack with the endurance gun."

Workers sometimes hand-bend guns during the day shift in booth seven, an enclosed, window-less booth installed a few years ago. The same worker reported:

"... on occasion when there is a sizable back-log of repair weapons and a shortage of new work, Mr. Ivy assigns a man to bend rifles during the regular shift, behind the closed door of the booth, out of sight of the government inspectors."

If the fault was minor, a "correction" might be made at the shooting mount.

"Occasionally if the fault was only a slightly low trajectory, the rifle was held by the stock and the flash suppressor at the muzzle end was knocked on the rubber floor mat in the shooting booth." So much for craftsmanship and precision.

FOREIGN AND SPORT GUNS

Non-U.S. Government weapons routinely were hand-bent in front of government inspectors. A Colt's worker said, "I . . . have hand-bent during regular hours and in the open, rifles belonging to foreign nations and rifles of the non-military sports model." Another worker was more specific.

"During regular work hours on Wednesday, October 6, 1971 I witnessed the following scene at the targeting area in the firing range. — was testing and hand bending M-16's which were known to be destined for a foreign power. A U.S. Government inspector, passing through the area on his normal rounds, was heatedly told by Mr. — that the bending was none of the inspector's business, as the rifle wasn't for U.S. troops."

While bending of U.S. weapons was not carried out directly in front of government inspectors, they could not fail to know that it was taking place. There was no indication that U.S. Government rifles were treated differently than those destined for allies overseas. No repair machine was present at the range much of the time. Colt's did bring a repair machine in but it served largely ornamental purposes. One worker stated, "I have never seen the machine used in the entire period of my employment." Another admitted to using it "once a couple of years ago." Even if it had been used, it could only correct wide firing defects not high or low trajectories.

Government inspectors closed their eyes to what was taking place. Merely because they seldom witnessed hand-bending of M-16's, does not absolve them from responsibility. The range is a small world. If the inspectors had cared to, they could have easily deduced, if not actually discovered, the hand-bending taking place.

GOVERNMENT INSPECTION

How much is the United States Government to blame for the shabby quality control and defective weapons at the Colt's plant? At what level of government should most responsibility be placed?

These are not easily answered questions. But it is clear that the Government has not performed its responsibility since the beginning of the M-16 controversy several years ago.

In its "Findings and Recommendations" on the M-16 hearings, the House Special Subcommittee on the M-16 Rifle made the following conclusions:

"That corrective action on deficiencies reported and improvement of the weapon have been unnecessarily delayed."

"That the rifle project manager, the administrative contracting officer, the members of the Technical Coordinating Committee, and others as high in authority as the Assistant Secretary of Defense for Installations and Logistics knowingly accepted M-16 rifles

that would not pass the approved acceptance test."

"That no instructions regarding tightening of production quality controls were issued by the rifle project manager, Army Material Command, or anyone in high authority after continued reports of malfunctions were received from Vietnam."

"That the Government Inspector at Colt's plant took the initiative only after reading newspaper reports of problems being experienced. These newspaper reports were not published until about 6 months after notices of excessive malfunctions were received by the rifle project manager and the Army Material Command."

"That the only inspection tightened as a result of those adverse reports was the one on barrel chambers. This tightened inspection revealed an excessive number failed to meet specifications."

The trend in military inspections of defense contracts has been to stress process review rather than product inspection. While process review is important, a simultaneous downgrading of product inspection may in part explain the inadequacy of government inspection of the M-16. The failure of government inspection to uncover product defects in the endurance and interchange denied the government the ability to assess the functioning of the production process.

Another reason for the inadequacy of government inspection is suggested in an important statement contained in the Subcommittee's findings. These findings questioned the legality and propriety of Colt's hiring of Major General Lynde who had a short time before approved terms of the contract for procurement of the M-16 while at the Defense Department.

Such questionable ties at what is nearly the top of the defense establishment clearly taint the validity of the entire quality control process. So perhaps we should not be surprised that the Senior Quality Assurance Representative at the Colt's plant (top government employee at the plant) would not be the most conscientious inspector. Nor should we be surprised that the 10 or 12 government inspectors working under him would display laxity and inefficiency in their work.

From 1967 congressional hearings on the M-16 before the Special Subcommittee on the M-16 Rifle the following exchanges took place:

Mr. MORGAN (Congressman). How does the inspection by your inspectors assure that weapons and spare parts will all receive adequate inspection so as to minimize or prevent the acceptance of delivery to the Government of defective material and/or components?

Mr. KANTANY. We monitor their inspection, like targeting . . . also we have 6,000-round reliability test, we witness the whole complete test.

Mr. MORGAN. How can three or four men, covering the hundreds of employees, keep such a close surveillance on them?

Mr. KANTANY. Well, this is a system that is set up. As far as complaints go, we have not had any complaints, field complaints. If we did, we would have to go into the system more thoroughly.

Dead soldiers have no way of reaching Mr. Kantany. The government posture on inspection appears to be one of abdication of responsibility. "This is a set up." As though nothing should be done about it. "We have not had any complaints." As though the government should only act when complaints are made. How many lives were lost in the six months between the time the first M-16 complaints in large number were filed and Mr. Kantany read the newspaper articles which motivated him to make a token change in inspection procedures for barrels? Mr. J. Ronald Fox, who was Assistant Secretary of the Army for Installations and Logistics told OCAG that he could recall

no one coming to him with a major quality problem while he was Assistant Secretary.

Government inspectors at the West Hartford range are responsible for defective weapons production in that they could not be unaware of a large percentage of the illegal and deceitful practices that Colt's is employing.

"Around 1968 we were getting a large number of guns which didn't have a chamfer on the bolt; failure to feed malfunctions were regularly occurring in the endurance weapons. We were covering these malfunctions, on order while the government men stood or sat behind us."

"Government inspectors have seen the bending of foreign guns. Last week I was bending a rifle that didn't say "Property of U.S. Government" on the lower receiver. The Inspector saw me bending the barrel, but he didn't say anything. He didn't question me as to whether or not it was a U.S. gun."

"Twice I was caught doing bending during secret over-time periods. Once an agent . . . found me; he took the rifle out of my hands, recorded the serial number, and reported it to the range master, Johnson, who took the gun himself."

"Every time I fired it, it malfunctioned . . . I covered once or twice, as instructed by the range master and quality control officers. But three or four times the government agent looked up from his crossword puzzles and caught the malfunction. He and the quality control representative blamed the problems on the magazines, a squashed round, etc. These were not the causes."

(Statements from Colt's workers)

While government representatives at the plant were surely not unaware of Colt's activities, the point must be made that in a larger sense much of what goes on in the plant must be beyond the control of the inspectors. What happens to the inspector who attempts to have rejected a large number of weapons while the corporate executives and higher government officials stress the importance of turning out large numbers of weapons? Unless he has support at the top, he will probably have little success in correcting defective weapons and practices.

MORE THAN PALLATIVES AND RHETORIC

In some instances the impact of corporate crime is difficult to understand. A father whose child is scarred on a floor furnace may not understand that the burns are the result of the failure of the American Gas Association to develop adequate safety standards for gas fired floor furnaces. However, the link between Colt's subversion of quality control standards and the failure of weapons in combat is more apparent. Colt cannot plead that it did not realize that its products would be used in fundamental life and death situations; it cannot plead that it could not foresee the impact of its actions.

Yet in a situation where both honest and competent management were required, deception, fraud, and negligence occurred. Greed, incompetence, apathy, and dishonesty were factors. However, the soldiers in Viet Nam were also victims of concentrated yet unaccountable corporate power, a type of institutional and personal lawlessness which is not often enough seen for the crime that it is.

The behavior of the management of Colt's could only be described as criminal. Section 2154 of Title 18 of the U.S. Code makes it a crime to make, construct, or cause to be made or constructed in a defective manner any war material, war premises, or war utilities or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing or repairing any such war material. The penalty is a fine of not more than \$10,000 and imprisonment for not more than thirty years.

Section 2155 of Title 18 says, "Whoever with intent to injure, interfere with, or ob-

struct the national defense of the United States willfully injures, destroys, contaminates, or infects or attempts to so injure, destroy, contaminate or infect any national defense materials, shall be fined not more than \$10,000 or imprisoned not more than ten years or both.

National defense materials include arms, armament . . . and other articles of whatever description and any part or ingredient thereof intended for, adapted to, or suitable for the use of the United States in connection with the national defense.

Clearly, the management of the West Hartford range was aware of and involved in the subversion of testing procedures and the falsification of test results. The pervasiveness of these practices and the length of time for which they were pursued indicate that they were an integral part of management policy for which higher officers of Colt are responsible.

At the very least, the pervasiveness and duration of these practices indicate that management, understanding the crucial nature of these testing procedures, should have known of these derelictions. Officers have a duty to manage and a duty to inform themselves. Criminal negligence is the omission of an act which an ordinary or reasonable man would perform by reason of which another person is endangered in life or bodily safety.

The Department of Justice should be requested to investigate whether or not any laws of the United States have been violated by the behavior of Colt's management and whether or not prosecution is warranted.

FURTHER INVESTIGATION

In at least three areas Connecticut Citizen Action Group has uncovered the most serious violations. These cast real doubt upon the adequacy of other Colt production and testing procedures. In order for these matters to be fully explored, a thorough Senate investigation should be undertaken. We are, therefore, requesting that you hold hearings as soon as possible to examine these derelictions which affect the safety of our troops.

The effect of Colt production and repair procedures upon the consumers of Colt's sport weapons and upon the quality of weapons received by allies of the United States are also matters worthy of concern.

The performance of federal inspectors indicates that the federal inspection and contract compliance programs on defense contracts should be examined. The nature of the contract relationships between the United States and Colt and the ability of Colt to bid on and receive other contracts should be reassessed. The commitment of the Nixon Administration and the Senate to the rhetoric of protecting our troops in Viet Nam will be tested by the response to the derelictions of Colt. If the issues are not carefully investigated and penalties imposed, concern becomes mere pose and support mere expediency.

DAY OF CATASTROPHE

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mrs. MINK. Mr. Speaker, last night the House did violence to the Constitution and obliterated what progress has been made in human rights in the last decade.

For the first time in my 7 years in Congress, I voted against an education bill.

I voted against this higher education bill which was decimated on the floor because the money and material benefits it provided could not possibly overcome the

damage inflicted upon our constitutional rights of equality and to our fabled concepts of human brotherhood, to our love for our children and for human life.

Last night the House voted against equality for women, by granting legislative approval of the discriminatory undergraduate admission policies of our prestigious private colleges and universities.

Last night the House voted against the Constitution, by establishing legislative sanction for the ignoble principle of separate but equal education for our children.

Last night the House voted against human dignity, by striking from the bill a provision which would have recognized the contributions of our ethnic minorities as an integral part of our Nation's life.

Last night the House struck down a program to protect the lives of our small children who participate in summer camps and voted instead in favor of more deaths and more injuries.

And the night before, the House struck out the college intern program and cast a vote of no confidence in the desire of our youth to learn how to work through the system, an idea to which we all give such lip service.

Blacks, women, all ethnic minorities, our children, and our college students—all the truly unrepresented groups in our society were placed in the rubble heap of this saddest day of my congressional experience.

OPPONENTS OF THE PRAYER AMENDMENT ARE CONFUSING THE ISSUE

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. ARCHER. Mr. Speaker, next Monday the House of Representatives will have an opportunity to vote in favor of the proposed Voluntary Prayer Amendment to the Constitution. There has been a definite attempt by some to confuse the issue involved and to imply that the amendment would interfere with the traditional separation between church and State. The proposed amendment would do nothing of the sort.

I have been impressed with the activities of one national organization—the Youth for the Voluntary Prayer Amendment—which is working to spread the truth concerning the need for the amendment.

The following is the text of a speech which has been made to various civic and youth organizations by the executive secretary of the youth for the voluntary prayer amendment, Miss Mary Fisk, a graduate student at Georgetown University in Washington, D.C. I sincerely hope that all of my colleagues will take the opportunity to read Miss Fisk's remarks before voting on Monday.

The text of the speech follows:

SPEECH TEXT OF MARY FISK, EXECUTIVE SECRETARY OF THE YOUTH FOR VOLUNTARY PRAYER AMENDMENT

American institutions are under attack, but it is an internal siege. This is not the

first time this has happened, since our history affords us examples of disgruntled groups and destructive causes. However, these were but isolated incidents, dispersed cases which founded upon the essential stability and justice of the American system.

What distinguishes this contemporary attack from past ones is that this new phase has the advantage of the support of the very system it would profane.

This attack is multi-pronged; the one which concerns us deeply lies in the fact that from its inception, the United States of America was founded on the recognition of the existence of God, and because of this recognition, the nation realizes the consequent existence of the rights of all men. This very basic realization, upon which all our institutions are premised, has been banned from the public schools. No longer are children permitted to affirm the existence of God; no longer is the Divine Being hailed as the source of all rights. The militant minority who find abhorrent the mention of His name have triumphed over the majority who worship Him, over the traditions of two hundred years of freedom.

Because this attack upon the Creator has begun in the schools, it is the youth of the nation who are prohibited from exercising their First Amendment right to pray. It is therefore, the youth who must lead the struggle against the forces of atheism and secularism, and must work to restore both the recognition of dependence upon God and the right to acknowledge Him if they so desire.

The Youth for the Voluntary Prayer Amendment was formed as the vehicle for this task; the committee has been working to put God back in the classrooms since 1965. It has sought to inform the American people of the dangers of the path down which the Supreme Court decisions are leading us.

I. HISTORY OF SUPREME COURT DECISIONS RE: CHURCH AND STATE

The First Amendment states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ."

While the decisions which declared the prayer and Bible reading to be unconstitutional were not made until 1962 and 1963, it is necessary to review some cases further back relating to the principle of church and state, for these cases provide the bases for the prayer decisions with which we are concerned.

A. *Everson v. Board of Education* 1947 (5-4 decision).

The Court held that New Jersey could provide free bus transportation to children attending private and church-affiliated schools, on the grounds that citizens cannot be deprived of the benefits of public welfare legislation because of their religion. The transportation was for the children, and any aid to the religious institution was incidental.

However, in spite of the decision itself, the majority for later decision written by the late Justice Black paved the way for later decisions against religion.

"Neither (the state nor the federal government) can pass laws which aid one religion, aid all religions, or prefer one religion over another . . . Neither a state nor the federal government can, openly or secretly, participate in the affairs of any religious organizations or groups or vice versa . . ."

B. *McCullum v. Board of Education* 1948 (8-1 decision).

The Court held that an Illinois program of religious education in public schools during "released time", i.e., not during regularly scheduled class time, was unconstitutional.

C. *Zorbach v. Clauson*, 1952 (6-3 decision).

The Court held that a New York program of religious education during "released time" but not on school premises was constitutional.

The *Everson* dictum was quoted in both *McCullum* and *Zorbach*.

With the tone of the preceding decisions in mind, let us look at the more recent cases which have made the move for a constitutional amendment necessary:

D. *Engel v. Vitale* 1962 (6-1 decision).

The New York Board of Regents prayer which was said in the public school system of that state read as follows:

"Almighty God, we acknowledge Thy dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country."

The Court held that the daily recitation of this prayer was unconstitutional on the grounds that it violates the Establishment clause of the First Amendment. The Court's decision was based on the fact that the prayer was written by government officials (i.e., the Board of Regents) for a religious program carried out by the government in public schools. Neither the fact that the prayer was nondenominational nor voluntary served to influence the opinion of the Court.

E. *Murray v. Curlett* 1963.

It was the required practice in the Baltimore City schools that the Bible and/or the Lord's Prayer be recited. A child could be excused from participation if he had the written consent of his parents. Mrs. Murray and her son brought suit against the rule on the grounds that:

1. their minority rights as atheists were being violated by the theistic majority
2. the atheistic child was subject to the abhorrent teaching that God is the source of moral values
3. the readings required the presence of religious or sectarian books in public schools (eg., Bible)

F. *Abington School District v. Schempp* 1963.

As in the *Murray* case in Maryland, in Pennsylvania the law required that the Bible be read briefly at the start of each school day.

The *Schempp* family brought suit to enjoin the school district from conducting the Bible readings. This family of Unitarians argued that the Pennsylvania law violated the Establishment of religion clause of the First Amendment; as in the *Murray* case, the *Schempps* objected to the doctrines implicit in the Bible. While the children could have been excused from the classroom during the readings, Mr. *Schempp* claimed that such absence would have an adverse effect on his children—they would, in short, be "socially ostracized" by their teachers and peers.

Since the principles involved were the same, the *Murray* and *Schempp* cases were argued and decided together. In an 8-1 decision, the Court held that the Bible readings and the recitation of the Lord's prayer were religious exercises. As such, it was a clear violation of the Establishment clause to have them conducted by public school authorities in public schools.

The dissenting opinion was rendered by Justice Stewart, who sought to balance the Establishment clause with the equally valid free exercise clause. If government is to be truly neutral in the matter of religion, it must not prevent those who wish to pray from doing so. Finally, he added that for the cases in question to be unconstitutional, it would be necessary to prove that children were being coerced into participation. This was clearly not the case.

II. THE ARGUMENT FOR VOLUNTARY PRAYER IN PUBLIC SCHOOLS

1. It would seem that the emphasis by the Supreme Court on the Establishment clause has resulted in the exclusion of the free exercise clause. If indeed it is the duty of the state to remain neutral in matters concerning religion, then logic would require that those who wish to pray, and who do not force others to pray with them, not be prohibited from doing so by the government. The free exercise clause clearly states that Congress shall not prohibit the free

exercise of religion; the 14th Amendment applies this regulation to the states. Therefore, it appears that neither the federal government nor the states have the right to prevent people from praying.

In addition, if religious exercises are forbidden in the classroom, the result is not neutrality on the part of the government, but in effect the establishment of the religion of secularism.

2. To discuss the wording of the First Amendment divorced from the historical context in which it was written is impossible. If we turn to the Founding Fathers, we are provided with a clear idea of what rights they were concerned with protecting.

Traditionally, they were used to close ties between church and state, ties which too often led to abuses. This was the case in both England and the early colonies. In England, for example, the Anglican Church was the established religion; the clergy were subsidized with public funds; only church members could vote and hold office. Thus, what the Congress, when considering the Bill of Rights, desired to prevent was favoritism on the part of the national government to any single denomination. With the English example fresh in their minds, the framers of the Constitution wrote the Establishment clause of the first Amendment, to specifically prevent any such preferential treatment of a religious group by the government.

To support this view, one has only to look at the Annals of the First Congress (1789), the session during which the First Amendment was debated and finally approved. James Madison, who played a major role in the drafting of the Bill of Rights, wanted to ascertain the exact meaning of the First Amendment position on religion:

"Mr. Madison said he apprehended the meaning of the words to be that Congress should not establish a religion and enforce legal observance of it by law, nor compel men to worship in any matter contrary to their conscience."

Madison then made a motion to insert the word "national" before "religion", so that the Establishment clause would read, "Congress shall make no law respecting the establishment of national religion". The motion would have made clear beyond a doubt the intent of the framers, but Madison withdrew it when he was persuaded that it was unnecessary.

Thus it seems that the purpose of the Founding Fathers has largely been misinterpreted in the recent decisions. It is interesting to note that the same day the Bill of Rights was passed by the Congress, that body also passed a resolution calling on the President to declare a day of public prayer and thanksgiving.

George Washington complied with the request and set aside October 3, 1789 for that purpose. So much for the modern view that the writers of the First Amendment wanted to remove any trace of religion from public affairs.

3. It is impossible to deny that, from its earliest beginnings in the colonies, this nation was founded on the belief in God. As Law Professor Charles Rice puts it, the "colonies, later the independent states, and finally the nation were all premised, in their juridical and social structure, upon the facts that there is a providential Creator and that man, society, and the state ought in some way to acknowledge Him and His law."

4. The continual expression of this belief in public documents, Presidential remarks, and cultural mores is more than an orthodox religious position. It is a philosophical realization that if we deny the source of moral values, if we remove the foundation of liberty from the classrooms, how long will the youth

of the nation respect that liberty? Even a man as determined as Thomas Jefferson to keep church and state separate remarked,

"God Who gave us life gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God?"

Thus, we are unable to divorce our heritage of freedom from the conviction held by the Founding Fathers that it was a Supreme Being who was ultimately responsible for it. To bar this realization from the classrooms can only result in the removal of a vital part of our tradition and our commitments as a people.

5. The decisions which removed voluntary prayer from the schools set dangerous precedents. If it is unconstitutional for children to pray in schools, it is quite possibly unconstitutional for sessions of the Supreme Court and Congress to start with prayers, for the President to make references to God in his inaugural address, for astronauts to read from the Bible, for phrases such as "in God we trust" to be publicly displayed. In short, there is the very real danger that the prayer decisions are but a first step in a long process which will eventually remove all references to God from public view and national conscience.

The Schempp decision indicates that a federal or state law is unconstitutional if it involves government sponsorship or conduct of a "religious exercise", or if that exercise has a purpose or a primary effect that "advances or inhibits religion". The threat to the tax privileges of religious institutions is clear, since such privileges do have precisely the effect of advancing religion by allowing critically needed funds to remain with the churches.

6. What the Court apparently was attempting to do in the *Murray* and *Schempp* cases was protect the minority rights of non-theists. But what is perfectly clear is that the rights of the children were no violated, since they were never forced to pray. So since the majority who do wish to pray are now being prohibited from their religious practices, it would seem that it is the rights of the majority which are in danger. But, as usual, no one is hurrying to protect them.

I have listed just a few of the arguments to support the principle of voluntary prayer. I encourage you to do more reading on the subject, and recommend as a starting point *The Supreme Court and Public Prayer* by Charles Rice, New York: Fordham University Press, 1964.

What is at stake here transcends the right to pray in schools, transcends even the right to worship in the manner in which one may choose. What is truly at stake is the very foundation of freedom; as John Kennedy stated in 1961, "the belief that the rights of man come not from the generosity of the state but from the hand of God."

It is time to affirm the heritage which made us great; to exercise the rights stated in the Constitution; to assert the divine ground of all moral values; to restore the moral fiber of our nation's youth. We would do well to recall the words of the late Franklin Roosevelt:

The Almighty God has blessed our land in many ways.

He has given our people stout hearts and strong arms with which to strike mighty blows for freedom and truth. He has given to our country a faith which has become the hope of all peoples in an anguished world.

So we pray to Him now for the vision to see our way clearly—to see the way that leads to a better life for ourselves and for our fellow men—to the achievement of His will, to peace on earth.

URBAN CHANGE—A SUGGESTION ON HOW TO MEET IT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. PICKLE. Mr. Speaker, as chairman of the Capitol Area Comprehensive Health Planning Commission in Austin, Tex., Mr. Terrell Blodgett is well acquainted with the problems of our growing urban population and the problems of planning how to deal with them.

In a recent article in the magazine *Texas Town and City*, however, Mr. Blodgett's open reason, his good commonsense, and his concern for the future are transformed into the hows and whys of city planning. And he affords us insights and directives which would be valuable to any public servant from any branch of the government with a concern for building a better world.

I would like to include his article in the RECORD at this time:

MUNICIPAL ADMINISTRATION MODERNIZING RESPONSE TO MEET EVOLVING DEMANDS

(By Terrell Blodgett)

Change is the key word, the key condition that dominates our lives today as individuals and as city administrators.

The young are embracing the word with enthusiasm and an often radical dedication. A typical example is the youngster sent three blocks to the supermarket for a loaf of bread. He came back and reported he couldn't find the store. He guessed they had "torn it down."

Buildings aren't the only things being torn down, and it's easier for us to adjust to falling plaster and bricks than to crashing ideas and ideals. The guidelines are better written for putting the bricks back together in a new structure than the guidelines for putting back together our ideas for running our individual lives, our cities, the nation and the world.

THE FUTURE IS TODAY

We used to categorize a lot of problems for future consideration, giving us time to prepare. But today, we find the future in our laps.

Let's look at where we are and how we got there.

First, we got bigger. At the present rate of population increase in urban areas alone, we will have twice as many people in our cities in 11 years as we do now. The increase is 6.5 percent annually.

The pattern of that growth, however, is what has the greatest significance to us, because it has forced us to consider a change of approach in dealing with city problems. In the 1950's urban growth was so rapid that it was all we could do to concentrate on streets and water and sewers, and we are still running behind demand all the time.

Between 1960 and 1970 the growth pace slowed and several SMSA's lost population. Our problems were suddenly more "people problems" than plumbing problems. The guidelines weren't there, because the same problems had never been there before in the same way. City administrators are now pioneering a whole new approach to city management, to public administration as a whole.

Remember that the Chinese sign for crisis consists of two ideographs—one means danger and the other means opportunity. City officials hold the key through their deci-

sions and courses of action as to whether Texas cities move into a period of increased danger or of increased opportunity.

A NEW SOCIETY

A new society is being created today, not a changed society. A revolution shatters institutions and power relationships. We aren't talking about blowing up General Motors with a good-sized bomb, but we are talking about restructuring our organizations to deal with new challenges.

John Gardner, who really shook up HEW when he came in as its director in 1965, wrote a book before he assumed that post in which he said, "Most organizations have a structure that was designed to solve problems that no longer exist." The "self-renewing" organization was defined by him as one that constantly changes its structure in response to changing needs.

The social psychologist Warren G. Bennis extends this reasoning, saying he believes we must adjust to and accept the fact that we have an increasing and intense polarization in American life. Not just the blacks and the whites, not just the rich and the poor, not the men and the women nor the scientists and the humanists.

It is the old fashioned scarcity-oriented technological culture versus the new more person-centered culture. He says old culture tends to give preference to technological requirements over human needs. An example occurred in Austin recently. An independent community corporation is trying to accumulate funds to back banks loans for housing repairs for low income families. The corporation investigates the loan applicant who does not meet full bank requirements as a good credit risk, then agrees to back the loan if the bank will make it. They follow up on complaints, and they learned that one woman was falling behind in her payments because she was accustomed to paying all bills by the week when she got her pay check. She couldn't adjust to saving a little each week to make the monthly payment on her repair note. When the corporation staff asked the bank to allow her to make weekly payments, they were told, "But we can't do that. We use a computer system and all our payments are set up on a monthly basis." "Are you in business to serve people or your computers?" was an incisive question asked by the staff member. After several conversations, the weekly payments were arranged and the woman hasn't missed one since.

ADAPTABILITY, FLEXIBILITY

Adaptability, flexibility are keys to living in this age of change. Where do you stand as an individual today? Are your ideas flexible? Have you looked at your administrative techniques and asked if they allow for flexibility? Have you examined the administrative functions of city departments and asked the same question?

And, then, have you taken the next important step? Have you looked at your city with a broader view than its formerly primary responsibility of providing streets, police and fire service to a given area? Do you see how your city and your management function is related to the area, the region, the state and the nation in dealing with pollution, labor relations, economics, finance and the money market, population changes and migrations, transportation, and in dealing with pressing social concerns of minorities, youth, and the aged?

Do you see how your responsibility and opportunity is increased by the "new federalism"—the trend toward decentralization and reversing the flow of power back down to your backyard?

Revenue sharing and welfare reforms are proposed as means of increasing the effectiveness of state and local governments. The

American public is maturing in its recognition of the role of government in modern society, but the resistance to the necessary taxation to carry out that role is as strong as ever.

With limited money, the approach to city problems has got to have priorities even when it is a total approach. Looking at total community development, we need to ask ourselves.

What are the economic, social and political goals toward which the community and area should strive? (It's best to identify these problems yourself in advance and begin planning to solve them rather than do your planning in a crisis)

What are the community and area problems—including ineffective government—standing in the way of these goals?

What should be the priorities in attacking these problems?

How can we achieve public support and cooperation in solving these problems and achieving area and community goals?

IDENTIFYING PROBLEMS

A key to identifying problems and reaching solutions that the community will support is community participation. This age can be characterized as "participatory democracy." The watchword for the future must be anticipatory democracy.

The old way was often to get a few people together quietly and try to solve problems. But it won't work along in the modern city. All significant leadership elements in the community must be brought together. This new concept shook many a city when it was applied under the anti-poverty program in 1964. It brought problems, but it demonstrated that when problems are met headon, rather than evaded, new understanding can result.

A positive benefit observed by the Urban Coalition in its collaboration with representatives of all areas of the community was that the less powerful elements in the community learn some interesting lessons. They often begin the discussions with some astonishingly oversimplified notions about power. They sometimes think that there is someone somewhere in the community so powerful he can just push a button and solve most current problems if he were just unselfish enough to do so. The object is thus to find the man near the button and persuade him or force him to press it. They soon discover in open talks with the so-called power structure that all power operates under restrictions, and there isn't any button that can be pressed to solve our serious problems.

The identification of problems should not be general, but should pinpoint strengths and weakness. It can be done by geocoding and by computer if these technological assists are available. But it can be done manually if they are not. Check out each city function by census tract or by age breakout or other division of figures that will pinpoint strengths and weaknesses specifically. This is the thorough way, because there is a big difference in infant mortality rates for example, from one census tract to another. The overall average may be good, but chances are that in one part of town too many babies are dying.

How about fire protection, library service and police protection and utility service? How do they check out for all areas of the city? Utility installations and zoning and building codes lead into a major problem in every city—housing. Can you do something about the housing problem through better regulation or enforcement and have you sought out the wide range of programs available to help solve your problems?

In the very act of trying to bring community leaders together to talk about problems, the city administrator will be partic-

ipating in a new and challenging move toward community participation and decentralization in public administration. Yes, advisory committees eventually want more voice in decision making, and power struggles emerge, and the desire to move upward manifests itself more strongly in white and blue collar neighborhoods as well as the inner city groups.

But we can probably all agree that efforts must be made to satisfy honestly and fairly the unbridled desire of many groups in our society to rise, as quickly as possible. To leave them feeling subjugated, excluded or oppressed is to invite crises and conflict.

We need to gain the confidence of the dissenting groups in our community. They are pessimistic and doubting. A Gallup poll a year after the moon landing showed half of the people polled who lived in ghettos in Washington, D.C., did not believe it. They thought the moon landing was faked.

Those discontented people making demands on us reflect the observation of the French historian who said, "The evil which was suffered patiently as inevitable seems unendurable as soon as the idea of escaping from it crosses man's mind."

Even though the evil has become less as reforms have been made, and even though some abuses have been removed, the ones that remain appear more galling because sensitivity to it has become more acute.

UTILIZING RESOURCES

We need all the help we can get. Some cities have brought in teams of social scientists to work with special groups; some cities have decentralized several related programs (such as adult education, social services), establishing common service boundaries and an area coordinator available to the people. You may conceive of an innovation in problem solving that will be a guide to all. There is plenty of room for innovation, because the problems are not solved and no one has found all the right approaches yet.

A major resource for solution of problems lies under your jurisdiction—your employees.

When you take the next step after identifying where you are by beginning to decide where you want to go, you are going to need to look at your employees.

You need good help, expert help, and you need to ask yourself if your recruitment and personnel practices are attractive. It's a whole new ball game with young people today. They are idealistic, deeply concerned about social issues. That puts the burden on us. How can we make our cities more adaptive, responsive and exciting in order to attract the brightest young men and women? How can we demonstrate a new legitimacy, a compelling moral imperative to solve problems that will challenge them?

Eighty percent of college-age youth, according to a recent poll, listed as a major factor influencing career choice "the opportunity to make a meaningful contribution."

Our attention needs to be turned to employee practices as well as recruiting. We have had but did not need polls to tell us dissent is growing among public servants in many quarters.

Employees believe in participatory democracy too! They need to be made to feel they are a part of the total picture. It involves breaking down that old structure of those who make decisions and those who carry them out. They need assistance in developing their own ideas so they can articulate their suggestions. Senior officials must assume the responsibility of helping them develop ideas on policy issues. Employees should have some forum through which they can develop their own ideas regarding organization and public policy.

It will be increasingly necessary to deal with unionization of public employees.

The necessity to strengthen the employee's identification with the city's total goals and to make him feel a part of the decision-making rather than down at the far end, receiving directives, is indisputable. With all the outside problems, the city needs a united front in its employee resources.

In addition to the resource of his employees, the administrator has unlimited resources from other areas within his reach. It is often a matter of making yourself familiar with them. It's part of remembering that *you are not and the city is not independent and isolated*. You must be aware of and responsive to everything and everyone around you, state and federal agencies, local Chamber of Commerce, National Alliance of Businessmen, Urban Coalition, your Community Action Agency, NAACP, Urban Corps, Urban League, councils of government, school system, counties, special districts—all governmental and private agencies.

COMMUNITY RESOURCES

Managers across the country are utilizing the wide range of community resources in an ever-increasing manner.

Graham Watt, now deputy mayor of Washington, D.C., decided that the Concentrated Employment Program could help solve his manpower problems while he was manager of Dayton, Ohio. Under his leadership, the federal concept of CEP—that a concentrated employment program be federally funded and administered at the federal level by the U.S. Department of Labor—was amended and tailored to meet the special needs of the Dayton community. Consequently, Dayton became the first city in the nation where the CEP was sponsored jointly by the city government and the community action agency.

Amarillo has tackled in a new way the reading problem of elementary and junior high school students by opening four school libraries four nights a week during the school year, utilizing funds from the Emergency School Assistance Act. The move has certainly helped an already overcrowded Main Public Library in Amarillo from being inundated during the evening hours.

One other example should suffice to illustrate the use of other community resources:

The City of El Paso, along with more than 50 other cities across the country, is finding another answer to its manpower problem—the Urban Corps. Fifteen University of Texas at El Paso students are finding a slot—in engineering, parks and recreation, airport, and a number of other city departments. The negative attitude which many young people have toward local governments can be changed, but it requires giving them the chance to become a real part of it, and to see what is right—and wrong—about the community. Above all, we must have a willingness to deal with today's youth not as a burden but as a much-needed resource.

To reiterate: your city is not isolated and independent and can never again be so! The future of your city depends not so much on your doing a good job of cementing your city streets but on your cementing a lasting and fruitful relationship with—

your employees
your citizens all over town, and
the other agencies and individuals who can work with you to enhance the quality of life for all of your citizens.

CONCLUSION

City administrators are confronted with an opportunity never given before—a role of significant leadership in an era of historic change. Do you remember the story of the group of travelers who arrived at a mountain pass with a narrow log traversing it for a bridge? The leader asked the group if they thought it could be crossed safely. They agreed it could. Then he asked who would go with him. No one was willing.

Believing it can be crossed is having faith, he said, but you'll never get across unless you add the commitment to action and walk across.

NATIONAL ACTION GROUP POSITION ON BUSING

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. McDONALD of Michigan. Mr. Speaker, Mrs. Irene McCabe, the chairman of the National Action Group—NAG—and a resident of Pontiac, Mich., testified in the U.S. Senate yesterday her group's position on busing. Hearing this testimony were members of the Select Committee on Equal Educational Opportunity, chaired by the Honorable Senator from Minnesota, WALTER F. MONDALE.

The recent court decisions, which led to busing not only in Pontiac but in other cities, has created a furor which will be with us for a long time. Until this issue is settled once and for all either by the Supreme Court or by an amendment to the U.S. Constitution, there will be busing and there will be problems.

The public outcry which followed those busing decisions brought with it several articulate spokesmen who have risen above the gutter tactics of violence and senseless dissent and have focused attention on this problem with eloquence and reason. Mrs. McCabe is one of those citizen leaders.

Mr. Speaker, I am proud to represent this Pontiac woman. Her testimony before that committee drove to the heart of the busing issue—its effect on our school-children. I present for printing in the CONGRESSIONAL RECORD her remarks before the committee with the hope that all of my colleagues will read this testimony and heed its message.

The remarks follow:

STATEMENT BY MRS. IRENE McCABE, CHAIRMAN, NATIONAL ACTION GROUP, BEFORE THE SELECT COMMITTEE ON EQUAL EDUCATION OF THE U.S. SENATE

Good Morning, Senator Mondale, Members of the Select Committee on Educational Opportunity. Ladies and Gentlemen.

I am Mrs. Irene McCabe of Pontiac, Michigan.

And I am Chairman of the National Action Group.

We are an organization of parents and concerned citizens who have formed together to oppose the forced busing of school children away from neighborhood schools.

We are not educational experts or statisticians or PHDs. In fact I am a high school graduate, mother and housewife.

I personally appreciate the opportunity to appear before you to discuss the serious implication of the recent court decisions on busing as they bear on educational opportunities in Pontiac, and ultimately on the lives of millions of parents and their children throughout the nation.

As you know, Judge Damon Keith of the Federal District Court of the Eastern District of Michigan, has ruled that school children in Pontiac must be bused out of their neigh-

borhoods to distant schools in order to achieve an artificial racial balance.

That decision was appealed to the Supreme Court of the United States. The Court refused to review the lower Court decision last week and so the lower Court decision will stand. It is being implemented.

Let me first speak of Pontiac.

We are a community of 85,000 people.

76.5% of our people are white. 23.5% of our people are black. There are 29 elementary public schools in Pontiac and 8 secondary public schools.

It has been alleged that the boundaries of the various schools were drawn to concentrate blacks with blacks and whites with whites.

But I deny that. I believe that Pontiac is a totally integrated city with some concentrations of blacks and whites in certain areas due to the social and economic realities of a society. But Pontiac is also a city with a progressive open housing ordinance.

As a result of Judge Keith's ruling, busing was begun in September of this year to give the schools a racial balance equal to the population of the city.

The assumption has been that this re-arrangement will give all students an equal educational opportunity.

It is our opinion that this is not so.

We are aware that beginning with the historic decision in *Brown vs. Board of Education* in 1954, the Supreme Court has consistently ruled that children must be given an equal educational opportunity.

The National Action Group supports that view enthusiastically. We believe that every child . . . black or white . . . rich or poor . . . northern or southern . . . should have that right.

But we do not believe that equal educational opportunity results by forcing children to be bused great distances from their homes and dropped into sociological mixing bowls in order to try and prove some social planner's view that the only road to equal educational opportunity is through a color scale which precisely mixes black, white, red, yellow and brown.

That is unmitigated foolishness. And I sincerely believe that we all know it.

Busing is wrong. It effectively destroys the Neighborhood school concept. It prohibits the day to day involvement of parents in the local school. It denies the parents the right to effect and control the formal education and development of their children by removing the child from his community. And it ends children's involvement in school activities which require after school hours like sports and civil projects.

Do you know what happened in Pontiac? Opposition to the forced busing was almost universal, black and white alike. The city could not believe the headlines.

The extremists seeking to exploit the situation, blew up ten buses. Thank God no one was hurt.

Then actual busing began.

The incidents of violence between students increased 854% in the period from September 7-29 over the same period in 1970.

Robberies shot up from one to twenty four. Assaults went up from thirteen to eighty-four.

Aggravated Assaults where the injured were treated went up from five to thirty-one.

Disorderly person arrests went up from one to forty-one.

Mr. William E. Neff, principal of Whitfield Elementary School in Pontiac, was so disturbed about it that he sent this letter home to the parents on October 15, 1971:

"Dear Parents: I would like to call your attention to a very serious problem which exists and which has continued throughout the first six weeks of school. A great number of fights and incidents of intimidation have occurred among students. These incidents

occur in some instances with only white involved, on other occasions between blacks and between black and white students as well. The fighting includes all areas of our student body. In many cases children are reluctant to report incidents to teacher or principal because of threats of reprisals if they do."

Also, as a result of the ill-conceived and hastily imposed busing program the school board hired drivers who were both untrained and unsafe. I have driving records and police records here to show you.

The buses themselves were unsafe. A maintenance crew of three, who last year barely maintained thirty or thirty-one buses this year are unsuccessfully attempting to maintain over one hundred buses.

Here is a picture of a bus that just two weeks ago stopped on the highway and the rear axle and all four wheels slipped off just moments after unloading its precious, uninsured cargo.

In Pontiac, Michigan, where there was not structured hostility last year, now there is.

Where there was not community polarization, now there is.

Where there was both student and parent participation, now there is none.

Where there was an effective educational environment, now there is none.

Busing is not the answer to better educational opportunity. It only creates conflict and ruins the traditional role of the school.

Most of all, it removes the influence of the family, the parents and the community upon their children.

Few will argue that the transient nature of our society today has already greatly reduced the influence of parents on children.

Crime is at an all time high. More children are on narcotics than ever before. Pornography and sexual permissiveness is tearing down our moral fibre.

Suicides are at an all time high.

And correspondingly religious influence and participation is at an all time low.

Surely we see each day the growing madness of our society.

And we now are to remove that single most important restraint—the influence of the mother and father on the child through the local school?

We believe that busing must be stopped.

Toward that end we are announcing today a massive campaign to ask men and women throughout the country to encourage their Congressmen and their Senators to support Congressman Norman Lent's House Joint Resolution No. 620 to amend the United States Constitution.

Hopefully, our letters, our telegrams and our calls will convince a majority of you who represent us that busing is wrong and must be prohibited.

According to Mr. George Gallop, as of a few days ago, 79% of white Americans feel this way and 47% of black Americans.

That is a strong mandate.

It was distinctly stated in the Congressional Record of March 24, 1970, by the President of the United States:

"I am dedicated to continued progress toward a truly desegregated public school system. But, considering the always heavy demands for more school operating funds, I believe it is preferable, when we have to make the choice, to use limited financial resources for the improvement of education—for better methods, and advanced educational materials—and for the upgrading of the disadvantaged areas in the community rather than buying buses, tires and gasoline to transport young children miles away from their neighborhood schools."

And we of the National Action Group agree.

Thank you, Mr. Chairman.

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BILL TO AID THE HANDICAPPED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. WALDIE. Mr. Speaker, the administration announced this week that the total number of Americans in Vietnam has dropped to just over 196,000 men. It would appear we are moving out of Vietnam; bringing our boys home. As a result, a number of measures have been offered to this Congress that would provide educational, financial, and medical benefits to the men who served their country in this war.

But, Mr. Speaker, today I have some figures to add to the totals the Defense Department is releasing every day. These figures are certainly not as impressive, but they are certainly more dramatic than any figures released from any war.

There are 4,353 veterans of the Vietnam war now receiving compensation from the Veterans' Administration because they are classified "lower extremity amputees." Mr. Speaker, these men have lost portions, or all, of their legs. There are 6,544 veterans of this same war who receive compensation because they are classified paraplegics or quadraplegics. The figures go on and on. The totals from just the Vietnam and Korean conflicts are staggering—12,984 men are now receiving payments because they cannot move their arms and legs, or do not have any arms or legs to move.

Mr. Speaker, these men need more than just compensation from this Government. They need the assurance of this body that something is being done to help them lead better lives in our society.

At the same time, we also need to do something about similar cases in civilian society. There are untold numbers of people today who cannot move because motorized wheelchairs are useful only on smooth surfaces. What about the children who want to go fishing or camping, but can only go if carried on the back of a parent? What about the parent who cannot take his child on such excursions because he cannot walk and no means of conveyance is available?

Mr. Speaker, I am introducing legislation today that is designed to help these very people. My bill would direct the Secretary of Health, Education, and Welfare to establish a national research and development program to develop and facilitate the availability of low-cost equipment and devices which will enable physically handicapped individuals to move about independently. As part of that program, the Secretary would place special emphasis on the development of low-cost, self-propelled devices for transporting nonambulatory individuals across smooth and rough terrain.

This legislation would establish a mandate for our technological society to come up with the devices necessary to give livelihood back to individuals who are physically handicapped by birth, accident, and even war.

I urge the House to give this legislation prompt consideration and action. The sooner research and development of this kind of equipment can start, the sooner veterans of all wars, and physically handicapped citizens of this Nation, can see our willingness to make them a useful part of this society.

IN OPPOSITION TO THE WYLIE AMENDMENT—HOUSE JOINT RESOLUTION 191

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. CORMAN. Mr. Speaker, on October 4, the United Ministries in Public Education adopted a resolution calling for the defeat of the Wylie amendment—House Joint Resolution 191.

At this time I would like to direct my colleagues' attention to this resolution which is representative of the broad national opposition working for the defeat of the Wylie amendment.

RESOLUTION

The United Ministries in Public Education, a joint program of the Episcopal Church, Presbyterian Church in the U.S., the United Church of Christ and the United Presbyterian Church in the U.S.A., is deeply concerned about the proposed Wylie "prayer" amendment (HJ Res. 191) calling for the legitimization of "non-denominational prayer" in publicly funded facilities.

The historic neutrality of government toward religion stated in the "no establishment—free exercise" clauses of the present Bill of Rights has kept national public life free from sectarian controversy and permitted the fullest latitude for the voluntary profession and practice of religious freedom. The practical effect of the proposed change would signal the end of this American tradition and could bring about a scramble for state approval by one religious denomination or another. To assume that consensus can be achieved about a non-denominational prayer is unrealistic in the light of American cultural diversity and religious pluralism. Its adoption would require the government and the courts to become theological arbiters, judging which prayers addressed to the Deity are acceptable to the state and which are not. Nothing could be more alien to the spirit of prayer than to shape it to the requirements of the state.

Though we are concerned about the integrity of religion, we are equally concerned about the integrity of the schools. It is no secret that the backers of the proposed change hope and intend to upset the present constitutional prohibition on official prayer in the public schools. It is worth noting that there is no such prohibition on voluntary prayer by believing individuals when they deem it appropriate nor can there be any such prohibition of a voluntary act in accordance with the free exercise clause of the First Amendment.

The schools have a monumental educational task in these days of rapid change and social upheaval. Diverting them from that task and adding theological concerns to their educational agenda would be tragic. The public schools, in a religiously pluralistic society, should serve the learning needs of children, not their devotional needs. If anyone im-

agines that the religious groups of America could agree on "non-denominational" prayer or accept the state's definition without conflict, he does not understand the dynamics of religious commitment. The public schools must not become the arena for such controversy. For the integrity of the schools as well as the integrity of religion, we urge the defeat of this proposed change in the Bill of Rights.

DAVID E. ENGEL,
Chairman.
DOUGLAS M. STILL,
Executive Secretary.

SIZE OF WINE BOTTLES

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. DENT. Mr. Speaker, I would like to further extend my remarks of October 28, 1971, regarding the American winemakers and the injustices to which they are subjected. Last week in the November 3 issue of the Evening Star an editorial entitled "Old Wine in Short Bottles" underscored the immediate need to remedy the problem of the American wine industry.

The controversial issue concerns the size of the wine bottle. The Star article emphasizes the fact that European wine bottles often contain a full two ounces less than American bottles, for they are not required to meet the U.S. 25.6-ounce standard. As a result, European winemakers have a definite price advantage over their American counterparts. Action must be taken to protect the industry as well as the consumer.

The regulation now being considered by the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service would rectify the situation by requiring the European winemakers to meet the same 25.6-ounce standard. A similar requirement established over 35 years ago for exporters of foreign liquors has not raised any major compliance problems. I think the Division is justified in establishing a regulation equalizing production in the wine industry as well.

It is of major importance that we justify the standards in this industry. Our American winemakers are fast growing tired of seeing their profits eaten up by their European competitors simply because this Government will not impose equal standards.

OLD WINE IN SHORT BOTTLES

The Alcohol, Tobacco & Firearms Division of the Internal Revenue Service is now considering a proposal to impose upon imported European wines the same regulation as to bottle size that the law has long imposed on domestic wines.

This equalization before American law of American wines with foreign ones is justified and overdue.

The standard American wine bottle, established by federal regulations, is the "fifth," a bottle containing 25.6 ounces, or one fifth of a gallon. No such standard has been imposed upon European wines imported here with the result that the vast majority of European wines are sold here in bottles containing as much as 10 percent less.

This means that in every case of 12 bottles, American wine contains the equivalent of one extra bottle. Prices and taxes are figured accordingly, so that European wines automatically get a competitive advantage courtesy of the United States government which, at the same time, collects less tax per bottle of European wine.

While most bottles are labeled with the number of ounces contained, both American and European bottles appear on all restaurant menus and in most retail advertising as simply and equally "bottles."

This obvious inequity is easily corrected. The proposed change would allow a reasonable time for an orderly transition to the new standard size. Foreign exporters of Scotch and Irish whiskey, cognac, gin and vodka have had no trouble complying with comparable regulations for more than 35 years now.

There is no reason in the world why foreign vintners cannot do the same. As a balancing gesture, it would be nice for their American counterparts to return to graceful bottle shapes and to real corks.

TEXAS TOKAMAK—POWER FOR THE FUTURE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. PICKLE. Mr. Speaker, this Monday Dr. Anthony Robson and Dr. Bill Drummond and their associates stood tall and proud before a \$1 million aluminum and quartz "doughnut." And they had every right to, for that doughnut contains much hope for clean power for the future.

In that strange looking machine lie the hopes for controlling thermonuclear fission—or the hydrogen bomb—for peacetime purposes, a feat President Nixon's science adviser, Dr. Edward E. David, calls, "about as important as the invention of the wheel."

Dr. David was keynote speaker at the dedication Monday of the experimental device called the Texas Tokamak in a new physics-mathematics-astronomy building at the University of Texas at Austin. Dr. Robson is designer of the machine and Dr. Drummond is director of the university's center for plasma physics and thermonuclear research.

Joining me as honored guests at the dedication were, not only Dr. David, but also former chairman of the Joint Committee on Atomic Energy, Congressman CHET HOLIFIELD, and Congressmen JOHN YOUNG and MELVIN PRICE, both current committee members, and University of Texas regents, Mrs. Lyndon B. Johnson, Mr. Joe Kilgore, and Mr. Frank Erwin. We were most pleased and honored to have all these distinguished guests join us in Austin for this auspicious occasion, and extend a hearty thank you to Dr. David for his fine address.

I would like at this time to insert two articles, one from the Austin American and one from the university's Daily Texan, to tell us more about the dedication, the machine, and the meaning it contains for the future of the world. The articles follow:

[From the Austin American, Nov. 2, 1971]

UNIVERSITY OF TEXAS TOKAMAK IS DEDICATED
TO PRODUCE SAFE ENERGY

(By Leslie Taylor)

An experimental device scientists believe will one day tame for peaceful uses the uncontrolled energy released in the explosion of a hydrogen bomb was dedicated on the University of Texas campus Monday.

Dr. Edward E. David Jr., science adviser to President Nixon, said Monday the Texas Tokamak will "help lay the groundwork on which the next generation of energy-producing mechanisms will be built—around the turn of the century."

Success of the Texas project would be a major breakthrough toward the ultimate goal of production of limitless supply of inexpensive and environmentally-safe power from thermonuclear fusion.

That production could become a reality by 1978, according to Dr. Anthony Robson, the UT research scientist who designed the Texas Tokamak.

Current and former members of the Joint Committee on Atomic Energy in Washington attended dedication ceremonies in the unfinished Physics-Math-Astronomy Building at UT.

Guests included Congressman Chet Holifield, former chairman of the committee, and John Young and Melvin Price, both committee members. Also in attendance were U.S. Rep. Jake Pickle and UT regents Mrs. Lyndon B. Johnson, Joe Kilgore and Frank C. Erwin.

The \$1 million Tokamak, an aluminum and quartz doughnut complete with 16 copper coils to form magnetic fields and 350 half-ton batteries for power, housed in the basement of the P-M-A building, is financed jointly by the university, the Atomic Energy Commission, Edison Electric Institute, and the Texas Atomic Energy Research Foundation, an organization of Texas' 10 investor-owned utility companies.

David praised the cooperation among the academic world, industry and government that made the project possible.

Thermonuclear fusion, the combining of the nuclei of heavy hydrogen, produces a large energy release. To produce the reaction, UT scientists must heat the hydrogen gas (which they extract from sea water) to the point that it becomes a plasma—a rapidly moving stream of gas atoms—approximately 100 million degrees. That temperature must be maintained and the plasma confined for a time long enough for the fusion reaction to take place.

The Texas Tokamak is an adaptation of a similar Russian device developed 10 years ago and utilizes the Russian confinement techniques.

Plasmas, Robson said, flow along magnetic fields easily, but, they are constrained when surrounded by the magnetic bands. UT scientists will cool the copper magnetic coils to the temperature of liquid nitrogen in order to get the maximum magnetic field possible.

Robson said the UT scientists' unique contribution to the on-going research is a heating method called turbulent heating. It is based on the discovery that when a fast, high voltage is applied to a plasma, resistance becomes greater and consequently heating is increased.

He said UT research scientists will apply 40,000 megawatts of power to the plasma for one-millionth of a second to produce a temperature of 100 million degrees for one second to produce the fusion reaction. Robson said he is "confident" that can be achieved.

He said measurement of the experiment will begin in January and it will take approximately one year to evaluate the results. The project itself began in April, 1970.

It is one of five such projects in the United States. The others are located in government laboratories at Princeton, Oak Ridge, Los Alamos and Livermore.

Robson said this machine experiment is designed to produce a higher temperature than has ever been produced before and to understand how the plasma acts.

A bigger and more expensive Tokamak would then be built to gain higher temperatures and longer confinement times in order "to get more power out of the machine than was put in."

By 1978, assuming funding is available, the problems should be solved, Robson said. "Then development of power will be in the hands of industry to be determined by economics and not scientists."

Robson could not estimate how much it would cost to build fusion power plants, but said the cost of the fuel would be negligible, the major cost being capital costs.

"By the middle of the next century," Robson said, "power will be produced by fusion. Scientifically, it's inevitable. Supplies of fossil fuels are diminished and pollution consciousness is restricting their use. The ultimate source of power is clearly fusion."

In a press conference following dedication ceremonies, David said Russian scientists had shared their findings on the Tokamak freely with American scientists and he felt certain American scientists would do the same.

"It's one of the fields that gives us hope that the free flow of information can be extremely fruitful for the world," David said.

[From the University of Texas Daily Texan]
FUSION PROGRAM HIGHLY PRAISED
(By Bonnie Cox)

President Richard M. Nixon's science adviser said here Monday that the University has "managed to take the lead in finding a way in which forward-looking industry can become involved productively with basic academic research."

Dr. Edward E. David, speaking to 200 guests at the formal dedication of the Texas Tokamak in the new Physics-Mathematics-Astronomy (PMA) Building, commended the co-operation of the University and industry in advancing thermonuclear fusion research.

"Here in a university setting we have the example of basic researchers, theoreticians, engineers and students working together on a national, social and economic problem with financing by enlightened industry," David explained.

This co-operation is essential, David stated, because "the federal government can no longer be counted upon to do the research."

University President Stephen H. Spurr presided at the ceremonies and U.S. Rep. Chet Holifield, D-Calif., as principal speaker said the Texas Tokamak is an "important experimental program" that is attempting "to duplicate, here on earth, the sun's energy mechanism."

University Regent Mrs. Lyndon B. Johnson, U.S. Reps. J. J. Pickle, D-Tex., and Melvin Price, D-Ill., Chet Holifield of California, and John Young of Texas, were recognized guests at the proceedings. Price said "the Texas Tokamak will be a leader among those in its field in the U.S. and also a leader in world competition."

Dr. William E. Drummond, director of the University's Center for Plasma Physics and Thermonuclear Research, spoke on the successful thermonuclear research program here where "talented young researchers are working to provide us with a limitless supply of energy in the future."

The Texas Tokamak, a \$1 million doughnut-shaped aluminum laboratory in the basement of the PMA Building, is one of six thermonuclear fusion devices in the country.

Each laboratory is tackling a different phase of the over-all problem of the evolving

national energy supply, David said. The Texas Tokamak is unique in its concentration on heating plasma (gas atoms) up to 100 million degrees by turbulence.

"By containing the plasma long enough to extract some of its energy," David stated, fusion could become "an everyday reality and an international achievement."

The fusion research programs "promise to provide abundant power from inexpensive fuel with fewer problems of pollution, waste disposal and safety than fission power plants," David said.

Clarifying the necessity of the fusion research programs, David said "the energy crisis is upon us, and indeed there is an increasing disparity between the growth of energy consumption and the growth of energy supply."

Predicting that fusion energy could be used commercially by the turn of the century, David suggested "the competitive-cooperative race for the controlled thermonuclear reaction is the archetype of international competition we will increasingly be engaged in as societies turn away from wars between themselves to wars on mutual problems."

SENATOR HUBERT H. HUMPHREY ANNOUNCES PROPOSAL TO BREATHE THE NEW LIFE INTO RURAL AMERICA

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. EVINS of Tennessee. Mr. Speaker, my attention has been called to an article appearing in the Los Angeles Times by Senator HUBERT H. HUMPHREY, former Vice President of the United States, concerning legislation he has introduced in this Congress to finance an accelerated program of growth and development in rural America.

Certainly there is great public support in favor of a strong rural development program and I commend Senator HUMPHREY for the introduction of this needed legislation and assure him of my support of the principle of this legislation to develop rural America.

Because of the interest of my colleagues and the American people in rural development I place the article by Senator HUMPHREY in the RECORD herewith.

The article follows:

[From the Los Angeles (Calif.) Times, Sept. 16, 1971]

A PLAN FOR BREATHING NEW LIFE INTO RURAL AMERICA

(By HUBERT H. HUMPHREY)

In the short period since World War II, the population of the United States has grown by 55 million people. The value of the goods and services we produce has grown from \$280 billion a year to nearly \$1 trillion. The two-home family is becoming nearly as commonplace as the two-car family.

On the other hand, 3 million farms have disappeared in the technological revolution that is still sweeping agriculture. More than 30 million people have abandoned the small farms and towns for the cities, so that 75% of our people are crowded onto less than 2% of the land. Twenty-five per cent occupy all the rest—many of them in lonely decline—while city residents live in overcrowded disorder.

The result of all this movement has been a national crisis of the environment, which

in many respects lies at the heart of all the talk about ecology.

This problem of the changing relationships between the people and the land has festered the social and economic sores which have erupted around us.

If the trend to megalopolis continues, in the next 30 years 100 million more Americans will be crammed into the big cities where 150 million are already living; if these 100 million new Americans were to live in newly created communities, a city the size of Portland, Ore., would have to be created every 30 days over the next 30 years.

We have become a troubled nation. We are vaguely aware that we could have shaped our society with consideration for resources, people and space, demanding quality as well as quantity.

Instead, we have rushed after something we call "progress," piling more and more people into less and less space.

These trends can be stopped, or at least slowed down and possibly reversed. Certainly a nation which has explored outer space for a decade can muster the energy and technology and the will to create a life here in our country that offers opportunity and decent living conditions for all.

But the land, as space to live on, is taking priority over the old idea of the land as something to be exploited no matter what the consequences. The changes that will be necessary must be based on nationwide geography and not just political geography. We must head toward a rural-urban balance—a healthy balance between the people and the land.

The fact is, we have space to spare. But it is time now to stop acting as though it were a limitless resource. Government—all levels of government—must begin planning together. We must begin to do those things which will influence our nation's growth in a more orderly way—in a way designed for people, rather than expediency.

We must design a national growth policy that will have as its central premise the relationship of people to land, water, air and resources. There must be a healthy balance that permits people to live in harmony with their environment.

We must establish the right of all people to have a realistic choice about where they will live and work—not a choice dictated by politics or economics.

This means that young people will not be forced, as they are now, to migrate to metropolitan areas because there are no jobs at home. This means that people who may want to live in small towns can expect to find good schools for their children, a decent transportation system, and the best of medical care and medical facilities.

This means new industries, modern social services and cultural activities. It means that Americans should be able to enjoy all the benefits of life, liberty and property not only in big cities, not only in suburbs, but all over America.

A century ago, "Go West, young man" was not a tourist travel slogan. It was a firm national population policy designed to serve America's best interests.

Accordingly, the federal government gave incentives to settlers—the Homestead Act. And the federal government gave incentives to railroads to open up the West. Large land grants to the railroads made some people millionaires who probably didn't deserve it, but they did provide highways of steel to take people in and bring the crops out.

And just a little more than 100 years ago the federal government encouraged the growth of higher education in the Midwest and West by establishing the Land Grant College Act. The government was concerned with everyday necessities of life as well: In 1896 a federal act established the Rural Free Delivery service.

And then, for some reason, we stopped. As

farming became more mechanized in the early decades of the century, as Americans tumbled into cities and then out of cities and into suburbs, just when we needed a population policy—we stopped.

We must develop a long-range population policy in the United States to bring vitality back to rural areas. We already have a number of laws on the books providing for federal assistance to rural America, and progress is being made in some areas. But we have yet to look at the problem in terms of an overall solution.

We have yet to consider our urban and rural problems in the light of a need for a national growth policy—a national plan to achieve rural-urban balance.

It seems that concern for rural segments of our population is the lowest priority item in the national budget. In the past, Congress has adopted a number of programs in the name of rural development, but all of them are inadequately funded.

Accordingly, we must establish major new sources of financial assistance for the development of rural America—financing for business and industrial development, for new payrolls and new jobs, for better schools, for medical centers and hospitals close to the people for parks and recreation areas, for improved transportation systems, for day care facilities, museums and cultural centers, for desperately needed housing.

And much more: industrial parks, water and sewer systems, waste disposal plants, community colleges, rural slum clearance, streets and highways, police and fire stations, and libraries.

Two steps should be taken to allow these developments to occur: First, the Department of Agriculture should be reorganized to insure a major emphasis on financing farm credit and nonfarm rural development requirements. Second, rural credit should be expanded by making it available to private and public borrowers unable to get credit from commercial sources for rural development purposes.

An initial subscription by the government could be \$2 billion in 10 annual payments averaging \$200 million. This would enable the system to issue about \$2 billion to \$3 billion a year in debentures and bonds in its early years, increasing to a potential of \$10 billion to \$20 billion a year when it is in full operation and when full or partial borrower owned status is achieved.

This is not a proposal merely to bail out a community or a business or a farm that is on the precipice of disaster. We already have laws that help businesses and institutions in such circumstances.

This program is designed for long-term, constructive, orderly development of America. America needs a development program just like the ones through which we are helping other nations in the world.

Our own big cities and suburbs are in trouble. And while they try to deal with the problems of yesterday, hundreds and hundreds of people from rural America get off the buses today, putting pressure on already overloaded urban systems and adding to welfare rolls.

We know that if there is to be a healthy, productive, prosperous and free America, we must rejuvenate, revitalize and modernize the vast areas of rural America.

I don't plan to start a massive back-to-the-farm movement, but we must give the young people who are still growing up in rural areas some reason to want to stay home. If we can develop the industries and shops, create the jobs, build the schools, provide the health and recreational services in rural America, those young people will stay, and many of those who have left will return.

But what Congress does will matter very little unless the unending political war between rural and urban interests begins to

cool off. Politicians in rural areas make political hay by attacking "evil" city people, while in the cities, they have been demagoguing about the reactionary forces of rural America.

It is imperative that city and country stop shooting one another down and begin working together—because rural and urban America are inseparably tied together.

We are not talking about a city problem or a rural problem. It is not a liberal issue nor a conservative issue. It is not Northern, Southern, Eastern or Western. It is the very life of our country.

This is something we must face together as Americans. The issue at hand is the nation's destiny.

NOT-SO-FREE ENTERPRISE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. CRANE. Mr. Speaker, this morning's Wall Street Journal contains a very insightful article by the columnist Alan L. Otten, entitled "Not-So-Free Enterprise."

In this article, Mr. Otten makes the very valid point that much of private industry seems to be coming to Government for assistance while simultaneously decrying any form of such assistance for other industries.

He notes that—

More and more, American industry—linchpin of the great free enterprise economy—seeks succor from government. There's always some perfectly valid reason, of course . . . Regardless of the reason, though, the end result is always the same—and maybe it's time to stop and think it all through a little more rationally.

Mr. Otten laments the fact that industries seem more interested in applying for governmental subsidies than in diversifying and seeking to make a profit. He asks:

Why don't defense and aerospace companies move more aggressively to take up their current slack with more work on mass transit, pollution control, waste disposal and other newly expanding areas? The technology is different, they claim; they lack the know-how; the market is uncertain. Yet these are precisely the problems that aggressive capitalism is supposed to specialize in overcoming. Obviously many of these companies prefer to avoid the risks, and to wait instead for a new cycle of defense or some special bailout, a la Lockheed."

Few consider what it means in economic terms to turn over the hard-earned dollars of taxpayers to subsidize an industry which is not competitive and cannot succeed in the free market. Economist Henry Hazlitt notes that—

By restrictive policies wage and capital returns might indeed be kept higher than otherwise within the X industry itself; but wages and capital returns in other industries would be forced down lower than otherwise. The X industry would benefit only at the expense of the A, B, and C industries. . . . The result is also that capital and labor are driven out of industries in which they are more efficiently employed. Less wealth is created. The average standard of living is lowered compared with what it would have been.

Mr. Hazlitt, discussing the idea of Government subsidies for inefficient industries, writes that—

If we had tried to keep the horse-and-buggy trade artificially alive we should have slowed down the growth of the automobile industry and all the trades dependent on it. . . . It is just as necessary to the health of a dynamic economy that dying industries be allowed to die as that growing industries be allowed to grow.

Mr. Otten presents the dilemma we face clearly. He states that—

There's a crying need for some sort of serious national discussion and debate on just how far and fast the administration, Congress, and the country want to continue down this road to some modified form of state socialism.

I wish to share Mr. Otten's article from the Wall Street Journal of November 5, 1971, with my colleagues, and insert it into the RECORD at this time:

NOT-SO-FREE ENTERPRISE

(By Alan L. Otten)

WASHINGTON.—Amtrak tells Congress it needs another large injection of federal funds to keep its passenger trains operating.

U.S. airlines ask for lots more government help, too, and find a sympathetic listener in Civil Aeronautics Board Chairman Secor Browne.

Defense contractors lobby the Pentagon to boost profit margins and extend other aid to lift them from their current depressed state.

More and more, American industry—linchpin of the great free enterprise economy—seeks succor from the government. There's always some perfectly valid reason of course. Industrial capacity must be saved for national defense. Thousands of jobs have to be preserved. The public must continue receiving some service that industry can offer only at a loss. Foreign firms are competing unfairly with cheap labor and government subsidies.

Regardless of the reason, though, the end result is always the same—and maybe it's time to stop and think it all through a little more rationally.

Consider some examples that indicate just how addictive the habit has become. Lockheed gets special big federal loan guarantees and extra government business to help it out of its troubles. The Navy probably will sweeten its existing F-14 aircraft contract to bail out the beleaguered Grumman. The Pentagon cuts back the number of assault ships it wants from Litton Industries, but earmarks more than \$100 million to ease Litton's pain.

Why don't defense and aerospace companies move more aggressively to take up their current slack with more work on mass transit, pollution control, waste disposal and other newly expanding areas? The technology is different, they claim; they lack the know-how; the market is uncertain. Yet these are precisely the problems that aggressive capitalism is supposed to specialize in overcoming. Obviously many of these companies prefer to avoid the risks, and to wait instead for a new cycle of defense or some special bailout, a la Lockheed.

Or look at the railroads. The Penn Central received major federal help and more may be coming. Amtrak knew from the start that the initial government financing wouldn't be nearly enough. Congress and the Department of Transportation prepare broad new aid for freight carriers. The rails' complaints are legitimate enough: They are forced to pay big wage increases, to continue serving unprofitable routes, to compete with tax-subsidized bus and truck companies and airlines. Yet efforts have been notably limited

to meet the problem through better service, lower rates, greater productivity.

Now, after several lush years, airlines feel the pinch—and bee-line for Washington. Pan Am and TWA ask government intervention to keep international air fares high. Domestic lines and plane makers urge government aid in developing new planes.

The pattern is by no means confined to defense, space, transportation. The White House considers private industry's research and development efforts so inadequate that it discusses new tax breaks, and other financial incentives to spur them. When brokerage houses became wobbly and Congress and the public clamored for protection for investors, industry argued that it couldn't set up an insurance corporation to do the job without \$1 billion of stand-by credit from the Treasury.

The housing industry lobbies for ever-greater federal funds for homebuilding. Despite the possibility of eventually whopping profits, most firms refuse to move into the highly touted "new towns" area unless they get almost complete government guarantees against loss.

The recent intense drive for government protection against import competition is essentially just a different aspect of the same picture. Steel, textiles, autos and all the other import-hit firms find quota or tariff protection far more attractive than the supposedly traditional answers of American capitalism—modernized plants, greater efficiency, product innovation, higher quality, lower prices.

The new economic policy announced by President Nixon on Aug. 15 contains a basic inconsistency in this regard. Wage and price controls were ordered to check rising prices in the United States. Yet the import surcharge levied at the same time pushes up prices on imported goods; these imports in the past have served as a major constraint on prices of domestically produced items and as one of the strongest spurs to modernization and innovation by U.S. industry.

There has been far too little attention, too, to the buy-American provisions in the pending tax bill, which allow a new 7% investment tax credit only on American-made machinery and equipment. This provision will keep many U.S. companies from buying more efficient and possibly cheaper foreign machinery—and thus permanently freeze into the U.S. price structure the higher costs of the American equipment.

A particularly bit of irony: The textile industry, after finally winning its long battle for greater government protection against foreign-made textiles, promptly turns around and lobbies for permission to buy foreign-made textile machinery—and still get the 7% investment credit. The reason the industry advances is that high-quality textile machinery simply isn't available in this country.

Clearly, there's a crying need for some sort of serious national discussion and debate on just how far and fast the administration, Congress and the country want to continue down this road to some modified form of state socialism. Maybe all the government help—loans and special contracts and subsidies and import quotas and the rest—are indeed necessary to protect U.S. companies and preserve U.S. jobs. Or maybe it would be better to let traditional free-market forces make the decisions, even at some cost and damage to individual workers and industries.

In any event, though, government policy in so vital a matter should be more than merely reacting to emergencies, balling out one company or industry and then another. Whichever way the policy is to go, it certainly should be more carefully considered, more precisely planned than it is now or has been recently.

And perhaps in the meantime, too, there could be a little less preaching about the wonderful principles of the free-enterprise system by businessmen who frequently find these principles so difficult to practice.

PRAYER IN THE SCHOOLS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. BROOKS. Mr. Speaker, an article in the October 31, 1971, edition of the Beaumont Journal, a leading Texas newspaper, delineated very strictly the background and issue involved in the prayer amendment which is expected to be voted on Monday. I thought this article entitled, "Prayer in the Schools," would be of interest to other Members of Congress.

Mr. Speaker, I insert at this point the article written by Mr. Don Boyett of the Beaumont Journal:

PRAYER IN THE SCHOOLS

(By Don Boyett)

Out in West Texas there's an old saying that a smart politician will come out for the flag and motherhood and be against dust storms. Since 1962 many of these politicians have added one more to the list of affirmatives: Prayer in the school room.

In 1962, and again in 1963, the Supreme Court handed down two First Amendment decisions which many people understood banned prayers and Bible reading in public schools. Few bothered to read and study the decisions and demagogues found a new cause against the "Warren Court."

Since that time several attempts have been made in Congress to amend the Constitution to "allow prayer in the schools." And with the campaign led by organizations with such names as "Americans for God," the flag and motherhood politicians have been placed in the position of casting a vote for or against prayer.

Next week the House is scheduled to vote on a discharge petition that could start the ball rolling for an amendment to the Constitution. The proposal supposedly would permit "nondenominational" prayers in public gatherings and if a two-thirds majority should approve, a major step will have been taken toward the first change in our Bill of Rights.

The measure is said to have strong grass roots support and some fear it will pass. It would be tragic if it did.

It appears that a majority of the support for this legislation comes from people who believe the Supreme Court threw prayer out of the public schools. It is interesting to note that opposition to the legislation is centered in the leadership of every major religious body in America.

Why could the lines be drawn in this manner, seemingly pitting the ministers against prayer and the laity for prayer? A lack of understanding and an appeal to emotionalism are the keys.

The 1962 decision (*Engel v. Vitale*) ruled that the reading of an official prayer in a public school violated the First Amendment. In 1963 the Court held (*Abington Township v. Schempp*) that reading of the Bible and recitation of the Lord's Prayer in classrooms, under direction of the local board of education, was unconstitutional.

Both cases dealt with state or local statutes requiring a religious exercise at the outset

of each public school day. Note the word requiring.

The court did not prohibit school children from praying in school. It prohibited government from writing their prayers and requiring religious exercise in the school. It said further that the Bible and religion may be taught in the public schools when presented objectively as part of their program of education.

But emotionalism took over. Without reading or thinking, many Americans joined movements to amend the Constitution or impeach the Court.

How many of these same people would pray a prayer in public? How many would maintain a reverent attitude—even listen—during a public prayer?

Too often prayer is an automatic item on the agenda of public gatherings. It's there because it is expected; because it is the thing to do; because of fears of what others might think if it were omitted. And how often is sacrilege committed when public prayer is included?

The prayer amendment supposedly would permit the reading of "nondenominational" prayers in public gatherings. But what is a nondenominational prayer? Who would write it? Would it create, as some fear, a new religion of nondenominationalism?

And what of the dangers to amendment of our Bill of Rights? What new doors would it open?

A statement of opposition to the proposed amendment was issued recently by lay and cleric leaders of most major church groups in America. It stated, "We deny that any elected body or governmental authority has the right to determine either the place or the content of prayer." It further stated that the signers affirmed the right of school children and others to engage voluntarily in their own prayers without government authorization, "and that this right is adequately protected by the First Amendment as it now stands."

It would be tragic if our Bill of Rights were tampered with because of emotionalism and through ignorance. Flag and motherhood are enough issues to hold above question.

ENVIRONMENTAL LAND USE CONFERENCE TO BE HELD IN BALTIMORE COUNTY, MD.

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. BYRON. Mr. Speaker, on November 10 at the Hunt Valley Inn in Baltimore County, Md., the Baltimore County Committee of the Maryland Environmental Trust will sponsor its fall environmental conference. The topic will be environmental land use.

Panels will be held throughout the day highlighted by an address by Senator HENRY M. JACKSON, of Washington. Local government officials, State representatives and legislators, and members of the environmental trust will be featured in the panels.

I would like to commend George Wills, chairman of the Maryland Environmental Trust, and his colleagues for arranging this outstanding conference on a subject of great importance in the contemporary scene. I wish the conferees well and am sure that this meeting will produce positive results.

MEDICARE

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. CULVER. Mr. Speaker, during this past year I have received many heart-breaking letters about one of the major shortcomings of medicare: The denial of medicare benefits to patients weeks or months after they received medical help and thought they were covered. Letter after letter has come into my office describing the shock experienced by elderly persons when they receive sizable bills for hospitalization or other care they were assured would be paid for under medicare. Today I am introducing legislation that will remedy this defect by removing a major source of uncertainty senior citizens experience with their health insurance programs.

Several of the cases have been outrageous. Two years after his wife died, 80-year-old John Wantz, of Maquoketa, received notice that medicare had changed its mind about her care and billed him \$1,621 for hospital care. The claim was originally approved by them while she was being cared for, originally paid by medicare, and then retroactively rejected nearly 2 years later.

In another case, an elderly man from Grinnell, who had been completely disabled for 15 years, was hospitalized with an internal hemorrhage and a stroke. While in the hospital he contracted pneumonia. After being hospitalized for 28 days and thinking he was covered by medicare, the patient was told that medicare might pay for none of his medical expenses. In her letter to me, his wife made clear that, after the family was already shaken by the illness, they now had the added anxiety of who would pay the bills:

In our case the bill is \$2,000. They told me it would be several months before I heard. So you wait and worry how in the world you can pay it.

Fortunately, by contacting the Social Security Administration, we were able to assist the patient in obtaining reconsideration, with the result that medicare paid the bill.

It is my hope that the enactment of this bill will take the "wait and worry" out of medicare bills. The difficulty with the present law is that the determination of whether a patient qualifies for medical care, especially posthospital care, is usually made after the services are rendered.

As a result of this problem, many physicians are reluctant to run the risk of referring their patients to nursing homes, and consequently choose the safer route of leaving them in the hospital, a route that is more expensive and often not as beneficial to the patient. In fact, shaving one hospital day from the medicare national average could result in savings up to \$400 million a year.

Caught in this no-man's-land is the unsuspecting elderly patient who has relied in good faith on his doctor's certification. Even with this certification, few patients can be absolutely certain that

the services they received will be covered by medicare. Too often they will receive large bills weeks or months after the services were performed. And it can mean a charge of hundreds or even thousands of dollars, wiping out the financial resources of persons living on limited incomes.

Nursing homes are also in a dilemma because they may not receive payment for services performed in good faith. To avoid the risk, extended care facilities by the hundreds have dropped out of the medicare program: In Iowa during the last 2 years, the number of extended care facility beds in medicare has dropped from 5,000 to 2,000, a significant curtailment of health services to the elderly.

To help solve this problem, my bill would authorize advance approval for extended care facilities. Under this proposal the Secretary of Health, Education, and Welfare would establish specific periods of time after hospitalization during which a patient would be presumed to require services in a nursing home. In cases where a patient failed to convalesce as rapidly as expected, additional extended care payment beyond the presumed period would be approved by the intermediary, based upon appropriate medical evidence. A similar measure would also apply to posthospital home health services.

The complexity and uncertainty of the extended care determination, plus the fact that it is usually made retroactively, has caused confusion for everyone—patients, doctors, medical facility administrators. Enactment of the bill I am introducing today will allow the elderly to know, with the certainty Congress originally intended, that their bills for skilled nursing care will be covered, and eliminate the jolt of huge medical bills arriving unexpectedly after the medical care was provided.

THE SOVIET ATTACK ON MEXICO

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. SCHMITZ. Mr. Speaker, an article which appeared in the November issue of the Reader's Digest deserves the closest scrutiny by all my colleagues. The subject of this informative account is the effort of the Soviet Union to train, organize, and fund a guerrilla movement in our neighboring country of Mexico.

This particular operation did not take place in 1920 or 1930 when the Comintern was in its heyday. It took place this year. How could this be when practically every imminent academician who sees fit to pronounce on matters Soviet assures us that the cold war is over, if it ever did in fact exist? Perhaps the Soviets have not yet gotten the word.

This article should put an end to the artificial distinction which is continually drawn to show the doctrinal differences between the Soviet Communists and the Chinese Communists to the effect that

the Chinese Communists promote guerrilla wars while the Soviet Communists do not. Khrushchev and Brezhnev have both openly supported what they term wars of national liberation as has Mao Tse-tung. To the Communists revolution is simply a matter of seizing power. The means of seizing power is tailored to the situation in which power is sought. What works best is best.

Another nonexistent difference between Communist parties intellectualized into being by some of our Sovietologists and Communist experts who seems to be seized by a publish-or-perish complex can also be forgotten in view of Soviet efforts to start a guerrilla war in Mexico. It is patently obvious that no conflict of doctrine or action exists between the Cuban Communist Party and the Soviet Communist Party on the question of exporting armed revolution. They both do it.

The author of this piece, John Barron, briefly outlines a facet of Communist guerrilla activity with which we in the United States are very familiar. This is the propaganda line which accompanies Communist "liberation" wars:

These terrorist tactics would be accompanied by unremitting psychological warfare. All propaganda would sound one underlying theme: the inevitability of guerrilla triumph over the "injustices" of Mexican society and government. Each attempt of the government to defend itself against the guerrillas would be seized upon as proof of its "repressive, totalitarian" character. Selected, sympathetic foreign correspondents would be invited to melodramatic interviews portraying the romance of revolution, the idealism of young men impelled by conscience to take up arms. All the while, the KGB through its worldwide resources would surreptitiously foster the impression that the masses were rising up against another degenerate Latin American oligarchy.

This propaganda approach was totally successful in marketing Fidel Castro in the United States and achieved appreciable success in deceiving a number of college students as to the nature of Ho Chi Minh and his gang. As long as many influential segments of our mass media continue to see, hear, and, most importantly, speak, no evil about communism this propaganda line will continue to bear fruit in our Nation.

The article concludes with a résumé of recent Soviet KGB operations in other nations:

What happened in Mexico is merely part of a worldwide pattern of KGB subversion. Elsewhere in Latin America, and in Africa and Asia, evidence of KGB efforts to undermine other societies emerges again and again.

Last July Ecuador expelled three KGB officers after catching them trying to organize nationwide strikes through the Marxist-dominated Ecuadorian Workers Confederation. All three were "diplomats" assigned to the Soviet embassy.

In 1969, Ethiopia deported three KGB officers and three Czechs who had recruited dozens of Ethiopian students and organized them into clandestine cells. Handwritten notes and printed propaganda captured from the students showed they were being trained initially to disrupt the universities, ultimately to overthrow the government.

The Congo threw out the entire Soviet embassy staff of 98 after the KGB openly sup-

ported armed rebels against the government in 1963. When relations were restored in 1968, the Soviet Union signed a protocol specifically limiting it to seven diplomats in the Congo, but, by the spring of 1970, the Soviet embassy staff had swelled to 42. Then the Congolese unraveled a KGB network that reached into the universities, the army, the Ministry of Informator and the National Documentation Center. Four KGB officers were expelled, and the embassy was again cut down to size.

In April 1968, Colombian police, alerted by Mexican authorities searched two couriers at the Bogota airport and relieved them of \$100,000 which they had received from a KGB officer in Mexico. Eventually, the communist couriers admitted that the money was destined for the most murderous band of terrorists in Colombia, the *Fuerzas Armadas Revolucionarias*.

Increasing terror in Turkey culminated this year in a series of kidnappings and the murder of the Israeli consul general. Police ascertained that some of the students behind the terrorist acts had undergone clandestine training in neighboring Syria. Further investigation established that the training had been arranged by a Soviet "diplomat" in Damascus, Vladimir Shatrov, and his Russian "chauffeur," Nikolai Chornenkov.

From Ceylon to the Sudan, from Argentina to Yugoslavia, Soviet embassies continue to spawn subversion. All the while, the Soviet Union publicly affects rectitude and professes friendship. The day after Mexico expelled the five KGB officers, the Soviet embassy in Mexico City issued a statement of aggrieved innocence: "We do not understand, we cannot explain the measure taken by the Mexican government."

To this list we can add the more recent examples of Great Britain, which expelled 105 Soviet agents in September of this year, and Belgium, which just yesterday expelled 30 Soviet citizens.

What is the situation in the United States? Are the Soviet diplomatic, consular and trade personnel refraining from the type of activity which led to mass expulsions in Britain and Belgium? Is the Soviet's conduct in the United States, continually denounced by Moscow as the main imperialist enemy, substantially different from their conduct in England, Belgium, Mexico, Ecuador, Ethiopia, Turkey, and so forth? There is no evidence which would lead us to believe this and much evidence to the contrary.

Mr. J. Edgar Hoover warns us of the threat these people pose to our Nation every year in his appearance before congressional committees. In March of this year Mr. Hoover stated to our colleagues on the House Appropriations Subcommittee on State, Justice, Commerce, and Judiciary that:

THE SOVIET BLOC

Mr. Hoover. The most serious threat to the security of our country is Soviet Russia and its satellites. As the power of the USSR has grown since the end of World War II, so has the intensity of the Soviet-bloc espionage aimed at the United States. The FBI as a result has been confronted with a constantly increasing volume of work.

There has been a steady increase over the years in the number of personnel from the Soviet-bloc countries assigned in the United States. As of March 1, 1971, there were 1,172 Soviet-bloc officials and 1,454 of their dependents in our country. The buildup is evident when we compare these figures to the 806 officials and 1,174 dependents here as of July 1, 1966. Not included in the figures cited

are the numerous couriers, members of special delegations and other officials temporarily in this country but not assigned to official establishments.

(Discussion off the record.)

Mr. Hoover. A Soviet defector has stated that 70 to 80 percent of all personnel assigned to Soviet diplomatic establishments work in the intelligence field.

Mr. Hoover. The targets of the Soviets, aided by the intelligence services of the satellite countries of Poland, Czechoslovakia, Romania, Hungary, Bulgaria, and Mongolia, are our most closely guarded military, scientific, political, economic and industrial secrets. In addition to engaging in clandestine activity to obtain vital data of these types, the Soviet-bloc intelligence officers collect a wealth of publicly available information from conferences and conventions as well as from periodicals and magazines to which they subscribe.

Some of the Soviet-bloc intelligence officers in our country are "illegals" who have no ostensible connection with the USSR. They are deep-cover intelligence professionals who easily blend into our population using assumed identities. Eventually each becomes the nucleus of an espionage network. The detection and identification of these deep-cover agents constitute counterintelligence problems which require much detailed and extensive investigative effort.

In the last 5 years the number of Soviet bloc personnel in the United States has increased by 30 percent! There were 787 Soviet-USSR-officials in the United States as of March 1971. There are 114 U.S. officials in the Soviet Union. The Soviet Union has over 600 percent more official personnel assigned to our Nation than we have to theirs. This does not include the Soviet satellite officials stationed in the United States nor ours stationed in the satellites. However when we recall that all the Bloc officials are stationed in the U.S. proper, Washington and New York, and our officials in the Bloc are scattered all over Eastern Europe, we get a better idea of the actual situation. The Soviet-Bloc has 1,172 officials stationed in Washington and New York and we have 114 officials in Moscow. There are 4 or 5 Soviet officials stationed in San Francisco and a similar number of U.S. officials stationed in Leningrad as advance parties for consulates.

It should be apparent to all that this disproportionate representation has adverse ramifications on the security of our country. In the light of what has happened this year in Great Britain, Belgium, and Mexico, it is time that the United States took action to reduce the number of Soviet-Bloc personnel in the United States to a level proportionate to the number of personnel we have in the Bloc.

The article which appeared in the November issue of the Readers' Digest concerning the Soviet attempt to start a war in Mexico follows:

[From the Reader's Digest, November 1971]

THE SOVIET PLOT TO DESTROY MEXICO

(By John Barron)

For years the Western powers have known that the Soviet embassies within their borders are heavily staffed with KGB officers, members of the Soviet Union's massive intelligence agency. Ostensibly they serve as "diplomats," but quite obviously they are present to gather very special information. Rarely, however, are their more sinister activities exposed in detail and in depth. Here,

"The Soviets Plot to Destroy Mexico" opens the locked doors of the Trojan horse which many nations harbor—the Soviet embassy—and reveals the everyday business of KGB envoys—sabotage, betrayal and violent insurrection.

The Reader's Digest began a survey of subversion in Latin America three years ago. The following story of what happened recently in Mexico is based on this research, and on dozens of interviews with intelligence officers, on captured diaries and confessions, and on conversations with Soviet defectors and KGB officers themselves.

Just before midnight on March 12 this year, five of the most important men in the government of Mexico met at the National Palace. A senior intelligence officer distributed a formal report and a stack of photographs. Silently the officials studied the documents, initially with dismay, then with the anger of men betrayed.

The import of what the Mexican leaders read was staggering. The detailed intelligence summary revealed a KGB plot conceived in Moscow to plunge Mexico into a civil war and destroy its government by armed force. In the words of a Mexican servant of the KGB, it would make of Mexico "another Vietnam."

In an epic counter-intelligence coup, the Mexican security service had uncovered not only the Soviet plan but the identities of the principal KGB officers and Mexican agents involved. Security men had seized caches of arms and explosives, located clandestine training centers and hideouts, and captured guerrilla chieftains. It was a near thing. For the evidence showed that soon the first fires were to be set, the first bombs detonated, the first policeman killed.

"We shall, of course, act—and act decisively," declared the President of Mexico, Luis Echeverria.

The adviser who had drafted the intelligence report spoke up quickly: "Strike at the embassy, Mr. President. All begins with the embassy. And with Netchiporenko. He is *Numero Uno*."

It was true. During the 1960s the KGB had completely taken over the Soviet embassy in Mexico City and developed it into one of the world's great sanctuaries of subversion. And of all the Russians the most skilled and dangerous was Oleg Maksimovich Netchiporenko, justifiably considered by the KGB to be one of its top agents. Slender and darkly handsome, he wore a debonaire mustache, and with his wavy black hair and olive complexion looked utterly Latin. Indeed, Mexican authorities suspected that he was either the child of Spanish communists who had fled to Russia after the Spanish Civil War or perhaps the son of a Russian father and a Spanish mother. He kept himself in superb condition by jogging daily and playing tennis the year round. Strangers often guessed him to be ten years younger than his actual age—40. His Spanish was flawless; he spoke the differing idioms of laborers, diplomats and students with equal fluency.

Netchiporenko had trained himself to adapt, chameleon-like, to disparate environments. He could and sometimes did don the clothes of a *Campefino*, go out into the countryside and win automatic acceptance as a farmer or laborer. Similarly, at the universities, where he spent many of his working hours, students thought of him as one of them. With the same ease, he could affect the manners of a bright young Mexican business or professional man. Indeed, he once assumed just such a pose and strode into the U.S. embassy. For more than an hour he wandered about, gleaning what information he could, until a security officer recognized him as a KGB agent.

Netchiporenko simply was the best KGB field operative in Latin America. He knew it; so did everybody else in the embassy. Few KGB officers, though, felt comfortable around

him. He disdained intellectual inferiors and scarcely condescended to speak to the Russians he considered stupid or unimportant. Sometimes he insulted colleagues by ignoring a dull comment and walking away without a word. But the primary reason no one relaxed around Netchiporenko was that he also was the SK officer—the officer charged with preserving the security of the *Sovyet-skaya Kolonia* or Soviet colony in Mexico.

As such, he constantly scrutinized everyone for the least portent of disaffection or psychological breakdown. KGB officers, conditioned from their earliest training to watch each other, realized that in his eyes deviation from prescribed behavior had to be cause for official suspicion. So they feared Netchiporenko, and he had almost no real friends. He was not the kind who needed them.

THE DUNGEON

Netchiporenko had arrived in Mexico City with his wife and two small children in 1961. Although he had been thoroughly briefed in Moscow, the life and routine of the embassy still demanded some unexpected adjustments. The embassy itself surprised and amused him. Everything about it reeked of conspiracy.

A somber gray Victorian villa with ornate cupolas and shuttered windows, it stood partially hidden behind trees at Calzada de Tacubaya 204. A tall iron fence encircled the grounds, which armed sentries patrolled. At night an armed guard paced the roof. A concealed camera photographed everyone admitted through the gate. At embassy receptions, guards ensured that no guests ventured beyond the reception rooms on the first floor. Foreigners never were allowed in the small, sterile offices and apartments on the second floor.

But the most inaccessible area of the embassy was a large section of the third floor known among KGB officers as the "dungeon." This was the *Referentura*, the heart and brain of any Soviet embassy. Here all operations of the KGB were planned and administered. Here the secrets of Soviet subversion in the Western Hemisphere were stored.

Testimony of Russians who have fled from Soviet embassies in various countries indicates that *Referenturas* the world over are much the same. They normally are divided into soundproofed rooms designed for conferences, study and the drafting of messages. The most restricted area houses the files as well as cipher and radio equipment for communications with Moscow. No documents may ever be removed from a *Referentura*; no briefcases, cameras or recording equipment ever brought in. A *Referentura* staff includes a chief, his deputy and cipher personnel who live under virtual house arrest. Rarely does the KGB permit them to leave the embassy grounds, and then only in a group accompanied by armed security personnel.

To enter the *Referentura* in Mexico City, an officer walked down a narrow corridor and pressed a buzzer which opened the door of an antechamber and alerted the watch of his approach. At the end of the chamber was a steel door with a peephole through which he was inspected.

All outside windows of the *Referentura* had been sealed with cement to block long-range electronic or photographic surveillance. KGB officers complained that, with sunlight and fresh air thus shut out, the atmosphere inside was perpetually dark, dank and musty. They grumbled also because, as a result of this dungeon-like atmosphere, smoking was forbidden.

The *Referentura* never closed. And, during the ensuing years, Netchiporenko was to come to it at any hour of the day or night. It was the one place in Mexico where he could feel completely secure and speak of his work freely.

In Moscow, the KGB had advised Netchiporenko that his wife would be expected to

"help out" at the embassy. He did not understand that this meant a full-time job. Because the KGB refused to permit employment of a single Mexican, most Russian wives had to labor as secretaries, file clerks, telephone operators, typists or petty administrators.

When a reception was held at the embassy, a list of duties for the wives was posted. Some were to attend as guests, some as maids, and others as kitchen helpers. Netchiporenko had to inform his wife that at her first party in Mexico she would be a maid. After the guests left, he and all the other Russian men waited while their wives did the dishes.

However, Netchiporenko soon accepted, as necessary to security, the rules that bound all Russians in Mexico City. He perceived that the embassy, regarded by the KGB as one of its four or five most important installations outside the Soviet Union, offered boundless professional opportunities. Energetically, he set out to make the most of them.

WEB OF SUBVERSION

Netchiporenko's work began in the *Referentura* with briefings about some of the KGB operations against Mexico. They revealed that the Russians were less interested in collecting intelligence about the country than in developing agents who could influence Mexican policies and create disorder.

The Russians had almost succeeded in 1959 in bringing significant segments of the Mexican economy to a standstill. That year, the KGB bribed labor leader Demetrio Vallejo to paralyze the national railway system with wildcat strikes. Caught consorting with KGB officers Nikolai Remisov and Nikolai Aksenov, Vallejo admitted taking a million pesos (\$80,000) from them to organize the strikes.

Netchiporenko saw that now the KGB was attempting to plant female agents in key secretarial positions within the most important government ministries. It also was seeking to position in the Foreign Ministry an agent who could affect assignments of Mexican diplomats throughout the world. In an even more sinister operation, the KGB was trying to establish its own private detective force composed of a corrupt ex-police official and cashiered cops. Through them it planned to gather data for blackmailing Mexicans, to harass anti-Castro Cuban exiles and to execute "wet affairs."¹

Netchiporenko was to be involved in all these operations. But his primary assignment was to infiltrate the universities and recruit students for future subversion. Prospects usually were spotted through the Communist Party or the Institute of Mexican-Russian Cultural Exchange. The latter was directed by the Soviet cultural attaché, a KGB officer; it was financed by the KGB; and its daily affairs were administered by Mexican communists handpicked by the KGB. Openly, the Institute disseminated Soviet propaganda and sponsored meetings of communist sympathizers. Covertly, it served other functions. With offices strategically located throughout the country, it offered KGB officers a ready excuse to travel to any section of Mexico. Youths attracted by its films, book shows and free Russian lessons unknowingly were evaluated by the KGB. Those who appeared particularly promising were approached and offered scholarships to Patrice Lumumba Friendship University in Moscow, where the KGB could develop their subversive potential.

A MAN FOR THE KGB

Hearing about the scholarship, an embittered Mexican named Fabricio Gomez Souza addressed an inquiry to the Soviet embassy. Invited to the Institute's office in Mexico City for an interview, he arrived on a summer afternoon in 1963 and was courteously greeted in Spanish by Netchiporenko.

¹The KGB term for operations requiring the spilling of blood.

"There is nothing I care to say to you," Gomez announced. "I came to see the Russians." Netchiporenko coolly surveyed the Mexican, spoke a few sentences in Russian, then said in Spanish, "I am Russian. Now please sit down and let me see if I can help you."

Gomez was a squat, muscular 31-year-old schoolteacher with black eyes and a scowling, swarthy face. Since finishing college ten years before, he had taught school in the small town of Nanchital. Long interested in communism, he had read extensively about Marxist and other revolutionary theory. Early in 1963 he married. While still honeymooning, his bride fell ill and died of an ailment that doctors could not diagnose. In his grief and rage, Gomez blamed Mexico, its culture and institutions for failing to provide the kind of medical care that might have saved her life. Now he believed that Mexican society must be destroyed so that it might be rebuilt, and he had concluded that the most practical way to destroy it was to work with the Russians.

As the two men talked late into the evening, Netchiporenko knew that here was a man for the KGB. Gomez was no posturing student caught up in a fad. Rather, he emerged in Netchiporenko's judgment as a tough, realistic convert who could be trained to endure, obey and do whatever was necessary for the KGB.

So strong was Netchiporenko's recommendation that the KGB acted swiftly to spirit Gomez out of the country. KGB processing for Patrice Lumumba ordinarily required months. But within three weeks Netchiporenko handed Gomez cash and tickets for a flight to Moscow. From the moment he landed the KGB treated him as a very special student. Indeed, he was. For Fabricio Gomez Souza was destined to lead the guerrilla force that the Soviet Union for years later was to unleash upon Mexico.

THE PRIME TARGET

During the next two years, Netchiporenko sent at least a dozen others off to Moscow and at the same time recruited agents for the KGB directly from Mexican universities. Yet KGB headquarters kept demanding more. From his own briefings in Moscow, Netchiporenko could appreciate why.

The pressure reflected KGB judgment that Mexico was the most important target in Latin America, not only because of its proximity to the United States but because of the great potential of its abundant natural resources and sublime climate. A succession of national administrations had been making dramatic social and economic progress. Allocating more money to education than to any other purpose, the government reduced adult illiteracy from 63 percent in 1940 to 17 percent in 1970. Between 1960 and 1970, annual per-capita income increased from \$330 to \$660.

Poverty, exacerbated by rapid population growth, endured. But the average Mexican, who enjoyed incomparably more freedom than a Soviet citizen, could see proof of continuing betterment, and thereby derive hope for the future. Thus, if Soviet subversion was to succeed in Mexico, this government had to be undermined.

Accordingly, in the mid-1960s, the KGB slipped more and more officers into Mexico City in the guise of diplomats. In the fall of 1966, it assigned one of its best staff specialists in Latin American affairs as *Resident*, the KGB boss of the embassy.² He was Boris Pavlovich Kolomiakov, an officer who, like Netchiporenko, had never suffered serious failure.

²In most Russian embassies, the ultimate authority in all important matters is the senior KGB officer, or *Resident*. Unless the Soviet ambassador is a representative of the Central Committee, he is merely a ceremonial figurehead and administrator.

At 47, Kolomiakov was balding but trim and vigorous. Comfortable with authority and responsibility, he was proud of his assignment and of his reputation. The first to arrive at the embassy, the last to leave, he worked and studied constantly. He daily read as many as 20 Mexican, U.S. and Canadian newspapers. No matter what the pressures of work, he daily reserved at least half an hour for improvement of his English. His wife privately complained to others that he spent too much of their money on books and periodicals.

In purely personal matters, Kolomiakov was kind. An inflexible caste system prevailed throughout the Soviet colony, rank being the sole determinant of perquisites and social standing. The few non-intelligence personnel were the outcasts, openly referred to as "lesser mortals." Kolomiakov flouted these distinctions. An illness in any Soviet family brought from him a visit, flowers and assurances of all help needed. He could be a compassionate counselor when marital difficulties arose.

If Kolomiakov was kind to his subordinates personally, he was mercilessly demanding of them professionally. He required that all match his own energy and insisted upon measurable "production," which he could chart and report to Moscow. Laxity or errors evoked from him withering reprimands that could turn even veteran KGB officers pale. Once he summoned a highly regarded subordinate and upbraided him for nearly an hour. When the officer emerged from his office, a secretary saw him weeping. Three days later, he abruptly departed for the Soviet Union. His banishment was never explained officially; the rumor that swept through the embassy was simply: "He failed."

NEAR DISASTER

By 1968, the number of Russians over whom Kolomiakov presided at the embassy had grown to a preposterous 57, all but eight of whom were professional intelligence officers. The Soviet embassy staff was more than three times as large as those of the embassies of Great Britain, West Germany, France or Japan. While these nations had extensive trade and other ties with Mexico requiring diplomatic representation, the Soviet Union had virtually none.

Among Mexico's world trading partners, Russia in 1968 ranked almost last. That year, it purchased only \$368 worth of Mexican goods. There were only 216 legal travelers between the two countries. Few Soviet ships called at Mexican ports. Cultural relations between the two nations were virtually nonexistent, and Mexico found that it needed only five diplomats in Moscow.

Indeed, the Russians barely bothered to pretend that they were engaged in diplomacy. Weeks often passed without any Soviet "diplomat" making an official visit to a Mexican government office. The Russians opened their consular and cultural offices only four hours a week. Thus, armored with the protection of diplomatic status, they were almost entirely free to ply their true trade of subversion.

More than half the KGB personnel were engaged primarily in operations against the United States, but an apparatus of more than 20 men, led by Netchiporenko, was working exclusively against Mexico. And by 1968 they had developed in the universities a corps of agents who gave the KGB a new capability for violence. As the 1968 Olympic Games approached, the KGB perceived a way to use these youthful agents with devastating effect.

The trouble began with a commonplace incident on July 23, when dozens of students from two preparatory schools got into a brawl. Police intervened to break it up, and in so doing blooded some heads. On July 26, the Young Communist Party staged a long-planned rally to celebrate the Cuban revolution and attempted to march on the National

Palace. When the police moved to halt them, the communists attacked with clubs and rocks, and another brawl ensued.

Demonstrations called to protest "police brutality" culminated in destructive rioting the next three nights as mobs shattered windows, set buses afire and hurled Molotov cocktails in downtown Mexico City. A quickly formed National Strike Council appealed to all Mexican students to boycott classes. Students seized the National University and the Polytechnic Institute, whose combined enrollment exceeded 120,000. In August, these schools became sanctuaries from which a band of zealots sallied forth to demonstrate and riot. As the violence intensified, foreign journalists speculated that the Olympics might have to be canceled.

After the initial outbreaks in July, only a minute fraction of the thousands of rioters were communists; fewer still had ever heard of KGB. Usually, however, the actual violence was initiated by so-called *Brigades de Choque*, or shock brigades. These were disciplined groups of 15 to 30 men, often including paid thugs. Many were organized, financed and led by members of the Young Communist Party or youths directed by the KGB through the Institute for Mexican-Russian Cultural Exchange. Communists constituted only a small minority on the 200-member National Strike Council. Yet eight of the most vigorous, effective and intransigent leaders in the disturbances were agents of the KGB—four of them recruited by Netchiporenko.

During the turmoil, the KGB maintained contact with its young agents through the Communist Party. Moreover, the second week in September, KGB agent Boris Voskoboinikov, who masqueraded as Soviet cultural attaché, rendezvoused with students outside Popular Preparatory School No. 1. And KGB officer Valentin Loginov, the same week, met two separate groups of students near a downtown theater.

As the disturbances continued, the army, on September 18, took over the National University, across the street from the Olympic Stadium. The next week, Mexico suffered its worst violence since the revolutionary battles of the 1920s. Students and adult anarchists managed to acquire large quantities of arms, and fierce gunfights broke out nightly between them and troops. Around schools, students battled police with pistols, knives, clubs and gasoline bombs. Intensifying violence gravely threatened the Olympic Games, scheduled to begin October 12.

Disaster appeared imminent when the government learned that riot leaders were secretly planning a climactic assault on the Polytechnic Institute, now occupied by the army. Their purpose was to create casualties and chaos that would doom the Olympics once and for all. Preparing for the attack, they stored, in apartments of the sprawling Tlatelolco housing project, explosives and hundreds of weapons, including .22-caliber machine guns and high-powered rifles with telescopic sights.

The afternoon of October 2, some 6000 youths gathered for a rally in the Plaza of Three Cultures, adjacent to the apartment project. The government authorized a rally, but stationed troops in the vicinity to prevent any march. The gathering was peaceful enough until the eighth speaker took the podium. He was Socrates Amado Campos Lemus, a radical fugitive whom authorities had hunted for weeks. As plainclothesmen moved to arrest him, an army helicopter dropped a flare, signaling the troops to advance into the plaza.

Using a bullhorn, General José Hernández Toledo declared the rally over, and urged the students to disband. Suddenly, volleys of sniper fire rang out from apartment balconies, and Hernández was felled by three bullets, two in the back, one in the leg.

A terrible battle lasted about ten minutes,

with troops shooting up into balconies at the snipers and the revolutionaries spraying bullets down into the plaza. Twenty-six civilians and two soldiers, almost all in the plaza, died. But as some 80 hard-core members of the National Strike Council attempted to flee through the rear of the project, police captured them. Without their leadership, the uprising ended, and the Olympics proceeded.

The KGB had come close, but had failed. So, a new onslaught was planned, to be led by Fabricio Gómez Souza, whose potential Netchiporenko had so quickly perceived five years before. Now the KGB turned to him and Patrice Lumumba Friendship University.

"HELPFUL" NORTH KOREANS

Nikita S. Khrushchev had announced in 1960 that Patrice Lumumba University was being established to train "intelligentsia cadres" for the nations of Africa, Asia and Latin America. However, within the Soviet Union, Russian authorities have stated the university's mission more plainly: "To educate students from underdeveloped countries so they can return to their homelands to become the nucleus for pro-Soviet activities."

The First Vice Rector of Patrice Lumumba was Pavel Erzin, a major general of the KGB. Other KGB officers and agents serve on the faculty, which must obey the dictates of the KGB. Students are selected primarily on the basis of their potential usefulness to the KGB. (If the Russians really want to educate a foreigner to work, for instance, on a Russian foreign-aid project back home, the student does not attend Patrice Lumumba; he goes to a first-rate Soviet university or technical school.)

Upon arrival at Patrice Lumumba in the autumn of 1963, Gómez joined some 30 other Mexicans who also had come to Moscow without the knowledge of their government. After studying Russian for a year, he was put into a special class of students who had demonstrated the greatest revolutionary zeal. Even in this elite, he distinguished himself during the next four years of indoctrination by his cold fanaticism and obedience to the Russians. In October 1968, when the KGB gave Gómez his initial assignment, it probably had as much confidence in him as it ever places in a foreigner.

He began the assignment as leading actor in an elaborate fiction staged by the KGB. One morning, Mexican students in Moscow were called together, ostensibly to hear a fresh report about the recent violence in their country. An unfamiliar Russian, who purportedly had talked with travelers just back from Mexico City, appeared before them. He gravely stated that the Mexican army had killed hundreds of students, arrested thousands more, and was now hunting down all remaining "progressives" in a murderous purge of the universities. "They are slaughtering students in the streets as if they were insects," he concluded. "And today there is no Pancho Villa, no Emiliano Zapata to defend them."

Gómez stood up, as if rising spontaneously to the challenge. "I request permission of the university to conduct a meeting of all Mexicans," he said formally. "I mean no disrespect, but we would prefer that no one else be present. We Mexicans must redeem our own honor."

Passionately, Gómez harangued his fellow countrymen on the necessity of avenging the dead students and sweeping Mexico and Marxist revolution. "I say it is time to stop musing about theory," he cried. "It is time to act. All of us must prepare ourselves as guerrilla warriors."

That evening, Gómez invited to his dormitory ten or so selected Mexicans, including two entrusted with supporting roles in the KGB plot. Inspired by more oratory, bravado and vodka, the group proclaimed the birth of the *Movimiento de Acción Revolucionaria*

(MAR). At the suggestion of Gómez, the students also agreed to solicit guerrilla training from Cuba and North Vietnam.

With addresses supplied by an obliging Russian "professor," the Mexicans first visited the Cuban embassy in Moscow. Two Cubans received them hospitably, offering coffee and cigars while listening attentively to their proposals. "We of course are sympathetic to your objectives," said one Cuban. "However, our diplomatic relations with Mexico form an extremely valuable channel into the non-socialist camp. At this time it would not be in the greater interests of revolution for us to provoke a break in relations."

The North Vietnamese were more brusque. "We are already fighting a guerrilla war," said a wizened, bespectacled functionary. "Our lives are at stake, and we have absolutely no resources to spare."

Back at the university, Gómez dutifully affected dejection as he recounted the Mexicans' experiences to the Russian "professor." "An idea occurs to me," remarked the Russian. "Have you thought of the North Koreans? Perhaps they would be helpful."

At the North Korean embassy, Gómez spoke the same preliminary lines that the KGB had cued him to use at the other embassies. The North Koreans dispensed with pretenses. "Yes, yes, we have agreed; it is arranged," an officer said to Gómez. "Are you the one appointed to fly to Pyongyang?"

The KGB had dictated, directed and managed each act of this scenario, beginning with the "report" to assembled Mexican students and ending with the visit to the North Korean embassy—all in order to conceal its sponsorship of the guerrillas. It sought to create the illusion that Mexican students had spontaneously decided to form a guerrilla force, and on their own initiative had found a patron in North Korea, which had no diplomatic ties with Mexico. This is what most Mexicans subsequently drawn into the movement would be led to believe. Through this deception the Russians expected to escape retaliation and avoid the loss of their vital embassy in Mexico.

THE CLOWN

Early in November, Gómez flew via Aeroflot to the North Korean capital of Pyongyang, where he conferred with intelligence and military officers. Again the Koreans were well prepared. They advised Gómez that no more than 50 dedicated revolutionaries were required. Each would be developed into a leader and teacher of future recruits. Once the force of 50 was deployed, it would multiply like a cancer through the cities and mountainous countryside of Mexico. To permit time for careful selection of trainees and to avoid attracting attention, the Koreans recommended that the 50 Mexicans be brought to Pyongyang in three successive contingents.

Back in Moscow, Gómez picked up \$25,000 from the North Korean embassy and divided it among four other students chosen by the KGB to return with him to Mexico as recruiters. Travelling singly by separate routes, they landed in Mexico City in late December 1968 and early January 1969.

At the same time, the Russians dispatched to Mexico City a senior KGB officer who, in the temporary absence of the ambassador, became chargé d'affaires. He was Dimitri Alekseyevich Diakonov, whom the other Russians promptly dubbed "The Clown." In private, they laughed at his appearance and manners. His pate was totally bald except for growths of hair protruding angularly from either side of his head. If he let the hair grow, he looked as if he had horns; if he cut it, he looked as if he had been scalped. His hair, combined with huge, sunken eyes and a guttural voice, made him seem like a caricature of a bomb-throwing Bolshevik of the early 1900s. Attempting to make a speech, he was virtually powerless to control his hands. He alternately stuck his thumbs in

his pockets and leaned backward, or clutched his hands behind his back and learned forward. In either posture, he created the impression of a man about to topple.

Moreover, Diakonov was a stern puritan appalled by the adultery and lewd references to sex commonplace in the cloistered Soviet colony. At a weekly Communist Party meeting, he stood up to call for reform. "I am shocked," he began, "to hear within an embassy of the Soviet Union dirty talk about sex. Such talk is contrary to communist morality. Yet it is heard all the time, even, I am ashamed to say, among the female comrades. . . ." Waves of giggles from the women interrupted, embarrassed and mystified Diakonov.

All the women knew that the worst offender against his concept of communist morality was Lydia Netchiporenko, Oleg's wife. When Netchiporenko had first met her, Lydia was a 19-year-old sale clerk with a lithe figure and the face of a madonna. Her physical appeal initially obscured in his eyes her lack of education and her coarseness. While KGB training and travel transformed him into a sophisticated, cosmopolitan man, Lydia utterly failed to grow intellectually, and deteriorated physically into dumpiness. Her scatological jokes, which once had seemed amusingly risqué to Netchiporenko, now shamed him. After a couple of drinks at parties, she would make vulgar advances to other KGB officers, who dared not offend either her or her husband.

Lydia cunningly used her husband's power, appointing herself watchdog over the Russian wives. Their private lives became her official domain. She pried incessantly, and maliciously tried to set woman against woman by asking questions of one that might incriminate or debase another. She delighted in degrading a woman by making false accusations, then forcing her to disprove them. Netchiporenko came to loathe her, and so did everybody else.

Ignorant of this background, Diakonov stumbled on with his speech: "I want you to know something else. I am shocked by the statements some of you make about the Mexicans. They are naive and can be manipulated, but it must not be said that they are dirty, that they are lazy, that they have no culture. . . ."

Giggles and smirks again greeted Diakonov, for again Lydia was the prime culprit. Then, suddenly, the laughter stopped as if turned off by a switch. Kolomiakov was on his feet and clearly enraged. "Why do you insult Comrade Diakonov?" he shouted. "He is absolutely correct. Comrade Diakonov speaks for the party. He also speaks for the organs of state security. Do you understand?" Everybody understood.

However foolish Diakonov may have appeared to the Russian women, he was not the clown they thought him. In the back alleys of the world, he had proven himself the equal of the most violent men. The government of Argentina threw him out of Buenos Aires in 1959 after he created chaos by instigating labor riots. In 1963, he turned up in Brazil as a member of a Soviet "Peace Prize Commission." His labors there culminated in a rebellion by noncommissioned officers of the Brazilian army, and he was kicked out of the country. A specialist in strikes, riots and violence, Diakonov was admirably equipped to deal with guerrillas. And that was his mission in Mexico.

THE ROAD TO PYONGYANG

Through Diakonov, the KGB was kept informed of the recruiting progress being made by Gómez and his Mexican subordinates. Kolomiakov in turn suggested prospective recruits spotted by the KGB apparatus in Mexico.

One name that had long been in the *Referentura* file of prospects was that of Angel Bravo Cisneros, a mustachioed student radi-

cal who looked a little like a pudgy Adolf Hitler. On a cool evening in April 1969, Gómez traveled to the old and lovely colonial city of Morelia to seek him out. At a café frequented by students near the University of Michoacán, the two talked fervently for an hour or so about Vietnam, Cuba and revolution in general.

Bravo seldom used one word when he could find three. His conversation was larded with revolutionary slogans and hoary Marxist clichés, which he declaimed as if he had originated them. Unable to achieve distinction in scholarship, he had turned to anarchy. In this, he had attained some success, joining a variety of extremist groups and helping foment a series of student riots.

You have demonstrated energy," Gómez said, "but that is no substitute for knowledge and skill. We must leave the country and be trained by experts."

"Such training would be an honor of which I would always strive to be worthy," Bravo responded.

"Good," Gómez replied. "I want you to establish residence in Mexico City. In the months ahead, I will send to you comrades who are to undergo training. You will serve as liaison between them and me, and also ensure that they obtain all necessary travel documents. At the proper time, you will lead them on the journey out of the country."

"Perhaps you have observed that I am possessed of great intellectual curiosity," Bravo said grandly. "I would be pleased to know the land to which I will journey."

Gómez glowered at him. "You are to take orders, not ask questions. I will tell you only this: our duty is to make of Mexico another Vietnam."

Through the summer, a succession of youths in their early 20s checked in with Bravo in Mexico City. Fourteen men and two women were gathered in the city when Gómez visited Bravo in mid-August. "Your journey is about to begin," said Gómez, unwrapping a package containing nearly \$9000.

"Divide the comrades into groups of two or three and give each person \$500. Instruct each group to make its own arrangements to fly to Paris. But make certain that each group leaves on a different day and uses a different airline. Tell everyone to assemble at 10 a.m. on September 7 at the Eiffel Tower."

"Are we to be trained in France?" Bravo asked with excitement.

"Pay attention," Gómez ordered. "You are to tell the comrades no more than I have told you. However, after you gather in Paris, you are to guide them to West Berlin, where you will stay at the Hotel Colombia. Each day you must cross into East Berlin and, beginning at 1 p.m., stand on the corner by the Restaurant Moscow. Sooner or later you will see a man you know. From him you will receive further orders."

All 17 Mexicans appeared as planned at the Eiffel Tower on September 7. Though some grumbled about being kept in ignorance of their ultimate destination, they willingly flew on to Berlin. After falling on three successive days to meet anyone he recognized in East Berlin, Bravo began to worry. The future guerrillas didn't have enough money left to pay their hotel bills, and soon there would be none for meals. On the fourth day, however, as Bravo stood by the Restaurant Moscow, he felt a tap on his shoulder, and there was Gómez.

After listening to Bravo's account of the trip and the group's financial plight, Gómez said, "I will see what can be done. Walk around for a while, and meet me here in a couple of hours."

Gómez returned in mid-afternoon with about \$1000. "Tomorrow bring me passport photographs of each of the comrades, including yourself," he instructed. "We should be able to depart in three or four days. Until then, you and I will meet here daily." On their seventh day in Germany, Gómez told

Bravo: "We go tomorrow. Bring everyone to the main railway station of East Berlin at noon."

In the dark, cavernous old railroad terminal, four somber North Koreans awaited the Mexicans. They handed each a Korean passport bearing his photograph and a Korean name. In return, they required each to surrender his Mexican passport and all other papers reflecting his true identity. At 5 p.m., Gómez led the Mexicans aboard the night train to Moscow. Only after it started to move did he reveal that their final destination was Pyongyang.

To the customs and immigration officials who boarded the train at the Polish and Soviet borders, it was obvious that the Mexicans were not the Koreans their passports represented them to be. When a Soviet inspector approached, the youngest of the future guerrillas, Felipe Penaloza, nervously pulled from his pocket both his Korean passport and his Mexican draft card, which he had neglected to give to the Koreans in Berlin. "Nyet, nyet!" exclaimed the Russian, grabbing the Mexican document. But, seeing the boy's terror, the inspector smiled, patted his shoulder and walked away with the draft card. The KGB had prepared the way thoroughly.

More North Koreans greeted the Mexicans in Moscow and drove them in embassy cars to a hotel where they were confined for five days pending the flight to Pyongyang. The KGB had, of course, supervised all travel arrangements. But the trip was so contrived by them that at no time in Moscow or during the entire passage across the Soviet Union did any Mexican except Gómez converse with a Russian. To all but Gómez, it seemed that the Koreans were in charge.

"SOME COMRADES WILL DIE"

WHATEVER the Mexicans may have expected in North Korea, doubtless none anticipated the grueling regimen that awaited them. The guerrilla training camp, set in a valley between two mountain ranges some 35 miles northwest of the capital, was bleak and forbidding. It consisted of wooden barracks, a mess hall, frame buildings housing classrooms and administrative offices, and ranges for practice in small arms, demolition and hand-to-hand combat. The training day, beginning with a solid hour of exercise, lasted from 6 a.m. to 11 p.m. The trainees were told that they must henceforth forsake both sex and alcohol. Both were labeled useless and disruptive distractions from fighting. Except for an occasional visit to a circus or outing in the countryside, no recreation was provided. There were excursions to factories and villages—but only to teach the Mexicans how to destroy them.

They received zealous instruction in all the tools of terror. These included arson, explosives, karate, assassination, extortion, ambush, disguise clandestine travel, recruitment, communications and weaponry. In learning about weapons, the students practiced almost exclusively with American-made equipment. A humorless little Korean known as Comrade Lee explained why.

"In the initial phase of guerrilla warfare, you must make the enemy supply you with arms and money," he began. "To obtain money, rob banks and stores. While sustaining you, these assassinations and expropriations contribute to the terrorization of the enemy. For a time they can also mislead him into thinking he is confronted merely by common criminals."

"The Mexican army and police buy mostly American arms. They are what you will be using, at least in the first years."

The most realistic and brutal of the training exercises pitted the young guerrillas against regular elements of the North Korean army. The Mexicans were required to infiltrate military bases, sabotage guarded ve-

hicles, set ambushes, fight the soldiers with their bare hands and flee pursuing patrols. The women trainees received no special consideration, except that in the field their packs were not as heavy as the men's. Fatigue, injury or illness excused no one from the nightly seminars at which the day's lessons were rigorously reviewed.

In its harshness, the training had a purpose beyond making the Mexicans physically strong and technically proficient. The communists strove to develop each one into a disciplined fanatic, consumed by the objective of destroying the Mexican government. A senior instructor called Comrade Sung repeatedly stressed the concept of selflessness and sacrifice.

"Some comrades will die lonely deaths of wounds which cannot be attended," he warned. "Some will be imprisoned with no hope of liberation until victory. Many of you will have to discharge your revolutionary duties in the night, then work all day at ordinary jobs in which you have no interest. No matter what the hour, when the order comes to move, to bomb, to kill, you must obey instantly."

As in Moscow, Gómez was a prize pupil. But he did not really need all the tactical training. His was a higher mission of organization, planning and leadership. So, after less than three months, Gómez slipped out of the North Korean camp. Picking up \$10,000 in Moscow, he flew in early January 1970 to Berlin, then on to Mexico. There he began assembling the final contingent of would-be guerrillas.

Locked in the *Referentura*, reading the reports that charted the progress of Gómez and the *Movimiento de Acción Revolucionaria*, Netchiporenko could be proud of himself. Gómez had justified every expectation, and thereby had enhanced Netchiporenko's already glittering reputation at the KGB center in Moscow. Then the unexpected suddenly clouded Netchiporenko's prospects.

HOW MUCH DID SHE KNOW?

On the morning of February 7, 1970, Kolomiakov received a telephone call from the Soviet commercial office located in a small villa adjacent to the embassy. "Raya has vanished," an attaché said.

Immediately Kolomiakov summoned Netchiporenko to the *Referentura* and informed him that Raya Kiseinikova had apparently fled. To Netchiporenko, the news had special and terrible meaning.

The widow of a Soviet physicist who had died of radiation, Raya was 30, blond, blue-eyed, pretty and sensuous. Officially she was a secretary in the commercial section of the embassy; actually she was much more. As a student of literature, she had personally known many Russian intellectuals. Later, study in East Berlin, with opportunities to sneak into West Berlin, had given her furtive, delicious tastes of Western life. Ever since, she had continued intellectually to quest, explore and educate herself. Russian men were almost compulsively attracted to her, not only because of her seductive appearance but because she could talk to them about the world as few of their wives could. Moreover, she had about her a girlish openness that tempted men to trust and confide.

Even KGB officers felt at ease with Raya. They sometimes commanded her presence in the evening, ostensibly as a cover for some secret assignment. Usually this was merely a pretext to enjoy her company. But on occasion she did serve as a genuine decoy and thereby witnessed clandestine meetings between the KGB and its Mexican agents. A few officers flaunted their secret exploits in an attempt to impress her with their importance. Even Kolomiakov, who harbored no amorous designs on Raya, liked and relied upon her.

But the man who most trusted and confided in her was Netchiporenko himself. She

was all he yearned for in a wife, all that Lydia was not. If he had one genuine friend in Mexico, it was Raya. Now he had to ask himself tormenting questions: Exactly what had he told her in the many unguarded moments they had shared? How much did she know? Many another KGB officer had to search his memory with the same questions.

As SK officer responsible for recovering any defector, Netchiporenko immediately organized a hunt for Raya. All other business of the KGB halted while every available Russian joined the search. The corrupt ex-police official who commanded a squad of cashiered cops for the KGB was summoned. The KGB did not have to tell him what to do if his detectives found Raya. He knew that he was to retrieve or kill.

All efforts were in vain. On February 10, the Mexican government announced that Raya Kiseinikova had requested and received political asylum. The Soviet embassy demanded an interview with her, and Kolomiakov sent Netchiporenko. He was magnificent in his tender appeals. Never referring to communism or the Soviet state, he spoke of her love of Russian culture and their bond with each other. Constantly he stressed, as the KGB always does in such a situation, that if she returned now, she would be guilty of no more than a foolish peccadillo which would be promptly and permanently forgiven.

But having tasted the gaiety, liberty and promise of Mexican life, Raya had come to look upon the Russian embassy as an Orwellian ant heap. And ultimately she saw it, permeated as it was by pettiness, mistrust, fear, regimentation and conspiracy, as a microcosm of Soviet society. She began to cry. "Oleg, I am sorry, I am sorry," she said. "You must know I can never go back."

As Mexican security officers stepped forward to end the interview, Netchiporenko kissed her and left, also in tears.

KGB interrogations of embassy personnel permitted no illusions about the value of the intelligence Raya might disclose to the Mexican government. She knew that Netchiporenko had recruited some of the students who emerged as prominent leaders in the 1968 riots. She personally had accompanied Valentin Loginov to his clandestine meeting with students at the height of the riots. She had heard KGB officers brag about bribing certain magazine and newspaper editors to publish pro-Soviet stories. She could recite in clear, meaningful detail what went on inside the embassy.

But one question concerned Kolomiakov and Netchiporenko more than any other: Could Raya conceivably know anything about Gómez and the guerrillas? Strenuous reconstructions of associations, conversations and all data to which Raya might have had access yielded no evidence that she did. Neither could clandestine KGB sources discover any indication that the Mexican government had become aware of the incipient guerrilla movement. Thus, the KGB elected to let the operation continue. As the months passed without disaster, it seemed that Raya's defection would be nothing more than a minor blemish on Netchiporenko's brilliant record.

"COMRADES, WE ARE READY"

The guerrilla training in North Korea for the final 23 recruits and the 17 members of the second contingent ended in August 1970. They split into three groups for the journey home via Moscow. By late September, all were back, mentally and physically ready for their secret labors.

The morning after the last group landed in Mexico City, Gómez convened his chief deputies, including Bravo, in an apartment at Calle Medellín 27. "Our immediate objective is to increase our numbers as rapidly as possible without making any sacrifice in quality of personnel," he announced. "Once

our numbers are sufficient, we will divide into an urban guerrilla force and a rural guerrilla force. Comrades, we are ready to begin."

The *Movimiento de Acción Revolucionaria* progressed with astonishing swiftness. In less than two months it doubled in size by adding some 50 recruits spotted and screened by the first ten guerrillas who had returned from North Korea in 1969. Clandestine schools were established in Zamora, San Miguel de Allende, Querétaro, Puebla, Chapala and Mexico City. A special school for the training of future instructors was founded in Salamanca. Apartments or houses where guerrillas could hide and mount operations were acquired in Mexico City, Acapulco and Jalapa.

Some of the guerrillas took jobs; both to earn money for the movement and to cloak themselves in an aura of respectability. One of the most ruthless, Alejandro López Murillo, opened a beauty salon in Mexico City. The idea was good. The police were unlikely to look for terrorists among hairdressers or women in a beauty parlor. Neither were they likely to search parlors for weapons and explosives.

The first robbery was plotted in late November, with all the military precision learned in North Korea. López, who had worked at the Banco de Comercio in Morelia for a while, suggested the target. He recalled that about three times a month the bank sent a courier by bus to deposit U.S. dollars in a central bank in Mexico City. With the approval of Gómez, the plotters decided to waylay the courier.

Four guerrillas visited Morelia to familiarize themselves with the appearance of the courier, a thin, elderly man. One, "Comrade Hilda," remained in Morelia to watch the terminal of the Three Star Bus Company. The night of December 18, she telephoned Mexico City to report that the courier had departed on a bus due in the capital at 6 a.m.

About 4 a.m. in Mexico City, three guerrillas hailed a taxi. They knocked the driver unconscious with a pistol and, binding and gagging him, threw him on the floor of the back seat. Shortly before six o'clock, they drove to the bus station, where Bravo and two more members of the squad were waiting.

When the courier stepped from the bus, the six guerrillas saw that he was escorted by a young man they believed was a police detective. They quickly wrestled both men to the ground, then grabbed the courier's satchel, ran to the stolen taxi and escaped. Hurriedly, Bravo ripped open the satchel, passed out handfuls of dollars and stuffed some into his own pockets. Abandoning the cab, the guerrillas fled. In the safety of an apartment, Bravo counted out the money he had kept—almost \$30,000. Not until he read the afternoon papers did he learn that the total loot was \$84,000.

With money allocated by Gómez, Bravo bought a Volkswagen and a Datsun van. Gómez also sent a courier to the Texas border to purchase wigs for disguises and walkie-talkies. The remainder of the \$84,000 was allocated for weapons and operating expenses.

While his men plotted additional robberies and trained more and more recruits, Gómez scheduled the first guerrilla attack for July 1971. He planned to detonate bombs simultaneously at 15 airports, hotels, restaurants and public buildings throughout Mexico.

The explosions would proclaim the existence of the *Movimiento de Acción Revolucionaria* and a siege of the Mexican government. Each subsequent bombing, robbery and assassination would be calculated to achieve maximum shock and publicity at minimum risk. Continuing and intensifying terror, first in one part of the country, then another, would create a growing aura of guerrilla invincibility and government impotence to protect its citizens. Such an aura

could be expected to attract to the movement extremist groups and opportunists who thought to secure their future by joining the winning side. Additionally, through atrocities against police and public officials, the guerrillas hoped to provoke the government into retaliatory measures that would alienate many citizens and drive them into MAR ranks.

The movement would also gather strength in the Mexican mountains, in whose virtually uncharted areas bandits and fugitives had long found refuge. At the outset, only small raiding parties would venture out of the mountains to sabotage railways, bridges, power lines and factories. In time, organized battalions would descend to ambush army units and sack whole towns.

These terrorist tactics would be accompanied by unremitting psychological warfare. All propaganda would sound one underlying theme: the inevitability of guerrilla triumph over the "injustices" of Mexican society and government. Each attempt of the government to defend itself against the guerrillas would be seized upon as proof of its "repressive, totalitarian" character. Selected, sympathetic foreign correspondents would be invited to melodramatic interviews portraying the romance of revolution, the idealism of young men impelled by conscience to take up arms. All the while, the KGB through its worldwide resources would surreptitiously foster the impression that the masses were rising up against another degenerate Latin American oligarchy.

"THE COLONEL" ASKS SOME QUESTIONS

Then the unforeseen happened. In February 1971, an elderly constable was walking homeward outside a small mountain village some 30 miles from Jalapa. It was a long walk, and he often stopped to rest at an abandoned shack about halfway to his house. On this afternoon, as he approached, he heard voices from the shack. Looking inside, he saw four youths, one of whom was drawing a diagram on a blackboard. More out of curiosity than suspicion, the constable said, "Good afternoon, friends. What are you drawing?"

"None of your business, old man," one of the young men answered contemptuously. "Get out of here."

"Just a moment," said the constable. "I am a police officer. I have asked a proper question..."

"Get away or we'll beat hell out of you!" shouted the youth.

As two of the young men advanced on him, the constable drew his revolver. "I warn you, I am a good shot," he said. "Take the blackboard and march."

The constable delivered the four to the police. To them, the diagram was a mystery, and had the youths offered the least explanation, they doubtless would have been released. But their insolent refusal to say anything caused the police to telephone Mexico City.

The next morning, a man who was introduced only as "the colonel" arrived. He saw at once that the blackboard diagram was of electrical transmission towers—towers being marked for destruction. A gifted interrogator, the colonel soon extracted all that the four youths knew—which was not very much. They said that a "Comrade Antonio" had persuaded them to become "guerrilla warriors" so they could "fight for Mexico." He told them that he would return in a month or so to inform them of plans for their training. Meanwhile, they were to practice shooting and making bombs. One youth did remember that Comrade Antonio had mentioned a "*Movimiento de Acción Revolucionaria*." Another thought they would be trained somewhere in Jalapa. The search for an MAR hide-out in Jalapa began.

About a month later, in Mexico City, Gómez ordered Bravo to inspect the clandestine MAR center in Jalapa. Bravo took a

bus to Jalapa, and knocked on the door of the guerrilla house at Guadalupe Victoria 121. He did not recognize whoever it was that politely opened the door, but this was not surprising because by now the movement had many new members. As soon as he stepped inside, he heard a shout: "*Manos arriba, traidor!* (Hands up, traitor!)" Looking into the muzzle of a submachine gun and the fierce eyes of the man who held it, Bravo sensed that he stood very near death.

Shortly after midnight, he was ushered into a room at the police station and left alone with "the colonel." For four of five minutes the colonel stared at him silently, responding to nothing he said. Then the colonel methodically began his interrogation, and soon Bravo had told everything. The KGB had never dealt with Bravo, and Gómez had withheld much from him. But as leader of a contingent to Korea and an accomplice in the robbery, he knew a great deal, including the importance of Gómez and the location of several guerrilla centers.

Four days later, Gómez, having heard nothing from Bravo, traveled to Jalapa himself in search of him. The guerrilla house appeared dark and empty as he unlocked the front door. But suddenly a beam from a flashlight struck his face; then the lights flashed on. "Ah, Señor Gómez," said a man pointing a cocked .38-caliber revolver. "It is you for whom we have waited most."

Led away to jail, Gómez screamed curses and vows to kill all who might have betrayed him. It was useless. Within the week, the Mexican security service devastated the *Movimiento de Acción Revolucionaria*, raiding its clandestine centers, capturing its 19 most important leaders and laying traps that would ensnare many more.

"MEXICO IS GRATEFUL"

When the intelligence advisers presented their report the night of March 12, they were able to accompany it with voluminous and concrete evidence. It was the kind of proof any responsible chief of state covets on the eve of a momentous decision. Photographs showed the American M-1 rifles and 45-caliber pistols, hand grenades, cartidges, short-wave radios, even some of the money remaining from the robbery. Signed confessions and captured diaries recorded the training of the guerrillas and their plans for terror. Dossiers on Kolomiakov, Netchiporenko and Diakonov detailed their involvement and that of the KGB.

It was clear that Mexico had barely escaped grievous damage. The Russians might never have realized their ultimate goal of creating "another Vietnam." But they were only months away from achieving their minimum objective of serious social disruption. Had the guerrillas multiplied and mounted sustained attacks, Mexico would have had to waste its resources on new arms and armies. These could have been raised only at the expense of education, industrial development, transportation, rural electrification and social reforms.

"I have some thoughts," said the President. "I wish a few more hours to contemplate them. Let us meet again in the morning." As his intelligence advisers turned to leave, he called to them: "Gentlemen, you have saved your country and our people from terrible tragedy. Mexico is grateful."

On March 15, the government announced the capture of the guerrillas and indicated that arrests were continuing. The announcement shocked Mexico, but doubtless the consternation was greatest in the *Referentura* at the Soviet embassy. The ripening fruits of years of planning, hundreds of clandestine meetings, and painstaking recruitment suddenly were destroyed. And, momentarily, Moscow would be demanding explanations.

There was, however, one consolation for the KGB in the official announcement. It

offered no intimation that the Mexican government had the least suspicion of the true sponsorship of the *Movimiento de Acción Revolucionaria*. Apparently, Gómez had not talked; seemingly, Netchiporenko, Kolomiakov and Diakonov were safe.

Then, on March 17, Mexico ordered its ambassador to leave Moscow quietly. The following morning Diakonov, the Soviet chargé d'affaires, received a curt message. His presence at the foreign ministry was required immediately. Foreign Minister Emilio Rabasa greeted him with none of the customary niceties.

"The continued presence of you, Dimitri A. Diakonov, Boris P. Kolomiakov, Oleg M. Netchiporenko, Boris A. Voskoboinikov and Alexandre P. Bolchakov [the latter a KGB officer involved in recruiting students] is intolerable to my government," the foreign minister announced. "You are hereby ordered to depart the territory of Mexico immediately."

"What is the reason for this?" asked Diakonov.

"Señor Diakonov, you, I and the State Security Committee of the Soviet Union all know the reason why," replied Rabasa. "There will be no further discussion. This interview is at an end."

The expulsion of five diplomats, including the chargé d'affaires, was an extraordinary diplomatic slap in the face for the Soviet Union. Mexico was aware that whenever a nation dares to expel KGB officers, the Soviet Union retaliates with a belligerent denunciation and the arbitrary ouster of an equal number of diplomats from Moscow. However, having recalled its ambassador, Mexico now had only four diplomats left in the Soviet Union. If the Russians retaliated in kind, they would, in effect, sever diplomatic relations. Thereupon the Mexicans could order all Russians out of Mexico and close the great Soviet sanctuary of subversion once and for all. So, the Soviet Union swallowed its humiliation without protest.

Other Latin American nations rallied to the support of Mexico. Colombia and Honduras sent their ambassadors to the foreign ministry to declare their endorsement of the Mexican action. Leading newspapers throughout the hemisphere denounced the Russians and praised the Mexicans. Costa Rica consulted the Mexican government, then announced suspension of negotiations which had been expected to result momentarily in diplomatic relations with the Soviet Union.

On March 21, the expelled Russians waited at the airport for a plane home. Their enforced departure was probably regretted most by Netchiporenko, whose life had been so intimately intertwined with a country he would never be allowed to see again. But he was a good actor to the end, smiling and bantering with reporters. Kolomiakov, the KGB boss who never forgave a mistake, also was in character. Just as their flight was announced, he jumped out of line and took a swing at a photographer. His last blow in Mexico missed.

EPilogue

What happened in Mexico is merely part of a worldwide pattern of KGB subversion. Elsewhere in Latin America, and in Africa and Asia, evidence of KGB efforts to undermine other societies emerges again and again.

Last July Ecuador expelled three KGB officers after catching them trying to organize nationwide strikes through the Marxist-dominated Ecuadorean Workers Confederation. All three were "diplomats" assigned to the Soviet embassy.

In 1969, Ethiopia deported three KGB officers and three Czechs who had recruited dozens of Ethiopian students and organized them into clandestine cells. Handwritten notes and printed propaganda captured from the students showed they were being trained initially to disrupt the universities, ultimately to overthrow the government.

The Congo threw out the entire Soviet em-

bassy staff of 98 after the KGB openly supported armed rebels against the government in 1963. When relations were restored in 1968, the Soviet Union signed a protocol specifically limiting it to seven diplomats in the Congo. But, by the spring of 1970, the Soviet embassy staff had swelled to 42. Then the Congolese unraveled a KGB network that reached into the universities, the army, the Ministry of Information and the National Documentation Center. Four KGB officers were expelled, and the embassy was again cut down to size.

In April 1968, Colombian police, alerted by Mexican authorities, searched two couriers at Bogotá airport and relieved them of \$100,000 which they had received from a KGB officer in Mexico. Eventually, the communist couriers admitted that the money was destined for the most murderous band of terrorists in Colombia, the *Fuerzas Armadas Revolucionarias*.

Increasing terror in Turkey culminated this year in a series of kidnappings and the murder of the Israeli consul general. Police ascertained that some of the students behind the terrorist acts had undergone clandestine training in neighboring Syria. Further investigation established that the training had been arranged by a Soviet "diplomat" in Damascus, Vladimir Shatrov, and his Russian "chauffeur," Nikolai Chernenkov.

From Ceylon to the Sudan, from Argentina to Yugoslavia, Soviet embassies continue to spawn subversion. All the while, the Soviet Union publicly affects rectitude and professes friendship. The day after Mexico expelled the five KGB officers, the Soviet embassy in Mexico City issued a statement of aggrieved innocence: "We do not understand, we cannot explain the measure taken by the Mexican government."

THE LATE HON. JAMES G. FULTON

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. EILBERG. Mr. Speaker, while in Philadelphia for the funeral of a beloved uncle, the news of the death of Jim Fulton reached me. It was indeed a sad day.

The Honorable James G. Fulton was universally recognized as a distinguished newspaper man and a highly respected Member of Congress, who served long and well his city, his State, and his country.

But most Members will have, as do I, personal and very special memories of Jim Fulton. Perhaps it was that not only did he seem to be interested in matters which he knew personally concerned us, he always found the time to help.

It was he who arranged for one of our fine astronauts to go to my home city of Philadelphia last March to speak before a gathering of Boy Scouts. Because of his contacts at a certain embassy, it was he who was helping an elderly gentleman from my district to get back to his native land "before the snow flies" for a last visit there. And it was Jim Fulton's office that called from Pittsburgh 3 days before his death to see how the old gentleman was making out with his visa.

And there were others in my district who benefited because of Jim Fulton—because he cared.

And because he cared, Jim Fulton made it a better world.

THEOLOGIANS OPPOSE PRAYER AMENDMENT

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. DRINAN. Mr. Speaker, I wish to bring to the attention of my colleagues the following highly relevant letter and statement which I have received in opposition to House Joint Resolution 191, the so-called prayer amendment.

The distinguished deans and presidents of our foremost theological seminaries do not ordinarily take public positions in connection with matters before the Congress. Their statement on this issue is, therefore, particularly significant:

UNION THEOLOGICAL SEMINARY,
New York, N.Y., November 1, 1971.

DEAR FRIENDS: It is reported that The Prayer Amendment will soon be before you for vote.

As leaders of religious institutions, we want you to know that many of us are emphatically opposed to this amendment for the reasons indicated on the enclosed statement.

We ask you, please, to read the statement and urge you to vote against the amendment. And we wish also to express our appreciation for your ministry in Washington on our behalf.

Gratefully,

J. BROOKE MOSLEY.

STATEMENT OF OPPOSITION TO PRAYER AMENDMENT

We, the undersigned, are presidents of theological seminaries and deans of divinity schools who urge you to oppose the "prayer" amendment, H.J. Res. 191. Though its proponents doubtless mean well, they can do great harm to religion and freedom of religion in this country through this amendment, which, to use the words of the Jesuit weekly *America*, is an "ill-written mischievous and misconceived proposal."

The institutions which we serve are devoted to theological education in the Judeo-Christian tradition, open to religion in all its forms, and involved at every level with a pluralistic society. Our institutions have flourished under the First Amendment of the Constitution and would be threatened by the proposed amendment to it.

We understand prayer to be the personal or corporate expression of belief by believers and belief is specific. There is no such thing as general faith. Prayer is the expression of a believer's (or body of believers') specific understanding of what is ultimately real, and of his relationship to it. It would be beyond the ability of any one of us to write a pluralistic prayer, and unthinkable for the state to recommend its use, even in the most optional way. It could not be prayed with integrity either by the believers or the unbelievers. It could only become a 'pro forma' exercise and thus do violence to the individual conscience.

This is not to say that we oppose the objective study of religion as part of the educational process. Indeed, we recommend the reading of the Holy Bible and other religious literature, the discussion of religious values, the posing of religious questions as a necessary part of academic instruction vital to any understanding of the human situation. But study is different in character from prayer, and we urge the members of Congress to recognize this distinction and to oppose any efforts to modify, enlarge, diminish, clarify or improve the First Amendment to the Constitution:

J. Brooke Mosley, President, Union Theological Seminary, New York.

Colin Williams, Dean, Divinity School, Yale University, New Haven.

Christopher F. Mooney, S.J., President, Woodstock College, New York.

George W. Webber, President, New York Theological Seminary, New York.

Edward R. Harris, Dean, Philadelphia Divinity School, Philadelphia.

Walter Harrelson, Dean, Divinity School of Vanderbilt University, Nashville, Tennessee.

Frederick Wenz, President, Hama School of Theology, Wittenberg University, Springfield, Ohio.

Thaddeus F. Zielinski, Prime Bishop, Howard University School of Religion, Washington, D.C.

Joseph M. Kitagawa, Dean, University of Chicago Divinity School, Chicago.

Thomas C. Campbell, Dean, Episcopal Theological School, Cambridge.

Louis J. Putz, C.S.C., Rector, Moreau Seminary, University of Notre Dame, Indiana.

John H. Tietjen, President, Concordia Seminary, St. Louis.

W. B. Blakemore, Dean, Disciples Divinity House, University of Chicago.

Michael Allen, Dean, Berkeley Divinity School, Yale University, New Haven.

Marshal L. Scott, President, McCormick Theological Seminary, Chicago.

David J. Draewell, President, Gerald L. Borchert, Dean, North American Baptist Seminary, Sioux Falls, South Dakota.

Don W. Holter, President, St. Paul School of Theology, Methodist, Kansas City, Missouri.

Marilyn W. Northfelt, President, Garrett Theological Seminary, Evanston, Illinois.

John L. Knight, President, Wesley Theological Seminary, Washington, D.C.

Albert C. Winn, President, Louisville Presbyterian Theological Seminary, Louisville, Kentucky.

James D. Glasse, President, Lancaster Theological Seminary, Lancaster, Pennsylvania.

Walter G. Muelder, Dean, Boston University School of Theology, Boston.

Fred W. Meuser, President, Evangelical Lutheran Theological Seminary, Columbus, Ohio.

W. Sibley Towner, Dean, Dubuque Theological Seminary, Dubuque, Iowa.

Ira Eisenstein, President, Reconstructionist Rabbinical College, Philadelphia.

Joseph D. Quillian, Jr., Dean, Perkins School of Theology, Dallas.

Roy Pearson, President, Andover Newton Theological School, Newton Center, Mass.

Beauford A. Norris, President, Christian Theological Seminary, Indianapolis.

J. Bruce Behney, Acting President, United Theological Seminary, Dayton, Ohio.

WATER POLLUTION CONTROL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. RARICK. Mr. Speaker, I have recently received correspondence from the Honorable John J. McKeithen, Governor of the State of Louisiana, dealing with the official position of the State of Louisiana with respect to national water pollution control legislation now being considered in Congress.

I include Governor McKeithen's letter and enclosure in the RECORD at this point:

STATE OF LOUISIANA,
EXECUTIVE DEPARTMENT,

Baton Rouge, La., November 3, 1971.

HON. JOHN R. RARICK,
U.S. Congressman, House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: The State of Louisiana is active as a member of the Environmental Committee of the Southern Governors' Conference. At a recent meeting of a Spotlight Conference on the Environment sponsored by the Southern Governors' Conference a statement of policy was drawn up by the many technical experts and governors' representatives in attendance, which reflects the basic position of the states in the Southern Conference with respect to national water pollution control legislation now being considered in Congress.

Attached hereto is a copy of the statement developed at the Spotlight Conference. As Governor of the State of Louisiana, I would appreciate your support in making Congress aware that the positions and proposed changes presented in this statement as a means of rectifying unsatisfactory sections in pending legislation is the official position of the State of Louisiana.

With best personal regards,

Sincerely yours,

JOHN J. McKEITHEN,
Governor of Louisiana.

STATEMENT ON NATIONAL WATER POLLUTION CONTROL LEGISLATION ADOPTED BY THE SPOTLIGHT CONFERENCE ON THE ENVIRONMENT, SPONSORED BY THE SOUTHERN GOVERNORS CONFERENCE, OCTOBER 1, 1971

The Conference lauds Congress for the importance it has attached to the national effort to control water pollution, and encourages the Congress to continue its in-depth study of performance at both the State and Federal levels.

Very significant accomplishments have been made during the past five years under current Federal and State legislation. The Conference urges Congress to move forward by building on those accomplishments. It is unlikely that new laws with different goals and different strategies will speed progress. Rather, it is more likely that such action will destroy the momentum that has finally built up after years of effort.

The Conference is convinced that neither the federal government nor the individual states embarked on independent programs will be able to conduct separate water pollution control programs which will in an effective and efficient manner meet public expectations. We believe that improvement in federal-state relationships is desirable and that Congress could provide the avenue for that improvement through modifications of existing federal laws.

In light of the foregoing, the Conference is concerned that the thrust of current proposals under consideration in the Congress will inadvertently lead to further deterioration of relationships. Unless the underlying structure of government in the United States is changed drastically, it is evident that the states must play a very significant role in water pollution control. Exercising their police and welfare powers, the states are uniquely endowed with the necessary sovereign authorities. This, coupled with knowledge of local mores and priorities, indicates a primary role in such functions as the administration of permit systems, the establishment of receiving water and effluent standards, the determination of waste water purification requirements and the basic enforcement duties.

The magnitude of projected expenditures coupled with the need for concerted and effective action dictate a strong planning role for both state and federal governments. However, there is little likelihood that plans

will be adopted unless they are developed with full participation of local governments.

On the other hand, the federal government is better equipped to serve in the role of supporter and overseer. The federal government should provide high level technical assistance, provide a national system for storage and retrieval of basic data, support research in government and universities, provide for training of scientists and technicians, provide adequate financial assistance, and enforce interstate standards.

It is desirable and inescapable that the states follow the course set by the federal government. Therefore, it is extremely important that the federal government advocate efficient goals and policies, and follows a dependable and consistent course of action.

The Conference believes that the national effort will be furthered if the federal government uniformly monitors states' activities to insure that they are effective and the Conference supports the concept that the federal government should step in when a deficiency cannot otherwise be satisfied.

We believe that a fair appraisal of the national water pollution control effort during the past few years would lead to the conclusion that many major delays and shortcomings can be traced in large measure to the failure of the federal government to perform in the functions narrated above. We are concerned that some of the proposals coming to our attention would move the federal government deeper into the front line responsibilities of the states while tending to ignore the major responsibilities that only the federal government can efficiently fulfill.

The weight of the legislative proposals coming to the attention of the Conference do not attain the proper balance between state and federal efforts. In our opinion many of the proposals place the federal government in a dominant role with the states relegated largely to the role of puppet. That position does not provide the freedom necessary for the states to make the valuable contributions that they are uniquely capable of making.

The most serious objections are the reduction of the state's role and the vesting of sweeping powers granted to the administrator of the Environmental Protection Agency. Rather than strengthening the nationwide effort, these moves would demoralize the states and place in the administrator far more authority and responsibility than could be assimilated within any reasonable time frame. The result would be unwarranted delay in achieving the goal of effective control and enhancement of water quality.

The Conference believes that the administration of discharge permits, or the equivalent thereof, is one of the most critical issues that Congress should face in connection with the amendments to the Federal Water Pollution Control Act. We believe that this issue has extremely important consequences in terms of federal-state relationships and also in terms of the longer range aspects of state water pollution control programs. The intrusion of the 1899 Act administered by the U.S. Corps of Engineers has created difficulties, increased work, and in some instances promoted delay in implementing schedules. Proposals to perpetuate a federal permit system by simply transferring the 1899 authority to the Environmental Protection Agency, while laudatory in the sense that one federal agency is eliminated, does nothing to reduce or correct the present dilemma. Instead of basing the permit system on the Refuse Act of 1899, the Conference proposes that a fresh start be initiated through the establishment of a waste disposal permit system adminis-

tered by the states and backed up by the federal government.

The system would function through programs established under state laws with the provision that the state programs meet minimum standards set forth in the federal legislation establishing the system. Each state would administer a permit program except where a state refuses to do so or where its program would not meet the requirements of the federal legislation. In those situations, the Environmental Protection Agency would be required to implement a system meeting the requirements of the legislation.

This alternative approach is contained in the proposal submitted to the staff of the Senate Public Works Committee through the office of Daniel J. Evans, Governor of the State of Washington. The Conference endorses Governor Evans' proposal in principle and urges the members of the Southern Governors' Conference to support the permit system proposed by Governor Evans by appropriate communication with their respective congressional delegations.

While this statement has singled out the permit issue, many other proposals coming to the attention of the Conference cause concern and in some instances, strong opposition. It is recognized that these proposals have not yet been embodied in proposed legislation and, in fact, some of the proposals in themselves are self-contradictory.

The pollution control administrators in the states comprising the Southern Governors' Conference stand ready to work with and assist the Committee staffs and the members of Congress in the development of crucially important water pollution control legislation.

A DIRTY GAME

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. ARCHER. Mr. Speaker, I call the attention of my colleagues to an editorial in the Dallas Morning News entitled "A Dirty Game" which comments on today's climate when the President of the United States fills vacancies in the High Court.

The editorial says:

The liberals have succeeded in making the nomination and confirmation process for the Supreme Court a political inquisition. Once a relatively routine procedure for confirmation of a President's appointments, the process has now become a carnival of character assassination. The object of the new game of "get-the-nominee" is to make the victim rue the day he was nominated, if not the day he was born.

This timely commentary is attached:

[From the Dallas Morning News,
Oct. 13, 1971]

A DIRTY GAME

The liberals have succeeded in making the nomination and confirmation process for the Supreme Court a political inquisition.

Once a relatively routine procedure for confirmation of a president's appointments, the process has now become a carnival of character assassination. The object of the new game of "get-the-nominee" is to make the victim rue the day he was nominated, if not the day he was born.

The game was played so successfully in birching the reputations of two previous court nominees from the South that the players now begin slinging mud even at those whose names are merely mentioned as possible nominees.

Abe Lincoln once told a story of a man who had been seized by a mob, beaten up, tarred and feathered and then ridden out of town on a rail. The man's last comment was, "If it weren't for the honor of the thing I'd just as soon they'd left me out of this."

For many men who have spent a lifetime in public service, the honor of being nominated to the Supreme Court must be balanced off against the certainty that their families, their good names and their careers will be smeared and vilified from coast to coast. It seems more than likely that many good men will agree with Rep. Richard Poff that the honor isn't worth it.

The purpose of all this has nothing to do with the advertised claim that the pressure groups and their mouthpieces are merely seeking to maintain the high ethical standards of the court. Their championing of the present Justice Douglas and the former Justice Fortas indicates that their ethical standards can be exceedingly elastic when the choice is one of their own.

The purpose is to prevent President Nixon from exercising the right of appointment which his victory at the polls and the Constitution give.

Conservative writer Bill Buckley has suggested that the pressure groups are implying that they will ease up on their minority veto and allow the President to name one choice of his own if he will buy them off by appointing one nominee of their own choosing. If Buckley's assessment is correct, no doubt this "bargain" would be sold to the public as just routine political compromise.

But in fact this type of bargain falls in about the same category as an armed robber's offer to let the victim keep his life if he will hand over his money.

It is true that with the power to obstruct given them by the minority veto, those who play this game have a useful weapon. But the game can be played by more than one side. The minority veto can be exercised by more than one minority or organized pressure group.

The liberals were quick to cry for respect for the spirit as well as the rules of the system when it was working to their own pattern. Now that the voters have put a comparatively conservative president in office, some liberals seem ready to throw a monkey wrench into the gears. The danger is that other partisans and pressure groups may decide that they, too, can get their way through obstructionism.

If that happens, the operation of the democratic system will be brought to a grinding halt and the minority veto will have destroyed majority rule as an effective principle in our national government.

PALMER COLLEGE PRESIDENT MAKES CASE FOR COMMUNITY COLLEGES

HON. MENDEL J. DAVIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. DAVIS of South Carolina. Mr. Speaker, one of the leading figures in the city of Charleston, S.C., within the first district, the Honorable Charles Palmer, has made what I consider a very strong point for the advancement of junior colleges. Doctor Palmer, long a pioneer in the field of local secondary education, recently appeared before the Community College Study Committee and made a very good case not only for

Palmer College, but for all other junior and community colleges in the State. The text of the statement follows:

STATEMENT BY CHARLES E. PALMER

My name is Charles E. Palmer and I have served as President of Palmer College since its founding in 1954. I deeply appreciate the invitation to meet with you today and this opportunity to discuss the possibility of a community college system for South Carolina.

Palmer College, and all other independent and church-related colleges, must be vitally interested in the work of your committee and the recommendations it will make to the 1972 General Assembly. Since Palmer College was founded and has operated successfully for seventeen years as a "community college," the shape of things to come is of tremendous importance and significance to us. Your recommendations, and subsequent actions based thereon by the General Assembly, may determine whether or not there will be any private junior colleges in South Carolina in the years ahead.

To give you a brief presentation on the future role of Palmer College as we now see it, we must first tell you how we came into being and what is our present role.

Palmer College was chartered by the state of South Carolina in June, 1954, as a non-profit independent junior college. From its very beginning, Palmer College has been occupationally-oriented and student-centered and its primary objective through the years has been to provide educational opportunities to all those who live in the communities served by the College.

In the early years, the College concentrated on business programs but has developed into a comprehensive community college offering four college transfer programs leading to the Associate in Arts Degree. Four programs in General Business and Accounting lead to the Associate in Business Degree. Two programs in Police and Correctional Administration lead to the Associate in Criminal Justice Degree. Five programs in Secretarial Science and Office Administration lead to the Associate in Business Degree. This year, a new Associate in Human Services Degree program is being offered. Other programs are being studied and will be added to the Palmer College Curriculum as deemed desirable and feasible.

Palmer College operates two campuses—in Columbia and Charleston—and will provide educational services to approximately 2,500 students during fiscal year 1971-72. Over 95% of these students will be from South Carolina. The institutional budget this year is slightly less than \$2,000,000. The College is dependent almost entirely upon revenues from tuition and fees, and has developed a significant student financial aid program, utilizing both Federal aid programs and College resources. The College has no endowment and receives no church or other support.

Our application for regional accreditation as a general purpose junior college has been accepted by the Southern Association of Colleges and Schools. The Evaluation Committee was on-campus in February, all necessary reports and responses have been submitted, and action on the application is to be taken by SACS during its annual meeting the week after Thanksgiving.

Palmer College has recently purchased and is now developing a beautiful new 27.5 acre campus in Columbia, and expects to occupy a new \$1,680,000, 52,000 square feet, academic building by 1973. A new \$600,000 dormitory-apartment building housing 120 students was occupied in September. Caughman Hall, a multipurpose building, is in process of modernization and expansion, and construction will be complete by November 15. A new campus for Charleston is planned. A long-

range planning study will be completed by December 1, giving the College data and projections to guide future growth.

Projections for Palmer College during 1970-1980 call for an increase in enrollment to 1,400 full-time and 1,800 full-time equivalent students by 1974. By 1980, the full-time enrollment is estimated to reach 1,800 and the full-time equivalent enrollment is estimated to reach 2,500 students. Total head-count is expected to exceed 5,000. These are conservative estimates which assume little or no change in the present two-year college situation in South Carolina. The student body is approximately 38-40% black and the student body attitudes and relationships are excellent with no evidence of racial or other disharmony.

The next three years will see the addition of 8 to 10 new associate degree programs at Palmer College. Broader offerings in Adult Education are planned. Palmer College currently offers off-campus classes at five locations and plans 6 to 8 additional off-campus locations within the near future. Thirty-four full-time and twenty-three part-time faculty are employed regularly and the total is expected to reach one hundred twenty-four teachers by 1980.

Investment in Plant amounted to \$754,000 at December 31, 1970, and is expected to reach \$1,500,000 by December 31, 1971. By 1980, the total investment in Plant is expected to be well above \$10,000,000.

Palmer College was established as a Junior College with an "open door" admissions policy years before there were any publicly-supported two-year colleges in South Carolina. From inception, it was intended that when the time was right for the establishment of a publicly-supported Junior or Community College System in South Carolina, Palmer College would become a part of that system and continue serving the Charleston and Columbia areas and the entire state. Palmer College has for years been doing what the community college system is intended to accomplish.

The following statement has been formally adopted and subsequently reaffirmed by the Board of Trustees of Palmer College.

"Role and Scope: Palmer College conceives its role for the decade 1970-1980 as that of a general purpose junior college offering occupational and college transfer programs to serve the needs of the people of South Carolina through its two resident campuses in Columbia and in Charleston, and through off-campus classes conducted throughout the State wherever the College can meet a demonstrated need."

It was against this background, and with the encouragement of the then Executive Secretary of the Commission on Higher Education, that Palmer College in October, 1967, was offered as an outright gift to the State of South Carolina for the express purpose of serving as the nucleus for a state system of junior colleges. The State Budget and Control Board referred the Palmer College offer to the Commission on Higher Education for study and consideration of the factors and details which would be involved in acceptance of the offer.

The offer still remains open at the suggestion of the Commission on Higher Education. Palmer College, of necessity, has proceeded with its plans for increased students, programs, and facilities. The institution has great capacity for growth and has been in the forefront of development of two-year college offerings in South Carolina. Given the opportunity, Palmer College can and will be a major factor in a leadership role in the development of a system of two-year colleges to meet the needs of all the people of South Carolina.

What is the future role of Palmer College? It may be one of significant achievement—a leading role in the development of increased educational opportunity for all in

our state. Or it may be a hard struggle for existence requiring major changes in objectives and basic institutional purposes.

The future role of Palmer College will depend largely upon the recommendations of your committee and the legislative actions by the General Assembly which are expected to be based thereon.

VIEW OF THE SHAPE A COMMUNITY COLLEGE SYSTEM, IF ANY, SHOULD TAKE TO MEET EDUCATIONAL AND TRAINING NEEDS OF SOUTH CAROLINIANS

1. The General Assembly should adopt a statewide plan for the operation and administration of all two-year post-secondary educational institutions in South Carolina. It should be articulated with and a part of the higher education master plan for South Carolina.

2. All plans adopted by the General Assembly and all policies promulgated by the Commission on Higher Education and other State agencies should recognize private institutions, both junior and senior, as being assets of the state with truly substantial values and desirable capabilities which should be conserved and fully utilized for the benefit of all the people of South Carolina.

3. All private educational institutions, junior and senior, should be afforded the opportunity to participate in all plans and programs for higher education as equal partners. This has particular reference to various Federal programs and funds from which private institutions are effectively excluded at present.

4. Student financial aid in the form of grants, loans and work opportunities should be made available to all students under regulations which would provide aid in some form to all students from all economic levels sufficient to allow all students to attend the institutions of their choice, whether public or private.

5. Some form of institutional support should be provided in the most desirable manner legally possible in order to establish and maintain acceptable levels of quality in programs and facilities at private institutions, thus eliminating the very real possibility that, if such aid is not provided, the State will have to assume the responsibility for providing replacement facilities and programs at immeasurably greater cost to the taxpayer.

6. South Carolina should have its own plan for two-year institutions and educational opportunities, and not a copied version of what has been attempted in other states. A "community college system," as generally understood in academic circles, may not be the best plan for South Carolina.

7. A feasible plan would make provision for the establishment of junior college districts or regions throughout the State, with local boards which would have responsibilities for all two-year, post-secondary, institutions within the district or region. Such a plan would permit district or regional determination of the educational opportunities to be provided within the jurisdiction. For instance, one junior college district in an urban area might provide several separate facilities for technical education, allied health sciences, college parallel programs, and other specialized areas of significance, with each providing a core curriculum of liberal arts and general education courses. Another junior college district in a rural area might have only one facility offering therein those programs and only those programs for which the jurisdiction has a proven need. These might include forestry, agriculture, agri-business, and many other programs not needed in urban institutions. Flexibility and responsiveness to local needs should characterize these districts or regions and their local boards.

8. A sub-division of the Commission on

Higher Education should be provided for state-level coordination and control of two-year post-secondary institutions.

9. It should be clearly enunciated by the General Assembly that no publicly-supported institution will be established or permitted in future in any area where a private institution already exists, without first having a thorough study performed by a competent independent agency to determine the effect such new public institution would have on the existing private institutions and/or other public institutions which may already be in operation in the area.

10. It should be required that consideration be given and negotiations be conducted to determine whether or not it would be possible and in the best interests of all the people for the State to acquire those private junior and/or senior colleges already existing in areas where new or expanded public institutions are proposed, and that such actions be completed before any commitments are made concerning any additional educational facilities within those areas. Contracting with private colleges and exchanges of faculty and students should be encouraged.

11. Funding of both two-year and four-year colleges and universities should be primarily a State function with some measure of local district or regional support, and with some measure of student support through tuition and fees. Such funding should take into consideration and provide for adequate student financial aid (point 4) and institutional support (point 5) to the end that state, local, and student funds be effectively utilized to the maximum extent possible. Existing public and private facilities and capabilities should be utilized to the maximum before any new facilities are undertaken.

I deeply appreciate your courtesy in permitting this long but very concerned and sincere expression of the views of Palmer College on the subject which is the mission of your committee.

CHINA VOTE AND THE U.N.

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. MICHEL. Mr. Speaker, on Tuesday of this week the Peoria Journal Star published what I consider to be an excellent editorial on the political base of the U.N. and the China vote. I believe my colleagues will be interested in reading it.

[From the Peoria Journal Star, Nov. 2, 1971]

U.N. BASE A FRAUD

The actual repercussions of the UN vote on "China" have only just begun, because the greatest of these will arise from the new conditions and background that have been created rather than from the event itself.

The simple fact is that the vote was one of pure political expediency of the sort that repeatedly makes the U.N. as a glorious symbol a complete fraud.

No conceivable principle could be invoked as the explanation for voting to exclude Taiwan, a country of fourteen million people.

If we invoke the principle that de facto governments, such as that of Red China, ought to be included simply because they exist and we must deal with reality, we should vote to let Red China enter—and that is an acceptable principle.

However, as often as it has been invoked in argument over the years by Canada and others of our "friends", it is grossly violated

when concurrent with letting China enter, they vote to kick out a "de facto" country of fourteen millions.

Is it a matter of size?

Then more than half of those who voted to exclude Taiwan ought to get out themselves, because they are smaller than Taiwan.

Is it because the government of Taiwan is not regarded as truly representative of the people of that island country? Then, again, half of those voting to kick her out ought to be kicked out, themselves.

No, what was involved was pure, raw power politics—in that Red China demanded Taiwan's expulsion, and many countries would rather pay that blackmail to the giant than stick on principle to the midget.

There is no other excuse for the vote, and the countries of Western Europe, Canada, and Mexico joined the leftist bloc for it under conditions whereby they simply humiliate themselves by knuckling under to the "conditions" demanded by Red China.

They have tried to excuse it by saying that Taiwan was originally a part of China and "split off". (Would you accede to Manhattan island being separated from the U.S.?) That is pure bunk. Taiwan was one of many areas and people, different from the Han-Chinese, who were conquered at one time or another by one or more Chinese Emperors, and that bestows no "natural right" whatever in 1971.

This is the heart of the matter—the vote was completely amoral.

It was made easier for many, including Mexico, Canada and the Common Market countries because Nixon was negotiating with Red China and they could pretend "he didn't really care", and easier still because they were all suffering and screaming from the U.S. "surcharge" against their exports to America—although most of them have been putting like sanctions on U.S. exports to their own countries for many years.

The fact remains that it underlines the fact that the political base of the UN is largely a fraud.

As such, it will revive the awareness that Russia has three votes and the U.S. but one—the same as a staggering number of nations smaller than the state of Illinois and not a few no larger than the Peoria metropolitan area.

The vote system is a fraud.

The financing leans very heavily from the beginning on the U.S. Hence, the financing is a fraud. "Multilateral aid" really means U.S. aid taken from the sweat of U.S. taxpayers but dispensed in the name of the UN—another fake and fraud.

It is this persistent element of fakery that has made the glorious symbol of man's dreams so shabby in the reality.

We knew it was "imperfect" when it was organized, but it was a "step". After 25 years, however, instead of improving and reforming, it has become worse instead of better in its principles as practiced and in its political composition out of all representative reason, and in its financial fakery.

There are those who will begin to think that no genuine, meaningful international organization can possibly develop from this mess, and that its dissolution will be the first step towards a sane reorganization.

There will be a review of its many falsities and failings, and a receptive audience in the United States.

These two factors will now be in the background of every event, together with a complete disillusionment of looking to the UN for a just or workable solution to any international problem from the Suez canal to the Far East.

And that is why the repercussions have hardly begun.

The UN is in every serious trouble from this day forward—and it did not happen in a day. It has been working itself into that position steadily for a very long time.

It has utterly failed to act in a manner that would promote the one great asset that was available to it—a world-wide moral force.

Morality has nothing to do with its decisions, and that has become all too brilliantly obvious.

C. L. Dancey.

JOHNNIE McKEIVER WALTERS,
MAN OF THE YEAR

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. MANN. Mr. Speaker, my hometown of Greenville, S.C., has boasted many distinguished sons—giants among ordinary men, if you will—who have risen to heights of excellence in every facet of our national existence. Each year, the Greenville Chapter of the Society for Advancement of Management honors one of its outstanding citizens by conferring upon him its coveted "Man-of-the-Year" award.

This year's recipient is known to all of us as the Nation's No. 1 tax collector and enforcer of the wage-price freeze, the Commissioner of Internal Revenue, Johnnie McKeiver Walters. His confirmation by the Senate earlier this year constituted another achievement in a long and illustrious career in the legal profession and government service. His life has been a record of accomplishment, as documented by the following citation which was presented to him on October 28 by the Greenville Chapter of the Society for Advancement of Management:

JOHNNIE McKEIVER WALTERS—A SOUTH CAROLINA GENTLEMAN AND PUBLIC SPIRITED SERVANT

As the son of a South Carolina farmer, you early learned the value of hard work and acquired the habits of self-direction and self-support. As a result, you worked your way through Furman University.

You served your country gallantly in World War II, successfully completing fifty missions for which you earned the Distinguished Flying Cross, the Air Medal with Clusters, and the Purple Heart.

As a graduate of the Law School of the University of Michigan you began to establish the pattern of your career by working as an attorney in the Chief Counsel's office within the Internal Revenue Service. Your potentials were recognized as you progressed to Assistant Head of the Legislative and Regulations Division.

Being unwilling to carve a narrow set of experiences, you left the IRS and for eight years served in the Legal Department of a major U.S. corporation. You then successfully demonstrated your professional skills by engaging in the private practice of law in your native state.

As a practicing attorney in Greenville, you were actively engaged and provided leadership in community and professional affairs, serving the United Fund, the Symphony Association, the Little Theatre, the Rotary Club, the Greater Greenville Chamber of Commerce, and the Greenville County Bar Association. You were Chairman of the Tax Section of the South Carolina Bar Association, and Chairman of the Southeastern Liaison Tax Committee.

With such a distinguished record of service and professional experiences, you at-

tracted the attention of the President of the United States and received an appointment as Assistant Attorney General, Tax Division, United States Department of Justice. In this role you further distinguished yourself to the extent that this year you were appointed Commissioner of Internal Revenue by President Nixon, an appointment confirmed by the U.S. Senate on August 4, 1971.

As Commissioner, you are responsible for planning and developing policies of the IRS and administering its seven regions and fifty-eight districts. You have arrived at this point in your career by demonstrated excellence in previous assignments and with an established reputation for fairness in all public and private dealings.

In arriving at this major management challenge in your career, you have reflected credit on yourself, your native state, and upon all people who value good and equitable government. Not only for what you have done, but also for what you will do for your country, the Greenville Chapter of the Society for Advancement of Management proudly recognizes you as its Man-of-the-Year.

Since it carries a message for all of us who are affected by the economic stabilization effort, I give you now a summary of Johnnie Mc. Walters' acceptance speech which also reveals a great deal about the "Man-of-the-Year" himself—his sense of modesty, charity, sensitivity and dedication to duty.

The summary follows:

INTERNAL REVENUE SERVICE AND THE ECONOMIC STABILIZATION PROGRAM

INTRODUCTION

It always is a great pleasure to return to one's home town. It's doubly so when one's friends and neighbors are honoring him.

We naturally are proud and happy to be named Greenville's Man of the Year for 1971. If this related to a fiscal year, we presume the award might relate primarily to our endeavors at the Department of Justice. But, we hope it relates to a calendar year so that we can include our Internal Revenue Service efforts as well.

John Donne said no man is an island unto himself. Likewise, no man can be "Man of the Year" all by himself. We could not have advanced to our present state without the continuing encouragement and help of parents, family, teachers, and friends. I am a very fortunate man. Mom and Dad were wonderful parents. I could not ask for a better wife, or greater children. And, during my school days, I was fortunate enough to study under some master teachers—in high school, J C Hungerpillar, Helen Baker, Katherine Lee; at Furman, both of the Gilpatricks, Nick Mitchell, and others; at the University of Michigan, Paul Kauper, Paul Leidy, Layland K. James. Friends—we could name dozens, but we must mention Dr. B. E. Geer of this city, and Mr. A. L. M. Wiggins and Mrs. David R. Coker of my native home of Hartsville. Further, we cannot overlook our associates in work—particularly those in the two great Government departments: Justice and Treasury. So, in a sense, an award of this nature has to be symbolic. Accordingly, tonight we accept and thank you for this award as reflecting credit upon all those wonderful people who have helped us reach this point. We wish each one of them were here to share in this occasion, and we're particularly happy that my aunt is here. Also, we're happy my best girl Donna is here, and that Dee Dee can be with us tonight. Our other three children would like to be in Greenville also.

IRS—TRANSITION

We have been Commissioner of Internal Revenue for almost three months now. In

the two and a half years before that it was our privilege to serve as Assistant Attorney General in charge of the Tax Division of the Department of Justice. In that role, we had a continuing opportunity to develop a close working relationship with Internal Revenue.

My first exposure to the Service, of course, came in the early 1950's when we worked in the Chief Counsel's office. Then, in corporate practice in New York and later in private practice here, we were in frequent contact with the Service as we represented our clients.

With this background, we had supposed that the transition from the Department of Justice to the IRS would be a smooth one—something like a riverboat captain taking the wheel from the pilot when the ship is safely away from shore and in deep water. That, however, was not the case. Just days after we arrived at IRS, the President announced the wage-price freeze, and virtually overnight the Service was deeply involved in the program to stem inflation and revitalize the economy.

Unlike the Reverend Billy Graham, who says he has only one quarterback, in this program the Internal Revenue Service is not so blessed. In this extremely vital program, we have been working for Secretary Connally; Arnold Weber, Executive Director of the Cost of Living Council; and General Lincoln, Director of the Office of Emergency Preparedness. Even so, the Service performed its roll well—maybe too well, because we have been selected to be No. 1 in Phase 2!

STABILIZATION ROLE

Why did the President pick the Internal Revenue Service to play a major role in coordinating and administering this new program. First of all, the Service is an organization of more than 65,000 employees carrying out a number of really quite distinct activities. In addition to auditing returns and collecting taxes, we regulate the liquor industry, we administer the laws on gun control and explosives, we wage war against organized crime, we investigate bribery attempts, and so on. Our employees tend to be well educated and well trained.

For example, we have over 13,000 professional accountants, thousands of lawyers, and a good sprinkling of many other professions, from architects to petroleum engineers.

We have long experience, considerable know-how, and stability in administering our voluntary self-assessment tax system. And while no one loves a tax collector, nevertheless, Americans respect IRS as an organization with high integrity.

The success of the President's Economic Stabilization Program naturally depends upon voluntary compliance. The very nature of our tax system and our administration of the system affords the Service a knowledge of and relationship with the business community, and a familiarity with business practices and problems. This is uniquely valuable in the program designed to revitalize the economy. Of great importance, because the Internal Revenue Service believes in decentralization and a grass roots approach, we have offices across the breadth and length of the country. All told, we have around 900 local offices, some of them very small it is true, but all of them representing a physical presence in the community.

In collecting more money from more people with fewer employees than any other country in the world, we contact a large number of citizens and businesses. Of the \$200 billion we collected last year, we had to collect only 3% by direct enforcement measures. But the Service cannot claim all the credit—or even most of it. Under our system, the American citizen assesses and pays his own taxes, with minimum enforcement by the Government. A great part of Internal Revenue's efforts therefore are devoted to programs designed to acquaint taxpayers with the responsibility

so that they themselves can make their returns and pay their taxes.

The President announced the Wage-Price Freeze Program in exactly this spirit—a program aimed at improving the lot of Americans with Americans voluntarily administering the Program. Having been bred in such a spirit, the Internal Revenue Service took to the Program as a duck takes to water. Within 48 hours, the Service designated more than 350 Internal Revenue Service offices as Local Service and Compliance Centers. We mobilized across the country and shifted employees into wage-price assignments as a by-product of their regular assignments and duties. In addition to their regular tax assignments, our people began providing information to citizens on wage-price freeze matters and looking into complaints about violations.

Consistent with the spirit of the program, our investigators primarily are seeking to bring everyone on board. Allegations of violations are discussed by telephone, by letter, or in person—all with the goal of securing compliance—and securing it fast. We are not interested primarily in punishment or sanctions. The President is relying on the voluntary compliance of all Americans, and that is our touchstone.

In checking complaints, naturally we give priority to cases that seem to have the greatest potential impact on prices, rents, or area wage structure, and to cases that represent a large number of complaints. Fortunately, we have been able to close most complaints by telephone.

PHASE 2

We are pleased by the commendable response of our people in Phase I and we know that the President, Secretary Connally, General Lincoln, and Arnold Weber are all pleased with their performance. Now, on the threshold of Phase II, we are gratified at the key role the President has assigned to the Service. As you know, on October 7 the President announced that the Government's program of price and wage restraints will continue beyond November 13. The President has appointed a seven-man Price Commission made up of persons outside government to hold down price and rent increases and to prevent windfall profits. He has appointed a 15-man Pay Board made up of equal representation from labor, management, and the public to hold down inflationary wage and salary increases.

The Cost of Living Council, headed by the Secretary of the Treasury, will over-see the whole.

Rounding out the picture, the program provides for committees on interest and dividends, on the health service industry, on state and local government cooperation, and on expanding productivity.

The objective of the Stabilization Program is essentially to reduce the rate of inflation and the annual increase in the cost of living to 2 to 3 percent by the end of 1972. At the same time, the program has what might be termed a "self-destruct" feature in that it seeks to bring about conditions in which reasonable price stability can be maintained without artificial and abnormal restraints.

We are going to try to accomplish our role in Phase II with around 3,000 man-years of IRS employment, supplemented by people with special skills borrowed from other agencies. In our National Office in Washington, an Assistant Commissioner for Stabilization will administer and give leadership to the new program. He will report directly to us and to the Director of the Cost of Living Council, Mr. Donald Rumsfeld.

Although we are still ironing out details, we do expect to be in business on November 14. Will it work? We are optimistic that it will, but two conditions obviously have to be met:

First, the program itself must prove to have been well designed; and

Secondly, it must have public support.

The people who developed the program were realistic and designed a system to serve two goals:

Hold down wages and prices for some reasonable period; and

Gain time so that Americans can look to eventual stability without any program of restraints.

For too long now commercial activities and forecasts have been geared to considerable inflation. This had become a way of life. The President's Program is aimed at eliminating that philosophy and achieving economic stability.

This truly is a sweeping peacetime program reaching into all phases of the American economy. It is a critically important program. Phase I created an expectation in the country that something would be done to halt inflation. An overwhelming portion of the American people want to see inflation brought to a halt. The recent polls show that well over 65% of the people, in some polls 75%, are in favor of the freeze and the Economic Stabilization Program.

We think the climate for success exists. As the American people have made this Country's unique voluntary self-assessment tax system work, so too they will support the President's Economic Stabilization Program.

We might note that IRS will not be alone in monitoring prices, rents, and wages. In the first place, millions of loyal Americans who not only agree with the President's efforts to achieve greater economic stability but also have a personal economic interest in that goal will be watching prices, rents, and wages closely. While many of these will be acting individually, some of them will be acting collectively in an organized way. For instance, the AFL-CIO Executive Council has instituted a program under which at State and local central labor bodies will monitor prices and rents, investigate complaints, and in general follow up the program. Naturally, the laboring man has a keen interest in the program and, accordingly, the AFL-CIO is acting in a responsible and sound way. As the agency charged with responsibility in Phase II, we welcome all cooperative help available.

CONCLUSION

In our stabilization work, as well as in our primary mission, the Service recognizes the very real impact it has on the lives and fortunes of the citizens of this country. Taxpayers are forced to deal with us—they have no choice. This being so, we believe it is imperative upon each and every IRS employee to respond with *courteous, efficient, and timely* service. Nothing less will do. We therefore are approaching our responsibilities with two primary concerns. We should demonstrate:

(1) A sense of urgency in our work; and

(2) A greater sensitivity in the discharge of our responsibilities.

The Service must respond promptly. Neither citizens-taxpayers nor the Government can afford undue delay in resolving economic or tax issues. Further, we must respond courteously and timely. Our goal in our role as Commissioner will be to achieve a real sense of urgency and greater sensitivity. This does not mean less vigorous enforcement of our tax laws. In fact, we should be more vigorous—because we hope to do a better job earlier. Accordingly, our recommendation to you—our friends—is to treat your Federal tax affairs properly and timely!

We in the Internal Revenue Service will dedicate our best efforts to the great national economic program just as we historically have to our tax mission. Our ability to succeed rests, as it always has, on you. We have every confidence that the good people of this country will meet today's challenges. In behalf of all Americans, we urge your wholehearted support of this program so critical not only to the country but the entire free world.

F. J. BORCH, CHAIRMAN OF THE BOARD OF GENERAL ELECTRIC, COMMENTS ON INTERNATIONAL TRADE

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. WHALEN. Mr. Speaker, on October 12, 1971, Mr. F. J. Borch, chairman of the board of the General Electric Co., addressed the Economic Club of Detroit on the subject of "International Trade: What Is the Problem?"

While reading Mr. Borch's comments, I was particularly impressed with the facts he developed concerning the discriminatory effect of border taxes imposed by our European trading partners. I believe many of my colleagues will find his remarks of interest. Therefore, I insert Mr. Borch's speech at this point in the RECORD:

INTERNATIONAL TRADE: WHAT IS THE PROBLEM?

I am delighted to be with you on Columbus Day. Not only do we have free-floating currencies, but we also have a free-floating Columbus Day—it was celebrated yesterday in many states in the Union. As we honor the courageous navigator of strange seas, it is highly appropriate that we should be discussing the trade relationships between the Old World and the New.

This is a subject with which the Detroit automotive industry, its banking community—and, I might add, its retailers, and its electric utilities—have had much continuing experience, and I thought perhaps the viewpoint of an electrical manufacturer would be of interest.

It is a privilege, of course, to be here and to talk to this distinguished audience on a subject of such seriousness as the United States' foreign economic posture. One must approach such an assignment with a certain amount of disclaimer. I should say at the outset that I claim no expertise on extractive materials or agriculture.

Rather, I speak to you from the viewpoint of a manufacturer with operations in most of the major countries of the world, and with several hundred million dollars of exports to those countries. Events of recent years in international trade have been particularly disappointing to one who represents a Company that has consistently favored commerce between countries with a minimum of restrictive barriers and protective measures. We probably coined the expression, "free, fair trade", many years ago, though I am not sure of that. But we still believe in that objective for the U.S. and its trading partners, and are disturbed to note how far the trading nations of the world have drifted from trade that is both free and fair.

I must apologize for the fact that I am going to use a lot of numbers in this talk, but I see no alternative when I find that intelligent men on both sides of both oceans have been discussing the United States' trade situation with more heat than light.

So, let us take a look at the numbers. But before we do, I see from your program that General Electric just dropped a billion dollars in annual sales over night—from \$9 to \$8 billion. I've got to get back and find out what happened.

U.S. TRADE BALANCE

One of the numbers that has been flashing a red alert for some time now is the U.S. trade balance with other countries. Obviously, if the United States is going to have any kind

of equilibrium in our balance of payments we've got to have a trade and private investment balance sufficient to cover all the other imbalances that spring from military expenditures abroad, U.S. tourists abroad, foreign economic aid, and so on.

An obviously unacceptable alternative would be to resign ourselves to the fact that our favorable trade balance can never be restored and then restrict foreign travel, foreign investment, imports, and foreign aid accordingly.

So, let us look at our trade balance. As you know, the U.S. trade surplus declined from some \$7 billion in 1964 to approximately \$2 billion last year. As of August 1971 our cumulative current trade balance was in deficit for the fifth consecutive month, and totalled almost \$1 billion in the red. If we wind up with a negative balance for the year, it will be the first time since 1893.

U.S. INVESTMENTS BALANCE

Now, let's cover the subject of our private investments balance offshore.

We have all heard that American investments offshore are having a dire effect on the U.S. balance of payments—let's take a look.

In 1964, the direct private investment by U.S. companies offshore reached a cumulative total of \$47 billion; investment during the year was \$2.3 billion; while income returned from this investment was \$4.7 billion—or about twice the annual capital outflow. In 1970, the cumulative total reached \$69 billion; the outgo for the year of our direct investments abroad was \$4.4 billion; while the return on this investment to the U.S. was \$7.9 billion! (See Exhibit A, following text.)

Now, if we take the overall commercial picture—the combination of trade and return on investment—we find that, in 1964, the return on investment comfortably supplemented a substantial trade balance in holding down claims against the dollar; while today the return from direct investments is our last remaining positive item of significance.

Labor officials, and others, who wax rhetorical about the dire effects of U.S. foreign investments on the U.S. balance of payments and U.S. jobs should look at these figures, which show that as our trade balance deteriorated rapidly, the return from our foreign investments accelerated—and a good thing it did, otherwise the dollar would be in a lot worse shape than it is today. And then they should go behind the numbers to find out why it was necessary to make these investments in the first place.

So in spite of the rhetoric on both sides of both oceans having to do with the dire effects of U.S. private investments offshore on our BOP, the figures show that much of this is "hogwash"—or in more polite terms let us tag it as "False Rhetoric No. 1". We are thus drawn to the conclusion, based on the numbers, that the real problem with the dollar and the U.S. balance of payments is the drastic slippage in our trade, and that's what we should be discussing.

WHY THE DRASTIC CHANGE?

Which brings us to our second point: Why the drastic change in our trade balance?

Again, we are being told on both sides of both oceans that it's because of U.S. inflation—and that we should get our own house in order. Let's take a look.

This is what happened to domestic consumer price levels in major industrial countries between 1964 and 1970.

In the U.S. the domestic consumer price index rose 25% from 1964 to 1970.

Let's admit that's bad. But let's take a look at what happened to each of our major trading partners: Japan, 40%; France, 27%; Germany, 17%; Italy, 21%; U.K., 31%;—a range of from 17 to 40%, with only Germany appreciably below our 25%. And none of these countries had their Vietnams, and its inflationary impact. (See Exhibit B, Table I.)

INFLATION NOT THE MAIN CAUSE

From which the conclusion can reasonably be drawn that inflation is not the main cause in the reversal of the U.S. trade balance. Everyone had inflation, but not everyone had trade balance problems to the same degree. Let's tag this one as "False Rhetoric No. 2".

So then what is the cause of the massive change in our trade balance? Well, of course, then it must be, according to our concerned friends on both sides of the oceans, U.S. productivity, or the lack thereof, that is the culprit.

And, we must admit, at first glance they could be right. In the U.S., productivity—in terms of output per man hour—increased 14% between 1964 and 1970. Among our major trading countries the increase ranged from 22% in the U.K. to 99% in Japan. (See Exhibit C, Table I.)

So, it is certainly true that output per manhour in other countries has grown much more rapidly than in the U.S. in recent years. It should! All other industrial countries have much greater incentives to modernize their manufacturing facilities to increase productivity—via their tax structures, such as our pre-1969 investment tax credit of 7% much more rapid depreciation for tax purposes, and so forth. The disadvantage under which our manufacturing industries have operated since 1968 in this respect is clearly illustrated by the fact that the U.S. rules, until very recently, allowed an average tax cost recovery of under 8% in the first year, as compared with an average of 32% for the five countries mentioned; 34% for us vs. 63% for them at the end of three years; and 66% for us compared to 93% for them at the end of seven years. (See Exhibit D.)

These tax cost recovery allowances are typical of the incentives offered in other countries for the purpose of increasing productive investment.

So, in view of our national interest, it is pertinent to ask why other industrial countries have done these things: certainly not to give a "bonanza to business," as critics of President Nixon's proposals have contended, but to improve productivity, strengthen and grow their economies and thereby maintain a fuller level of employment.

And it is appropriate to note that the pending investment tax credit of 7%, if passed by Congress, together with a cutback in ADR, as seems most likely at the moment, will still leave us well short of equality with other countries in this regard.

PRODUCTIVITY NOT THE REAL REASON

So, on this subject, we can now say, well, we probably have the answer then, productivity has gone up much faster for them than it has for us. But before we accept that, let's take a further look at what really counts; namely, unit labor costs in manufacturing, which are a combined measure of output and total employment costs.

It will come as a surprise to no one in this room that our wage and salary costs have been going up at a rate that exceeds productivity—in fact, between 1964 and 1970 unit labor costs in the U.S. rose by nearly 20%, much of the rise occurring during 1969-70.

Surely, the other industrialized countries haven't experienced this sort of situation—or have they? Well, to be accurate, there is statistical variation all over the map but it comes down to this: Italy is very close to our 20% increase in these costs; France is marginally lower at about 16% and Japan—a circumstance I'll get to in a moment—is recognizable lower at a 12% unit labor cost increase. But two of our biggest trading partners display the following unit cost increases—Germany, 26%; and Britain, almost 33%—both markedly higher than the U.S. (See Exhibit C, Table II.)

I should emphasize that these costs are stated in terms of national currencies rather than U.S. dollars, thus eliminating the dis-

tortions of revaluations both up and down that have occurred in these countries.

Now, a word on Japan. The big divergence really occurs in 1969 and 1970, when our own unit labor costs shot up. Before that, Japanese unit labor cost rises paralleled ours. Despite this generally comparable unit labor cost picture for the Japanese, they nevertheless turned around our two-way trade to their positive advantage by 1965.

Thus, the differences in unit labor cost trends do not seem to account for the massive change in our U.S. trade balance, and to tag U.S. productivity, or the lack thereof, as the chief culprit would seem to qualify as "False Rhetoric No. 3". At this point, we can then suggest that as bad as inflation is, as bad as our productivity fall-off is—both for our domestic economy and for all of our citizens—neither is the main cause for our trade imbalance.

So then we come down to the core of the problem: What is the real reason for the serious U.S. trade situation?

INTERNATIONAL TRADE—A TOP NATIONAL PRIORITY

It is my thesis, as a manufacturer, that it boils down to the fact that other countries have placed international trade as a top national priority and have adopted structural policies to promote their trade balances and their balance of payments. The success of these policies is reflected in the degree to which they have been able to shield their export prices from the inflation that took place in their domestic economies.

Thus, in the U.S., the export price index has almost kept pace with the domestic price index from 1964 to 1970—namely a 25% domestic rise and 20% export rise—for a spread of 5 points. But the rise in export indices of all but one of the other countries doesn't begin to approach the rise in their domestic indices during this period. In Italy, for example, the domestic price index rose 21% while the export index rose only 9%—a spread of 12 points. In Japan the spread is 32 points. In France and England (both of whom devalued their currencies—thus lowering the price of their exports) we see spreads of 19 and 21. And only Germany (as a result of up-valuation) kept her spread to 3 points. So, we have the U.S. at 5 points, and the others ranging from 3 to 32. (See Exhibit B, Tables II and III.)

How could they thus insulate their export pricing from their domestic economies? Let me suggest at least three reasons.

DEVALUATION—ONE REASON

First, they had the freedom to devalue their currencies when their trade and their balance of payments got in trouble. Both England and France took advantage of this ability to devalue over the last several years with the result that their export prices were reduced and their import prices increased. Meanwhile, for good technical reasons, under the IMF, the United States was unable to institute similar compensatory competitive steps. So here we have one major reason some of the other countries have been able to offset their inflation and increased unit labor costs whereas we have not been able to.

By the same token, a number of other countries with consistently favorable balances have not done the reverse to the degree they should have; namely, revalued upwards, notably Japan.

With this picture, I would give high marks to the Administration for its current emphasis on upvaluing other currencies and cutting loose from gold.

The second structural reason they could maintain the differential between their export prices and their domestic prices—in favor of their exports, is that they have been very careful to protect those domestic industries that they consider important to their economy, or to their employment, from what they consider might be disruptive im-

ports. Let me give two examples among a great many, of how this is done.

GOVERNMENT PROCUREMENT—ONE FORM OF PROTECTION

The first example is the allocation of the available business by their government procuring agencies to their domestic manufacturers at prices that guarantee an acceptable return on investment. The result is high prices for such equipment in the home country. This enables the manufacturer to adopt pricing practices which result in quotas in third markets and the United States significantly lower (10% to 50%) than the price paid by their own government customers.

In my opinion, the attempt to keep other countries' government procurement practices more in line with those of the United States, if the U.S. market is to remain open to them, is long over-due, since the modest 6% Buy American penalty is an inadequate remedy. If, for example, we were free to bid, to go in there and seriously quote our own domestic prices, which we are not, we would be very competitive. And, at the least, it would bring out into the open, for the attention of their own taxpayer-consumers, the differentials they pay for this two-price system.

If our trading partners would follow the same kind of open bidding that our TVA does, as required by law, resulting in purchasing tens of millions of dollars worth of electrical equipment offshore each year, I, for one, would gladly give up the Buy American 6% for the open bidding and the salutary effect it would have on this form of dual pricing. Until agreement is reached on open procurement, country-by-country, I believe our own government should no longer entertain bids from those who insist on closed procurement in their own countries.

UNDER THE GOVERNMENT UMBRELLA

The second example of how foreign governments protect their own domestic industries is by moving in, in one form or another, when their own private enterprises can't cut it. We have seen this happen in steel, airlines, nuclear reactors, computers, commercial aircraft, jet engines. When the government steps in, the competitive rules change.

Of course, under this government umbrella, there is little need to be responsible for earnings, and there is no requirement that dividends be paid to non-existent stockholders. Financing can be obtained from the country's treasury or nationalized financial institutions at concessionary rates or even without costs. Pricing, especially for export, can be jiggered for political purposes rather than economic realities, but such management nevertheless escapes the shadow of bankruptcy.

Privately-owned companies find it extremely hard—not to say, impossible—to stand up against such competition. It is sobering to note that some of these state-owned industries are now selling half of their production into export. And in the years immediately ahead, such competition is going to grow, and with it so will the size of the problem. These state-owned industries don't meet the economic criteria as we understand them, can insulate themselves from the disciplines of the marketplace, and by virtue of their semi-sovereign nature possess advantages not enjoyed by private concerns.

How we, in this country, are going to be able to handle such competition—domestically and internationally—poses some difficult and sticky choices for ourselves and our own government. Probably we shall have to depend on the almost continuous efforts of our commercial diplomats to persuade the governments that their industries must behave according to the usual rules of economics. But, as we know, the art of diplomacy doesn't always work. So I suspect we will have to revitalize the use of our countervailing duty laws—and, perhaps through

new legislation, see to it that the President possesses fast-acting retaliatory powers which are not now on the statute books.

So much for some of the ways that countries protect those domestic industries that they consider important to their economics. Let us turn now to the third, and to me the most significant of all the reasons why the U.S. will remain at a growing and permanent disadvantage as long as these structural differences exist and proliferate—the different tax policies of our major trading partners.

TAX STRUCTURES AS AN INCENTIVE

If we look at the tax structures of many of these countries, we find a wide variety of incentives designed to promote exports. The extent to which some foreign countries have lowered their net income taxes on export income has recently been documented in hearings before the Congress. American businessmen should read these documents to get some idea of how serious this matter has become. While our tax officials undertook a massive effort beginning in 1962 to make sure that export income of U.S. corporations was taxed here in full, foreign countries have continued to permit the shifting of export income to a tax haven subsidiary, for example, or given extra deductions for costs tied to exports, such as extraordinary depreciation deductions for export related assets. In our country, the Administration has proposed to counter this practice by favoring export income on a tightly controlled basis under the DISC proposal, but the proposal is not well understood in Congress and the direction has been to try to water it down, far below the effective level of an export incentive, and then to kill it.

Now let's turn to border taxes and export rebates.

Let me say that I smile ruefully at much of the hue and cry on both sides of both oceans at the imposition of what some call the "trade wall" of the 10% surcharge. Today's sound and fury absolutely fascinates me as a manufacturer who has spent many years trying to scale the import tax walls of other countries, where the rates of their border taxes range from 11% in Germany to 23% in France, and where the peaks for electrical appliance and TV imports reach 20% in Japan clear up to 36% in England. You, here in Detroit, have the same problem with automobiles where the border tax rate rises to 33% in France, 36% in the U.K., and as high as 40% in Japan. And now we are in the process of repealing our own modest 7% automotive excise tax. (See Exhibit E.)

A QUESTION OF EQUITY

If I seem to have strong opinions on the equity of these situations, it is because I believe that the most important of the trade-affecting measures built into the structure by our trading partners is the heavy reliance on indirect taxes that are not reflected in the price of their exports and are imposed at the border on imports.

When the GATT rules were written some 25 years ago, they provided that the member countries could exempt their exports from indirect taxes—which, then, were understood to be mainly sales and excise taxes, and charge an appropriate compensating border tax on imports. Simultaneously, the GATT rules forbade both export rebates and border levies for direct taxes—that is, those imposed on personal and corporate income, and for social security contributions.

What we did not foresee was the full impact of the difference in tax structures in Europe and Japan, relying heavily on high rate indirect taxes, with a simultaneous shift in this country away from indirect taxes toward almost total reliance on the income tax as a source of national revenue. Excluding social security contributions, some 85% of Federal revenues come from the income

tax, which cannot be rebated at the border under the GATT rules. (See Exhibit F.)

HOW WE ARE DISADVANTAGED

As a result of these opposing tax structures, we face the following situation.

On products sold in his own country, the European manufacturer charges his domestic customer on a basis which reflects his tax burden, whether this burden is made up of income taxes, social security taxes, value added taxes, and whatever else. The mix, as these taxes are paid and collected, happens to be what each country determines for itself. In the U.S., the manufacturer's domestic price also reflects the mix of all taxes imposed by all our levels of government.

But there the similarity ends. For when the European manufacturer exports to the U.S. or elsewhere, his government rebates or waives the actual total amount of his indirect taxes that are included in his domestic price. His product then reaches the United States where it crosses the border free of U.S. taxes—or did, before August 15th. Thus, his export product price reflects domestic price, less the big domestic tax rebate, and no U.S. tax.

Now, let's turn the coin over. When the United States manufacturer exports to Europe, his price reflects the burden of all U.S. taxes that can be ascribed to production and sale and there is no rebate from the U.S. Treasury for any of these. But at the European border the goods become subject to a tax equal to the local indirect tax rates—which I just mentioned as ranging from 11 to 36%.

And, as if that were not enough, the border tax is usually imposed on the landed cost, including the European customs duty. There is no corresponding burden on domestic sales. This is just a bit of additional salt rubbed into the wound.

TABLE-TILTING

This combination of the U.S. and foreign tax burdens clearly imposes a trade disadvantage on our exports. I am fully aware from the testimony before the Williams Commission and studies made elsewhere that economists are not agreed on the measure of this disadvantage; nor can they agree on just how to measure the extent to which European ex-

port tax rebates inflate imports to this country. But they do agree that the system has this table-tilting effect, and the higher the rate of the foreign TVA, the more decisive the effect will be. I am convinced that it is high time to recognize this tax structure tilting as a major cause of our trade balance troubles.

Let us then go forward in time to 1972-73, and let us assume the major European industrial countries will all have harmonized their value-added tax at a rate of 15% or more. A European manufacturer exporting to the U.S. will therefore reflect in his export price only a small portion of his national tax burden and social costs—and none of the U.S. federal tax burden. The American exporter to Europe, however, will—just as before—find that his landed price covers his full share of U.S. taxes and that at the border there must be, in addition, a contribution to Europe's tax take of something around 15%.

ALL THREE STEPS NECESSARY

For these reasons—and in spite of the hue and cry on both sides of the waters about "economic overkill" I believe that all three measures, as proposed by the President, were necessary. Revaluation without the investment tax credit; the investment tax credit without the 10% surcharge; the surcharge without the investment tax credit or revaluation—would have failed to face up to at least one or the other of the structural differences that currently disadvantage the U.S.

Much of the controversy about "economic overkill" is centered on the 10% surcharge. How long should it remain?

A PROPOSAL

I propose that the major industrial nations of the world should agree on a basic principle of overriding importance: namely, that there will no longer be any import surtaxes or export subsidies on goods crossing their borders. If a country feels the need for protection let's call it protection and approach it by the tariff route which is open for all to see and where the legitimate threat of retaliation is enough to cause any country to pause. Until this principle is agreed upon, enunciated, and implemented, I would not

want to see the U.S. as completely disadvantaged as it has been in the past, by having the 10% surcharge removed.

To this point, I think it is particularly unfortunate that Canada, which has a tax structure similar to ours, was caught in a line of fire that was essentially aimed at the trade distorting practices of others, and I would concur that they, as well as our Latin American neighbors to the South, and perhaps other developing countries, should be exempt.

But without an agreement from our major trading partners to work toward the equitable removal of structural disadvantages of whatever name, I regretfully come to the conclusion that even with the currency revaluations now being discussed, the United States may still find itself in a position where its trade balance will be inadequate to cope with the overall balance-of-payments problem.

WHEN ECONOMIC RULES NO LONGER APPLY

I have come to this conclusion with great concern, as one who has long maintained that international trade, on the broadest possible basis, and with the fewest possible restrictions, was the real economic hope for the world. I still believe this with a deep personal conviction and I will continue to fight for the removal of trade distorting and restricting practices wherever we find them, including right here at home.

But we have seen the old economic rules of the game no longer seem to apply. It was never envisioned that "the invisible hand" of classic economic theory would contain a wide variety of table-tilting practices. Until relative equilibrium and stability can be restored, until the unhappy results of border tax walls are swept away by the two-way flow of goods over as small and low an obstacle course as nations can agree on, it may be necessary to adopt a whole new approach to negotiating—substituting "deeds" for "theories and words".

Thank you for hearing me out. I have spoken today as one who has his own serious responsibilities to General Electric employees and share owners, and who feels very strongly about the very formidable barriers to free, fair trade that are being raised in the world today, and who believes that trade cannot long remain "free" unless it is also fair.

EXHIBIT A
SELECTED U.S. BALANCE OF PAYMENT FIGURES

	[Billions of dollars]							6 months of 1971
	1964	1965	1966	1967	1968	1969	1970	
Merchandise: ¹								
Exports (+)	25.5	26.4	29.4	30.7	33.6	36.5	42.0	21.7
Imports (-)	18.6	21.5	25.5	26.8	33.0	35.8	39.9	22.5
Merchandise trade balance	6.8	4.9	3.9	3.9	.6	.7	2.1	-8
U.S. direct investment abroad: ²								
Cumulative total	47.0	51.0	55.0	58.0	61.0	64.0	79.0	71.0
Annual addition	2.3	3.5	3.7	3.1	3.2	3.3	4.4	2.7
Annual net income	4.7	5.2	5.4	6.0	6.5	7.3	7.9	4.4

¹ Adjusted to balance of payments basis, excludes exports under U.S. military agency sales contracts and imports of U.S. military agencies.

² The annual net income is the annual return on the cumulative total direct investment abroad while the annual addition is the addition in each year to the cumulative total. During the period 1964-70 the total addition to direct investment abroad was \$23,500,000,000, and the total net income was \$42,900,000,000.

Source: U.S. Department of Commerce Survey of Current Business, June 1971 revised by September 1971.

EXHIBIT B

TABLE I.—CONSUMER PRICE INDICES 1964 (=100) TO 1970, NATIONAL CURRENCY

	United States	Canada	Japan	Italy	Germany	France	United Kingdom
1964	100	100	100	100	100	100	100
1965	102	103	107	104	103	103	105
1966	105	106	112	107	107	105	109
1967	108	110	117	111	109	108	112
1968	112	115	124	112	110	113	117
1969	118	120	130	115	113	120	123
1970	125	124	140	121	117	127	131

Source: International Monetary Fund, International Financial Statistics, September 1971.

TABLE II.—EXPORT PRICE INDICES 1964 (=100) TO 1970, U.S. DOLLARS

	United States	Canada	Japan	Italy	Germany	France	United Kingdom
1964	100	100	100	100	100	100	100
1965	103	102	100	101	102	101	103
1966	106	104	100	100	103	104	107
1967	109	108	100	101	102	103	106
1968	110	112	101	101	101	102	109
1969	114	115	104	104	104	105	103
1970	120	122	108	109	114	108	110

¹ United Kingdom devalued Nov. 5, 1967; France on Aug. 10, 1969.

² Germany revalued Oct. 26, 1969.

Source: International Monetary Fund, International Financial Statistics, September 1971.

TABLE III.—DIFFERENCE BETWEEN CONSUMER AND EXPORT PRICE INDEXES 1964 TO 1970, BASE 1964

	[CPI in national currency minus EPI in U.S. dollars]						
	United States	Canada	Japan	Italy	Germany	France	United Kingdom
1964	0	0	0	0	0	0	0
1965	1	1	7	3	0	2	2
1966	1	2	12	7	4	1	2
1967	1	2	17	10	7	5	6
1968	2	3	23	11	9	11	18
1969	4	5	26	11	9	15	20
1970	5	2	32	12	13	19	21

¹ United Kingdom devalued Nov. 18, 1967; France on Aug. 10, 1969.

² Germany revalued Oct. 26, 1969.

Source: International Monetary Fund, International Financial Statistics, September 1971.

EXHIBIT C

TABLE I.—INDICES OF OUTPUT PER MANHOUR 1964 (=100) TO 1970, NATIONAL CURRENCY

	United States	Canada	Japan	Italy	Germany	France	United Kingdom
1964	100	100	100	100	100	100	100
1965	104	104	104	112	107	106	103
1966	105	107	115	118	111	113	106
1967	105	108	131	123	118	119	109
1968	110	115	151	132	127	128	116
1969	113	119	173	138	133	137	118
1970 ¹	114	122	199	143	136	145	122

¹ Preliminary estimates or current data from other series.

Source: U.S. Bureau of Labor Statistics, Monthly Labor Review, August 1971.

TABLE II.—INDICES OF UNIT LABOR COSTS 1964 (=100) TO 1970, NATIONAL CURRENCY

	United States	Canada	Japan	Italy	Germany	France	United Kingdom
1964	100	100	100	100	100	100	100
1965	99	102	108	96	103	102	106
1966	102	107	107	94	108	101	114
1967	107	114	105	99	107	104	111
1968	109	116	107	98	106	110	114
1969	114	121	110	104	111	110	120
1970 ¹	120	129	112	118	126	116	133

¹ Preliminary estimates or current data from other series.

Source: U.S. Bureau of Labor Statistics, Monthly Labor Review, August 1971.

EXHIBIT D

COST RECOVERY ALLOWANCES FOR MACHINERY AND EQUIPMENT IN LEADING INDUSTRIAL COUNTRIES

	Aggregate cost recovery allowances (percentage of cost of asset)		
	1st taxable year	1st 3 taxable years	1st 7 taxable years
France	31.3	67.5	94.9
Italy	20.0	65.0	100.0
Japan	34.5	56.9	81.4
United Kingdom ¹	57.8	78.1	102.1
Western Germany	16.7	49.6	88.8
Average percentages	32.1	63.4	93.4
Canada	20.0	48.8	79.0

THE PRAYER AMENDMENT

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. WRIGHT. Mr. Speaker, we of the House of Representatives have a most serious decision confronting us on next Monday, November 8, when we will vote on House Joint Resolution 191, the proposed constitutional amendment on public prayer. In keeping with the highest traditions of the House, it is fitting that we hear and consider all sides of this important question.

My congressional district is fortunate in the presence of a most eloquent spokesman on matters touching on religion in the person of Dr. James G. Harris, pastor of the University Baptist Church, Fort Worth, Tex. I invite the

attention of the House to Dr. Harris' sermon, which he delivered from the pulpit on October 31, in which he sets out a most serious and knowledgeable discussion of the proposed amendment on prayer.

THE PRAYER AMENDMENT

(By Dr. James G. Harris)

On November 8, just one week from tomorrow, House Joint Resolution 191 will be introduced on the floor of Congress. It shall be subject to a vote without passing through the Judiciary Committee, where hearings could have cleared the air and where opponents to this bill would have had a chance to be heard in reasons for their vigorous opposition.

In 1964, three months were spent in hearings when a so-called Prayer Amendment, the Becker Amendment, was proposed. As a result of these hearings, the overwhelming evidence presented to the Committee was so convincing that the effort was abandoned. At that time, to avoid such a hearing, the so-called prayer lobbyists sought to get the necessary

218 signatures of Congressmen that would have made it possible to by-pass the Judiciary Committee and eliminate the hearings that are so necessary for a thorough study of a bill. Only 170 signatures could be obtained in 1964.

The champions of freedom won a great victory and we relaxed. But the other side did not relax. For seven years they have lobbied and worked. After these intervening years, a discharge petition was signed a few days ago by the required 218 congressmen, and within a matter of days this bill will be presented on the floor of the House. We who are concerned and alarmed have little time to turn the tide around. I bring this message to inform you of what I believe is a grave peril to our liberty and to share with you my own convictions.

In a press conference in Washington earlier this month, Congressman James Corman of California, an opponent of the bill, predicted that it would be defeated in the House. Congressman Emanuel Celler, Chairman of the Judiciary Committee and long-time foe of this Amendment, sharply turned to Dr.

Aggregate cost recovery allowances (percentage of cost of asset)

	1st taxable year	1st 3 taxable years	1st 7 taxable years
United States:			
Pre-1969 tax treatment	21.7	47.9	80.1
Post-1969 tax treatment	7.7	33.9	66.1
Task force proposal	10.2	50.1	88.0
ADR	14.0	44.0	76.0

¹ Does not reflect changes in United Kingdom as of October 1970.

Source: Report of the President's Task Force on Business Taxation. ADR figures supplied by NAM staff in conjunction with the U.S. Treasury.

EXHIBIT E

DOMESTIC INDIRECT TAX RATES

[In percent]

	France, tva tax	Germany, tva tax	United Kingdom, purchase tax	Japan, commodity tax
Television sets	33½	11	36½	
Large				20
Small				15
Automobiles	33½	11	36½	
High-class passenger				40
Regular passenger				30
Small passenger				15
Home appliances	23	11	36½	
Refrigerator—large				20
Refrigerator—small				15
Room coolers, washers				20
Fans				15
Machine tools	23	11	(¹)	None

¹ Exempt.

Note: Italy has a cascading turnover tax of 4 percent on most sales at each change of hands except at retail, which is generally exempt.

EXHIBIT F

TYPE OF TAX AS A PERCENTAGE OF TOTAL CENTRAL GOVERNMENT TAX REVENUE 1968, EXCLUDING SOCIAL SECURITY CONTRIBUTIONS

	United States	Canada	Japan ¹	Italy	Germany	France	United Kingdom
Corporate income tax	28.2	19.8	21.7	N.A.	6.0	10.1	9.7
Individual income tax	58.5	42.1	36.4	N.A.	23.4	22.2	41.4
Total direct tax	86.7	61.9	58.1	32.1	29.4	32.3	51.1
Indirect tax	13.3	38.1	41.9	67.9	70.6	67.7	48.9

¹ The figures for Japan are general Government.² Includes some social security contributions.

Source: United Nations, Yearbook of National Accounts Statistics, 1969, vol. 1.

Carl E. Bates, president of the Southern Baptist Convention, and said, "It will not be defeated unless religious groups do more to inform their people about the principles involved in this." This is my purpose for taking this valuable time to preach on this political and religious issue.

The Resolution reads as follows:

"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 non-denominational prayer."

If this effort succeeds, then the Bills of Rights of the Constitution will be amended for the first time in history. The Fort Worth Star Telegram, in an editorial in 1964, wrote: "The First Amendment has permitted religious freedom to thrive in the United States as in no other country past or present." The editorial continued, "It would take a very good amendment indeed to improve on that record."

And this proposed Amendment is not a good one. It would add nothing to the liberties we already enjoy. I believe it would actually weaken the Constitution that for nearly 200 years has given us such freedom.

The First Amendment to the Constitution says, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

This so-called "Prayer Amendment" grows out of the basic misunderstanding and misinterpretation of decisions made by the Supreme Court in 1962 and 1963.

In 1962, the Court ruled against the compulsory reciting of a prayer composed by the State, on the part of the children in our public schools. The Court did not rule against prayer. They did not make God illegal. They ruled against agents of the State writing a prayer and prescribing that it should be read in a daily ritual in every public school in the State. There are no constitutional restrictions against voluntary prayer in the schools. What the court was saying was, "No government agent, no school Board, no school Superintendent, no school Principal, no school teacher has a right to tell a school child when to pray! where to pray! what to pray! Do you not agree with that principle?"

The decision in 1963 decreed that no government agent could require Bible reading in the public schools. The Court said further that no public authority could require the recitation of the Lord's Prayer in public schools. The Constitution says Congress has no right to prohibit the free exercise of religion, and the Court upheld that proclamation. Compulsory prayer is not the free exercise of religion. Required Bible Reading is not the free exercise of religion. The recitation of the Christian prayer, called "The Lord's Prayer" by mandate by the State is not free exercise of religion.

Representative Fred Schwengel, a Baptist Congressman, addressed a Baptist group. He said, "We ought to be applauding the Supreme Court in these cases. We ought to hang our heads in shame that an atheist, Mrs. Madalyn Murray O'Hare, took this to the Supreme Court, when we Baptists should have."

We sympathize with the zeal of many misguided people who misunderstand the decisions of the Supreme Court. They sincerely believe that they are fighting to preserve the right of all persons to pray. They believe that this Amendment will restore prayer to its proper place and will reintroduce God to our public life. But if this Amendment becomes a part of our Constitution, I prophesy that they shall have actually weakened the practice of prayer, which they have sought to strengthen. Today we have a constitutional right to pray a non-denominational or a denominational prayer in public buildings or private buildings. This

Amendment would specifically define the content of my prayers. When I pray before a football game in the stadium of the University of Texas or in the halls of Congress before a daily session of the House of Representatives, I must pray a non-denominational prayer. I have prayed the invocation in football stadiums of public schools. In 1958, I delivered the daily prayer in the hall of Congress. In each instance, I prayed a Christian prayer, without apology or shame or condemnation. If this Amendment passes, in the future I would be required to pray an innocuous, unoffending, nebulous, neutral petition that neither God nor man would listen to. I would have to submit it in advance to a government authority to determine if it was a non-denominational prayer, whatever that means. I could still preach a Christian sermon at a High School baccalaureate service, but I would have to present in advance the text of my prayer, so that all concerned would be assured that it was non-denominational.

If I understand my Bible, the prayer of a Christian is a prayer in Jesus' Name. I respect the prayer of my Jewish friend, of the Moslem, the Hindu, or the Buddhist. I respect their right to pray their prayer when they stand in a public meeting. I must reserve that same right.

What is a non-denominational prayer? Who determines if it is non-denominational? The State—through its officials and its courts! This would make the government a judge of theology and an administrator of religious practice. Would this increase our freedom, our constitutional right to the free exercise of our religion?

Who is capable of composing a non-denominational prayer? Who is capable of judging its content? After the 1964 struggle, Congressman Cellar said, "Our Committee was unable to devise language which it could recommend to the House that would not do violence to religious freedom now guaranteed by the First Amendment." There is no language that man can devise that would not weaken what our founding fathers wrote.

I deeply sympathize with the position of our Congressmen. To vote against this Amendment is to threaten their political survival. A United States Senator was defeated in Texas last year partly because of the accusation of his opponent that he was "against prayer," because he courageously opposed the Prayer Amendment in 1964. In the same way, fanatical people will accuse your Congressman of being "against God" if he opposes this Amendment. These men need our assurance that we shall stand by them if they are exploited and abused because of their stand for freedom. Let us convince them that there are more of us who will commend them than there are of those who would condemn them. They need to hear from us.

There is much less justification today for this effort to amend the Constitution than there was during the hysteria of 1964. The Court had just handed down two decisions that looked like they were headed toward total secularization. The threat of the Becker Amendment in 1964 could have caused our high Court to reverse its direction at the time. Not a single decision has been declared in these 8 ensuing years that would threaten the freedom of Voluntary prayer in public assemblies. Even if there had been a need for an Amendment in 1964, although I deny that there was, there is certainly no need for it today.

The trend of the present Supreme Court is actually in the opposite direction. President Nixon has appointed four strict "constructionists" to the Court. Two of these are seated on the bench and the other two are now under consideration for approval by the Senate. How tragic that in these days when there is less threat than ever to the free exercise of prayer in public life, we should con-

sider tampering with this First Amendment that has stood for 200 years.

The Fort Worth Star Telegram recently wrote in an editorial, "Such an Amendment would open the doors for governmental intrusion into the religious affairs of the people." We would be saying, "Congress shall not interfere with the free exercise of religion except in the area of prayer in public assembly, where the government will dictate the kind of prayer and the content of the prayer that is delivered." After one exception has been attached to the First Amendment, what is to prevent other exceptions to the free exercise of religion in future years? Let us oppose any exception and preserve the Bill of Rights as it is.

The Southern Baptist Convention adopted unanimously a resolution last June opposing this Amendment. Are we against prayer? The Baptist General Convention of Texas adopted without dissent a resolution last week opposing this Amendment. Are we atheistic? The National Council of Churches, the United Methodist Church, the Presbyterians, the Lutherans have taken their stand against this bill. The only Catholic Priest in Congress is fighting against its passage. I do not know a Baptist State Editor who has not editorialized against it. I do not know a Seminary professor who supports it. Doesn't all of this tell us something?

Prayer is intensely personal, a very denominational exercise. The Constitution protects our right to keep it so. We need to heed the words of Kierkegaard, "There is that which is more contrary to Christianity... than any heresy, any schism... and that is to play Christianity."

DALLAS NEWS CRITICIZES "TRIAL" OF FEDERAL BUREAU OF INVESTIGATION

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. WRIGHT. Mr. Speaker, a conference entitled "Inquiry into the Role of the FBI American Life" was held recently under the auspices of Princeton University.

The Dallas Morning News, on Tuesday, October 19, published an editorial regarding this conference. Believing that my colleagues would be interested in the viewpoint expressed by the News, I am placing excerpts from this editorial in the RECORD:

[From the Dallas (Tex.) Morning News, Tuesday, Oct. 19, 1971]

FBI ON "TRIAL"

The department of politics at Princeton University has asked J. Edgar Hoover to take part in its "Inquiry into the Role of the FBI in American Life." Hoover's 7-page response tells why the FBI chief declines to be a defendant at his own trial.

He can't see any gain, Hoover has written the inquiry people, in putting the FBI into the role of defendant even before the evidence is gathered.

Princeton probably didn't really hope to get Hoover but his appearance would have guaranteed a great "trial." The panel of lawyers, writers and scholars (where are the law-enforcement people?) is reported eager to hear what Hoover has to say in his own defense.

It reminds us of the trial of Faithful in "Pilgrim's Progress," where the judge says, "Thou runagate, heretic and traitor dost thou

hear what these honorable gentlemen have witnessed against thee?"

Even so, says Hoover, he's confident of "acquittal" if the evidence is fully developed and made public. The public verdict then should be that the FBI is doing its lawful job as well as anybody could.

Sure—but who said anything about a public verdict? This trial, Mr. Hoover, doesn't go by the rules of evidence.

EXPLORATORY OPERATIONS FOR OIL ON THE CONTINENTAL SHELF OFF LONG ISLAND

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. PIKE. Mr. Speaker, early last summer newspaper articles revealed for the first time that oil companies were conducting exploratory operations for oil on the Continental Shelf off Long Island and other areas of the east coast of the United States of America. This news sent a shock wave of concern and disapproval through all of those who are sincerely interested in trying to preserve a modicum of pure water and of clean air and of unspoiled bays and beaches.

It appears that the State of New York on this issue is ambiguous, to say the least. The New York State Department of Environmental Conservation has come out in opposition to the drilling; the New York State Public Service Commission has asked that it be speeded up and the Governor has maintained an aloof silence.

All of the assurances which the oil industry and the Department of the Interior give us to the effect that the techniques of oil drilling are much improved and can be operated with "a high degree of safety," that there is a "new safety attitude by industry" and that offshore drilling can be conducted with "a minimum future risk to our marine environment" have hollow sound to those who on an almost endless basis see photographs of oil wells going amok and pumping lethal quantities of destructive oil into the Santa Barbara Channel, into the Gulf of Mexico, and wherever such operations are allowed.

The benefit to be gained from drilling must indeed be weighed against the potential damage to our environment, but the language of the correspondence from the Department of the Interior indicates that within the Department, which has both the responsibility for protecting the environment and the responsibility for allowing or disallowing the drilling to proceed, the balance scale has always been tilted in favor of the oil industry.

We are told that there is an energy crisis, and that we will run out of fuel if the drilling is not allowed. At the same time that we are told this, the administration insists against the advice of the advisers which it has itself chosen that we must continue to restrict the import of oil through a quota system which has no other effect than to protect the American oil industry and to increase the

price of petroleum products for all American consumers.

Today I received a letter from the Secretary of the Interior on this subject, which on its face appears to show a somewhat more balanced approach to the subject. The letter still ignores the basic conflict between the cry of energy shortage on the one hand and the restriction on energy imports on the other, but it does state that no decisions have been made on the sale of leases on the Outer Continental Shelf for drilling purposes, and that the decision in this regard will be made fairly and objectively. We hope so, but the track record is not encouraging.

In an effort to help my own constituents and others understand both the procedures and the pressures involved in the terribly vital decisions which will be made in this area, I insert in the RECORD at this point the correspondence which has taken place to this date between my office and the Department of the Interior:

JUNE 21, 1971.

CONGRESSIONAL LIAISON OFFICER,
Department of the Interior,
Washington, D.C.

DEAR SIR: I wish you would let me have a precise description of the authority of the Department of the Interior should oil be discovered in the offshore exploration off Long Island, New York, now under way.

I am particularly concerned about the possibility of pollution should the current exploration result in discovery and leasing.

Cordially,

OTIS G. PIKE.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 8, 1971.

HON. OTIS G. PIKE,
House of Representatives,
Washington, D.C.

DEAR MR. PIKE: Thank you for your letter requesting a description of the authority of the Department of the Interior should oil be discovered in offshore exploration off Long Island, New York.

The work to be conducted by oil companies along the Atlantic coast this year is for geophysical surveys. Such investigations help determine whether an area may contain structures favorable for hydrocarbon accumulations. However, oil and gas can be discovered only by drilling. Drilling for, and production of, oil and gas on submerged lands of the Outer Continental Shelf (OCS) may be conducted only under leases which have been issued in a Federal lease sale.

If industry shows sufficient interest in the Atlantic area to justify a general lease sale, a formal hearing would be held to consider the environmental impact that would result from leasing and development. The widest possible spectrum of views would be solicited prior to a final decision on sales.

The Outer Continental Shelf (OCS) Lands Act (P.L. 83-212) provides for the jurisdiction of the United States over the submerged lands of the OCS and authorizes the Secretary of the Interior to lease such lands for certain purposes.

Under provisions of Section 8 of the OCS Lands Act, the Secretary of the Interior is authorized to grant oil and gas leases to the highest responsive qualified bidder by competitive sealed bid procedures. Such leases are issued by the Bureau of Land Management pursuant to regulations in 43 CFR Part 3300. After issuances of leases, oil and gas operations are administered by the Department of the Interior through the Geological Survey. National operating regulations (30 CFR Part 250) are supplemented by Regional OCS Orders. For your information, we are en-

closing a booklet containing the regulations pertaining to mineral leasing, operations and pipelines as contained in Title 30 and Title 43 CFR and the OCS Lands Act.

In August 1969, as a result of the Department's extensive review of all regulations and orders governing oil and gas operations on the Outer Continental Shelf (OCS), new, more stringent regulations were issued including clearer provisions on pollution control and clean-up liability.

Continuing review of OCS Orders has led to further changes. Revisions of Orders were effected to reduce the opportunity for human error and to increase requirements for safety equipment and procedures and for the prevention of pollution. Additional periodic revisions can be expected from time to time as improvements in oil and gas technology or as other circumstances may indicate the need for changes.

Experience gained under the more stringent regulations gives assurance that OCS operations can be conducted with a high adherence to the regulations. Compliance with the regulations is being checked by improved inspection capabilities and procedures. A standardized system has been adopted which is used by a team of Geological Survey inspectors in making a complete and accurate inspection of an operation. Inspection procedures also provide for testing protective devices periodically to confirm that they are in operating condition.

With the increase in our inspection force, the more rigid regulations, and a new safety attitude by industry toward offshore operations, we believe that orderly development of oil and gas resources can continue with minimum future risk to our marine environment.

Sincerely yours,

W. A. RADLINSKI,
Acting Director.

JULY 13, 1971.

MR. W. A. RADLINSKI,
Geological Survey, U.S. Department of the Interior, Washington, D.C.

DEAR MR. RADLINSKI: Thank you for your detailed letter of July 8.

In the event that the oil industry in the language of your letter "shows sufficient interest in the Atlantic area to justify a general lease sale" I would like to request right now that I be permitted to testify at the formal hearing which would be held.

Cordially,

OTIS G. PIKE.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 30, 1971.

HON. OTIS G. PIKE,
House of Representatives,
Washington, D.C.

DEAR MR. PIKE: Thank you for your letter of July 13 concerning possible leasing in the Outer Continental Shelf off the Atlantic Coast. Your testimony at the formal hearing would be most welcome.

The tentative 5-year lease sale schedule currently shows that the hearing will be in November 1972. This date is subject to change. Formal notice will be published in the *Federal Register* 2 or 3 months before the hearing. The notice will outline the procedure for requesting an appearance at the hearing.

Sincerely yours,

W. A. RADLINSKI,
Acting Director.

SEPTEMBER 23, 1971.

HON. ROGERS C. B. MORTON,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: I understand that currently the exploration which is proceeding for oil on the continental shelf off the coast of Long Island is being conducted un-

der so-called exploration permits issued by the Department of the Interior.

In a letter dated July 8, 1971, executed by Mr. W. A. Radlinski, Acting Director of the Geological Survey, I was advised that the work currently being conducted by the oil companies was solely for geophysical surveys.

While it is obvious that the vast majority of the people on the east coast area are just as opposed to the granting of drilling permits to the oil companies as are the people in the vicinity of the Santa Barbara channel, it seems that either wittingly or unwittingly, the Department of the Interior may be following a route which will subject the east coast to the possibility of the same sort of ecological disasters which have already struck the other areas where offshore drilling is permitted. To be more specific a permit, as I understand it, is issued by your Department for exploration based on that permit. The oil companies invest large sums of money in exploration, they then, as a result of that permit and that exploration, discover an area where there is a "likelihood" that oil may be.

Now comes the time for the hearing based on which you as Secretary of the Interior will make the decision as to whether or not the environmental impact would result from leasing and development is such that leases should be made. At such a hearing the oil companies are going to say that based on the permit to explore they have in good faith invested many, many millions of dollars and that it would be unfair to them not to allow them to recover on their investment through drilling and development.

Accordingly, in order both to preserve the objectivity of the hearing and to preclude any unfair treatment to oil companies, I think that it should be made perfectly clear to them right now that any investment which is made by them in exploration for oil in this area is made solely at their own risk and will have no bearing whatsoever on the final determination which is made by you in this regard. To let them proceed to explore without public hearings and in essence, secretly, and then use the fact that they have done so as a reason why they should be allowed to drill in the future would seem to be a great perversion of both the intent of the law and the administrative process.

Of course, the whole problem could be avoided if you would simply cancel the permits under which they are now exploring.

Cordially,

OTIS G. PIKE.

DEPARTMENT OF THE INTERIOR,
Washington, D.C., October 28, 1971.

HON. OTIS G. PIKE,
House of Representatives,
Washington, D.C.

DEAR MR. PIKE: Your letter of September 23 discusses the geological and geophysical exploration permits granted for Outer Continental Shelf (OCS) areas in the Atlantic Ocean. You suggest that any outstanding permits either be canceled or it be made clear to the permittees that any investment by them in conducting such explorations is made solely at their own risk and will have no bearing on later determinations of whether to lease or not to lease.

Geophysical explorations have been conducted in the Atlantic OCS under permits issued by the Geological Survey every year since 1960. Enclosed for your information is a listing of the 59 permits issued to date showing the general area covered by each permit. These operations are necessary so that the oil and gas industry can nominate areas intelligently for oil and gas leasing if and when a decision is made to proceed with leasing in the Atlantic Ocean. Conversely, they are useful in providing information as a basis for excluding areas from consideration for leasing; for example, an industry representative has indicated disinterest

in bidding on areas located within 30 miles of the Long Island shore line.

Parties conducting or participating in geophysical explorations on the OCS already are fully aware that the operations being conducted are without assurance that any of the tracts nominated will be offered for lease. Regulation 43 CFR 3301.4 and the provisions of the National Environmental Policy Act of 1969 are applicable in selecting tracts to be offered for competitive bidding. Consideration of the environmental impact for areas proposed for leasing, which has been mentioned in various news releases, was again emphasized in a Departmental news release of June 15, copy enclosed, announcing a tentative OCS leasing schedule through calendar year 1975.

The energy crisis is much greater today than it was in 1953 when we received the authorization from the Congress contained in Section 8 of the OCS Lands Act to proceed with leasing "in order to meet the urgent need for further exploration and development of the oil and gas deposits of the submerged lands of the outer Continental Shelf." A procedure which would require public hearings and consideration of the environmental impact of leasing prior to permitting the fact-finding geological and geophysical explorations necessary to identify and "narrow-down" the areas for which leasing interest exists would only result in delaying the leasing process at the very time when the National interest dictates that OCS leasing be accelerated, as mentioned in the President's June 4 message on the Nation's energy needs.

The Department already has been criticized by the Chairman of the New York Public Service Commission and by certain other state utility commissions for East Coast states for not expediting an Atlantic OCS lease sale. The exclusion of further geophysical explorations in the Atlantic OCS at this time would result in a delay in the leasing process at any time in the future that the Department may decide that it is necessary to proceed with leasing in this area.

On the basis of applicable laws, regulations, news releases, and past experience, you may be assured that the parties involved in conducting OCS geological and geophysical explorations how that they are proceeding at their own risk.

Sincerely yours,

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D.C. November 4, 1971.

HON. OTIS G. PIKE,
U.S. House of Representatives,
Washington, D.C.

DEAR OTIS: I have your letter expressing concern over the prospect of future development of energy fuels (oil and gas) that might exist on the continental shelf off the east coast of our country.

At the outset may I say that the policy of the Department of the Interior is to comply fully with provisions of the National Environmental Policy Act before granting permits or offering lease sales which are prerequisite to exploration and development. This involves a thorough environmental impact study and a broad opportunity for input into the issue by interested groups and the public at large before final decisions are made. This policy is direct and well understood by all the working elements of this Department. It has no geographical boundaries.

By direction of the Congress expressed in the Outer Continental Shelf Lands Act and in response to the President's Clean Energy Message of June 4, 1971, this Department has a basic responsibility to the security of the Nation and the well being of its people to exercise an appropriate Government role in meeting the national energy demands.

This requires an understanding of the scope of our energy resources. It requires an orderly pattern of development and balance between the works of man and the environment. These requirements are fundamental to the policies under which this Department is being directed.

The economic, the social, and the military security of the Nation are inseparable from the development of a national energy policy and the long-range implementation of its programs.

We will continue to study, to learn, and to document and to communicate to the public the dimensions of our energy resources vis-a-vis what we now have proven as well as what we might discover.

We will continue to weigh our actions in the light of maintaining the dynamics of our economy on which is based the opportunity for future Americans and the relationship of their efforts with the rest of the world.

We will not neglect our obligations to the quality of the environment.

We will not exclude the public or any element of government—national or local—from being heard or making contributions to the decision-making process.

Alternatives will be carefully evaluated.

The life's blood of our civilization is the flow of energy. The life's blood of our economy is the flow of dollars. The body in which both occur is the environment. Irrevocable national erosion will occur when these sensitive relationships become disjointed—this we cannot afford.

Today I have wired the Governors of all the Atlantic Coast States asking them to participate in discussions in a frank exchange of information. No lease sales are contemplated at this time and through our discussions and exchange of information, I am confident that an appropriate course of action will be arrived at which will be in the best interest of all parties. I might emphasize that public participation will be an integral part of this process.

To assist your review of our Department's approach, I am enclosing copies of my November 4th telegram to the Governors of the Atlantic Coast States, November 4th press release, and June 15th press release.

With best regards,

Yours sincerely,

ROY MORTON,
Secretary of the Interior.

OFFICE OF THE SECRETARY
OF THE INTERIOR,
November 4, 1971.

DEAR CONGRESSMAN: In view of recent newspaper stories concerning exploratory oil drilling off the Atlantic coast, Secretary Morton wanted you to have the important attached documents which clarify the Interior Department's position.

Sincerely,

NICK L. LAIRD,
Assistant to the Secretary and Director
of Congressional Liaison.

SECRETARY MORTON SAYS NO DECISION MADE OR NOW PLANNED TO LEASE ATLANTIC COAST OUTER CONTINENTAL SHELF OIL AND GAS

"No decision to conduct an Atlantic Outer Continental Shelf oil and gas lease sale has been made, nor is such a decision now planned," Secretary of the Interior Rogers C. B. Morton said today.

"Before any decision can be made, there must be a complete public disclosure and evaluation of scientific, environmental, economic and technological data obtained, and comments will be sought from all quarters," he added.

"We cannot now properly evaluate the potential of oil and gas seaward of the Atlantic States, nor the possible impact of potential development on the environment, because we lack sufficient information," he said. "We are

in the process of gathering that information and evaluating it."

In addition, the Secretary declared that any impression that drilling is or has been conducted on the United States Atlantic OCS is erroneous. No exploratory drilling has been allowed and, in any event, it could be permitted only after procedures required by the National Environmental Policy Act have been followed.

He said the question of who holds sovereign rights to the natural resources of the Atlantic Outer Continental Shelf is still in litigation between the United States and the Atlantic coastal States before the Supreme Court.

"Even if this were not so, however, we want and need the full thinking and information from the States involved before any final decisions are made," the Secretary said.

"I have today wired the Governors of all Atlantic Coast States asking them to participate in discussions and a frank exchange of information.

"Should there later be a decision that OCS exploration merits consideration, the requirements of the National Environmental Policy Act of 1969 and the Department's long-standing practices would require at least a year before that decision can be reached. Public participation will be an integral part of that process," the Secretary said.

These procedures would include a call for nominations, an evaluation of such nominations, a draft environmental impact statement, public comments, and the filing of a final environmental impact statement with the Council on Environmental Quality.

The Secretary on June 15 released a tentative schedule which indicated a sale of Atlantic Outer Continental Shelf resources could be held prior to 1976. He emphasized at the time that the schedule was flexible and that no decision to proceed would be made without public hearings and an opportunity for complete exchange of information with all public and private entities.

"We are now accelerating our information-gathering process," the Secretary said. "However, it is now quite obvious that we could not possibly take any action on exploratory drilling for a couple of years," he said.

The issue of sea bed jurisdiction is a paramount consideration, he noted.

"Consequently, no leasing procedures—no action toward such procedures, in fact—can be undertaken until the Supreme Court decides that boundary issue or the States and the Federal Government make interim arrangements for leasing pending the Supreme Court decision," he said.

Precedent for such arrangements exists in the agreement between the United States and the State of Louisiana, under which any sale proceeds are held in escrow pending final resolution of the jurisdictional boundary dispute.

Areas seaward of the U.S. Atlantic Coast have been under survey geologically and geophysically by the Department and by industry since 1960, but these have not involved deep drilling. Environmental implications now are being explored in more detail by Interior specialists.

A principal obligation of the Department is to make basic investigations on geological potential and environmental implications for all areas of the United States. Along the Atlantic Outer Continental Shelf these studies in process indicate to date a few separate areas that need additional detailed study before any evaluation of the merits of drilling can be made.

The area now under detailed study is known as the Baltimore Canyon Trough area, which exists as an isolated region 20 to 100 miles seaward of the States from New Jersey to North Carolina.

Similar studies will be required for other areas as a part of Interior's continuing evaluation of the Nation's total potential mineral

resource development, in keeping with both the spirit and the letter of the National Environmental Policy Act and the Outer Continental Shelf Lands Act of 1953.

OFFICE OF THE SECRETARY

Following is a copy of the telegram signed by Secretary of the Interior Rogers C. B. Morton and sent Thursday afternoon, November 4, 1971, to the Governors of all 14 States bordering on the Atlantic Ocean:

You will recall that President Nixon, in his June 4 message to the Congress on the Nation's energy needs, directed the Department of the Interior to accelerate its program of analyzing energy resource development in keeping with maximum environmental protection. In response to that directive I issued on June 15 a tentative schedule of oil and gas leasing on the Outer Continental Shelf. In that schedule the first Atlantic general sale is not defined by date or area except to show that it would be held prior to 1976.

Recent analyses of scientific and technical information available to specialists within the Department of the Interior suggests that certain target areas can now be defined which merit out-attention for future exploratory drilling in search of new reserves. These areas are well offshore but nevertheless are in moderate depths of water that are within the capability of modern technology.

Because of the boundary dispute relating to seabed jurisdiction between Atlantic Coastal States and the Federal Government now under review by the U.S. Supreme Court I believe that it is proper and timely for this Department to inform each State entity of the status of our information and the implications of any future competitive lease sales to public disclosure as required under the National Environmental Policy Act of 1969.

Be assured that no lease sales are being contemplated at this time. Discussions, however, between us can lead to a fruitful understanding of the situation as it now exists. I would appreciate, therefore, your indication of willingness to attend a joint meeting in the near future for the purpose of exchanging information leading to an appropriate course of action for the future.

Under separate cover I am sending you Departmental news releases of June 15 and November 4 relating to this subject.

ROGERS C. B. MORTON,
Secretary of the Interior.

P.S.—Copies to Governors: Francis W. Sargent, Mass.; Thomas J. Meskill, Connecticut; Kenneth M. Curtis, Maine; Walter E. Peterson, New Hampshire; Frank Licht, Rhode Island; Nelson A. Rockefeller, New York; William T. Cahill, New Jersey; Russell W. Peterson, Delaware; Marvin Mandel, Maryland; Linwood Holton, Virginia; Robert W. Scott, North Carolina; John C. West, South Carolina; Jimmy N. Carter, Georgia; and Reubin Askew, Florida.

SECRETARY MORTON ANNOUNCES TENTATIVE LEASING SCHEDULE FOR OFFSHORE OIL AND GAS THROUGH CALENDAR YEAR 1975

Secretary of the Interior Rogers C. B. Morton Tuesday announced the availability of a new five-year accelerated schedule for oil and gas leasing on the Outer Continental Shelf, in response to President Nixon's June 4 message on the Nation's energy needs.

A key feature of the new schedule is that it indicates there will be a sale of leases off eastern Louisiana in December 1971. Earlier this sale had been tentatively set for the first quarter of 1972.

The tentative schedule calls for at least two major oil and gas lease sales each calendar year through 1975—chiefly in the Gulf of Mexico, but also including the Gulf of Alaska and the Atlantic Coast.

No Pacific Coast Outer Continental Shelf oil and gas lease sales are projected now.

Ample time is allotted for public hearings and for careful review of each proposal by the Council on Environmental Quality, the Secretary pointed out.

Secretary Morton noted that the Outer Continental Shelf has become increasingly important as a source of low-sulfur oil and of natural gas. The schedule, he said, had been developed so that the Executive Branch, Congress, industry and the public will have a clearer idea of what to expect in the years just ahead.

In line with the President's energy message, the accelerated schedule is designed to head off energy shortages, while allowing ample time for careful evaluation of the environmental impact of each proposed sale, Secretary Morton said.

The tentative schedule is subject to modification or elimination of any of the scheduled sales depending on environmental studies and alternative uses of the areas to be involved.

In addition to areas off Texas and Louisiana—where most activity has taken place to date—sales are tentatively scheduled off the coasts of Mississippi, Alabama and Florida during 1973.

The Gulf of Alaska and Atlantic Coast sales are tagged simply as "prior to 1976," and Secretary Morton promised that hearings would be held and the widest possible spectrum of views solicited prior to final decisions on sales in those two areas.

Copies of the tentative schedule are available from the Director, Bureau of Land Management, Department of the Interior, Washington, D. C. 20240; from the BLM Outer Continental Shelf Leasing Office in New Orleans, La.; or from the Regional Oil and Gas Supervisor, Geological Survey, Metairie, La.

SETTING THE RECORD STRAIGHT ON THE THREE SISTERS BRIDGE CASE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. NELSEN. Mr. Speaker, U.S. Circuit Court Judge George MacKinnon has filed a separate opinion in the case of the District of Columbia Federation of Civic Association against Volpe. Judge MacKinnon dissented from the court opinion filed October 12, but a footnote to that opinion states that he consented to the immediate release of the majority opinion in the interests of expediting the matter and reserved his right to file a dissenting opinion on a subsequent date.

I commend to my colleagues the reading of Judge MacKinnon's presentation of his dissent and include its text at this point in my remarks:

[United States Court of Appeals for the District of Columbia Circuit]

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, AND THE DISTRICT OF COLUMBIA, ET AL., WALTER J. HICKEL, SECRETARY OF INTERIOR, ET AL., APPELLANTS

MacKinnon, *Circuit Judge*, concurring in part and dissenting in part: From time immemorial the public interest has suffered

from various types of bottlenecks which injure the public in many ways. This case arises out of governmental efforts which seek to improve the highway transportation facilities of the Washington Metropolitan area by removing a number of highway bottlenecks. One of these is the traffic bottleneck in the vicinity of, and across the river from, Georgetown in Northwest Washington. There the increasing congestion on parkland highways, an antiquated street system and historic road patterns which are additionally confined within the adverse topographical features of the beginnings of the Potomac Gorge, combine with the necessity of bridging the Potomac River to cause great inconvenience to those attempting to enter or leave the District of Columbia by means of the existing streets and highways. The result is great inconvenience to thousands of highway users entering and leaving the capital and a substantial lengthening of many workers' day.

The governmental authorities responsible for dealing with this situation concluded that it is necessary to erect the Three Sisters Bridge across the Potomac River as one essential part of the overall highway improvement program proposed for the entire metropolitan area. The erection of this bridge is here opposed by a citizens group of the District of Columbia which does not seriously attack the basic merits of the overall program to improve highway traffic congestion but instead ground their opposition on an alleged failure to comply with certain procedural requirements imposed by statute which are applicable to the planning and construction of the project. In such matters, under our form of government with its separation of powers, the function of policy making is assigned to the Legislative and Executive Branches. Congress enacts the basic laws and these are carried out by (1) the Executive Department functioning principally through the Department of Transportation, headed by the Secretary of Transportation, a member of the President's Cabinet, Mr. Volpe, though other federal departments may perform isolated functions; and (2) by the District of Columbia acting through its Highway Department.

It should also be noted that the Constitution vests Congress with complete control over the entire area of the District of Columbia for all governmental purposes and insofar as legislation is concerned vests it with the combined powers of the federal and state governments. U.S. CONSTITUTION, art. I, § 8; *Kendall v. United States*, 12 Pet. 524, 618 (1838); *Stoutenburgh v. Hennick*, 129 U.S. 141, 147 (1889); *Shoemaker v. United States*, 147 U.S. 282, 300 (1893); *Atlantic Cleaners and Dyers v. United States*, 286 U.S. 424, 434-35 (1932); *O'Donoghue v. United States*, 289 U.S. 516, 539 (1933). The Constitution thus imposes a precise duty upon the members of Congress to look after the needs of the District of Columbia in addition to those of their individual district constituents. Members of Congress are also charged with guarding all the interests of the entire nation in the District of Columbia as the seat of our national government. Pursuant to this assignment of responsibilities, Congress and its members have taken cognizance of the need for transportation facilities in the District of Columbia and the surrounding metropolitan area. To meet the area's anticipated transportation needs it has authorized the appropriation of federal funds for the construction of a metropolitan subway system and has also authorized and directed that substantial additions be constructed to the thru-highways in the area. These additions include the erection of the Three Sisters Bridge.¹ In this connection it was the decision of Congress that the Subway construc-

tion and the additional highways (including the Three Sisters Bridge) would be built contemporaneously. This conclusion follows from the facts of the contemporaneous appropriations and the express congressional direction that work on the Three Sisters Bridge begin within thirty days after the congressional enactment (82 Stat. 815).

The remainder of this opinion deals with the very extraordinary majority opinion—extraordinary in that it effectively sets aside for one alleged reason or another every finding of the trial court that the Government had in any way complied with the statutes in question. In its own language:

As to the provisions with which the District Court found compliance, however, we have concluded that the statutory requirements were not satisfied. . . .

In this terse manner the extensive findings of the trial court are effectively negated. The discussion of the application of the separate statutes (Title 23, U.S. Code) which follows fully demonstrates the wide gulf between the majority and the practical trial judge who heard all the witnesses in an extensive 12-day hearing, received 1,025 pages of depositions and then thoroughly documented his findings in an opinion covering 40 printed pages. *D.C. Federation of Civic Associations v. Volpe*, 316 F. Supp. 754 (D.D.C. 1970).

SECTION 138—FEASIBLE AND PRUDENT ALTERNATIVES AND PLANNING

The majority opinion sets aside the determination of the trial court that the Secretary had complied with the requirements of section 138² largely because of an absence of formal findings and an administrative record in the Department of Transportation. The majority opinion asserts that all possible planning to minimize harm to the affected parkland and historic sites³ could not have been carried out because the final design of the ramps and interchanges had not been completed when the Secretary approved the project. However, the lack of findings and the normal departmental administrative record is fully and satisfactorily explained by the fact that the Secretary personally made the necessary decisions and the Department file thus does not include the usual inter-office memoranda reflecting action by subordinates which is a feature of those projects when the Secretary does not personally exercise his statutory responsibility. After all, the statute places the duty upon the Secretary to make such determinations and his decision should not be set aside because of the absence of documents which are not necessary or normal when he personally exercises that responsibility. This Secretary of Transportation is not a figurehead. He has had extensive prior experience in highway programs. His background and record indicate that he is personally capable of making not only the ultimate decision on the bridge project but also many of the underlying minor, but basic, decisions.⁴

Further, I would not conclude that the Secretary failed to indulge in all possible planning to minimize harm to the park because his consideration of the amount of land to be taken by the ramps was based on the preliminary plans for the ramps. In this respect the opinion of the trial court states:

Secretary Volpe testified that he based his determination on the preliminary planning for the ramps and interchanges which had been done at that time. Although he concluded that the final design of the ramps was not complete, he pointed out that there were very limited alternatives available. He stated that before he approved the bridge project, he was satisfied, and the Department of Interior, which had jurisdiction over the parklands, was satisfied, that the designs which would be developed based on the preliminary plans would result in a minimum taking of parkland. [Emphasis added.]

D.C. Federation of Civic Associations v. Volpe, supra, 316 F. Supp. at 774-75. I construe this statement of the trial court as a finding that the Secretary took into consideration the amount of parkland that might be required under all the limited alternatives for the ramps and interchanges. Thus, the final selection of any ramp, etc., design would not present any problem that the Secretary has not already considered.

As to the suggestion of the majority that the use of the word "harm" in the statute confers authority upon the courts in this case, where only Government land is involved, to pass upon the "subtle calculations" inherent in determining the "aesthetic value" of this bridge, it is my view that Congress had more practical considerations in mind and did not thereby direct the rejection of projects which while they may be "pleasing" to the eye might by some personal standards be considered not to be "beautiful." See Webster's New International Dictionary, 2d ed.

The majority opinion further states that the Government can hardly maintain that there was no "feasible" alternative to the construction of the Three Sisters Bridge because this exemption under *Overton Park*⁵ only applies if the Secretary finds that as a matter of "sound engineering" it would not be feasible to build the highway along any other route. To my mind this argument is not foreclosed to the Government in the least. The majority's comment may have been falsely premised on a belief that sound engineering referred only to structural features, but there is much more to highway engineering than the stability of the structural features that may be constructed. Certainly the location of present highways and bridges in the Washington area when combined with various topographical features, existing traffic flow patterns, and the fact that one objective of the Three Sisters Bridge project was doubtlessly intended to alleviate some of the traffic congestion presently existing on the highways within the parklands on both sides of the river in the vicinity of the Three Sisters Bridge, might compel the conclusion that as a matter of sound highway engineering the only feasible project that would correct the congestion would be to erect a bridge in the vicinity of the Three Sisters Islands.⁶ I would thus not rule out the possibility that sound highway engineering would practically dictate a bridge at that location and that it would not be feasible to correct that traffic congestion by the construction or expansion of a bridge at any other location. The controlling engineering principles when applied to the facts here present may not produce such a conclusion but there is nothing in this record to indicate that such conclusion could not properly be dictated by the application of sound highway engineering principles.

The personal involvement of the Secretary in the decision also explains the alleged failure of the Department to process the matter through normal procedural channels in the Department. When a statute directs a Cabinet officer to make a decision, that decision should not be criticized or found to be faulty because he did not delegate the groundwork to subordinates and then rubber stamp their decision.

The majority opinion also states that Secretary Volpe did not consult with other planning agencies to coordinate efforts to minimize harm to the park and historic sites.

Majority opinion, page 11. This statement refers to something that is not required by the statute. It seems clear that the provision of section 138 requiring "all possible planning to minimize harm to such park . . . or historic site from such use,"⁷ does not require that the Secretary of Transportation "consult with other planning agencies to

¹Footnotes at end of article.

coordinate efforts to minimize harm to the park and historic sites."* (Emphasis added). The majority opinion while it does not state so exactly, seems to be trying, by such language, to give the National Capital Planning Commission a voice in the Secretary's decision by compelling the Secretary to "consult" with them. But the statute does not so provide. It requires only that the Secretary engage in all possible planning and not that he consult every group that may have an axe to grind—he may consult with such groups but there is no requirement that he do more than indulge in "all possible planning." Clearly consulting is something more than planning. The statute directs the Secretary to make the decision and he is not forced to share that decision with outside agencies under the guise of consulting. The statutory requirements are already cumbersome enough without having the majority try to invent new requirements.

As for air pollution, I find the trial court's finding that "air pollution was an overall consideration in this as well as all interstate highway projects" to completely satisfy any requirement in this respect. Moreover, it seems obvious to me that the bridge would not create any air pollution, and that to the extent that it relieved highway congestion on the present highways in the parks it would decrease air pollution. In this respect, as in other instances, appellants and the majority are straining at gnats. Instead of sustaining appellants' vague generalized objections to the present plans, I would require the objectors to show precisely how some of the plans being considered by the Secretary failed to meet the statutory standard or that some other feasible plan would cause less harm.

It also seems to me that, in requiring approval by the Secretary of final engineering plans for all details before the project can proceed, the majority are giving an overly technical, legalistic and impractical interpretation to the statute. What the Act requires is that the Secretary "not approve any program or project . . . unless there is no feasible and prudent alternative . . . and all possible planning to minimize harm . . ." was indulged in. To my way of thinking this would permit the Secretary to approve a program or project which is described by general specifications and reasonably precise locations without having the final blueprints. Certainly as a practical matter there must be room for some preliminary approval prior to the preparation of blueprints because no government is going to spend the millions of dollars necessary to prepare the final drawings without some prior approval that the drawings are being prepared along lines acceptable to the approving authority. If it subsequently develops that the final plans for some phase of the project do not meet the statutory standards they may be attacked at that time. Alternatively, the preliminary plans could be attacked upon a showing that they did not meet statutory standards. But there is neither such showing here and I would not hold up projects, as the majority holds up this project, unless the objectors could demonstrate that substantial harm would result from the presently existing plans which would be alleviated by some other plan. Insofar as this affects the possible ramps and interchanges here it would be a relatively simple matter to consider all the "limited alternatives" and make a decision thereon. I would thus not remand for any purpose connected with section 138.

SECTION 134—COMPREHENSIVE TRANSPORTATION PLANNING PROCESS

This section requires the Secretary to cooperate with the states and not approve highway projects unless he finds them to be based on a continuing comprehensive trans-

portation planning process carried on cooperatively by "states and local communities."¹⁰

In considering the requirements of this section the majority reverse the trial court by concluding that the Public Roads Division Engineer (Mr. Hall), to whom the Secretary delegated his responsibility under section 134, had improperly in turn delegated his responsibility to the Transportation Planning Board (TPB) of the Metropolitan Washington Council of Governments (COG), because, they allege, Mr. Hall believed that "TPB was the primary agency to which he should look in making his finding." But certainly the belief that TPB was "the primary agency" for such purposes does not constitute a delegation of his authority. The record thus does not support the majority's finding of improperly delegated authority.

Moreover, the TPB was the only agency in the area that did satisfy the requirement of the statute of a body carrying on a "continuing comprehensive transportation planning process . . . cooperatively by states and local communities. . . ." Also, as the trial court noted, the District of Columbia, through resolution of its Board of Commissioners on June 17, 1965, provided for the District's participation in the planning processes carried on by TPB.

What is really involved in the majority's opinion in this respect, as with its criticism under section 138 that Secretary Volpe did not consult with other planning agencies, is another backhanded attempt to elevate the National Capital Planning Commission (NCP) to a point where it can obstruct the project for its own ends. However, the NCP is "concerned with planning solely for the District of Columbia," and thus does not meet the requirement of the statute for a planning organization being carried on "cooperatively by states and local communities." In contrast, the TPB is a regional organization¹¹ and does satisfy the statute. It is thus my conclusion that the majority exceeded its authority on this appeal when it ruled, contrary to the facts, that Mr. Hall had delegated his authority. Similarly, the majority are acting contrary to the statute, if they are attempting to compel the Secretary to be governed by the views of the NCP. I might add that the situation here is not novel in the United States. Comprehensive highway plans traditionally run into many local objections, some selfish and some meritorious. When such situations arise they can only be solved by a fair application of the law, which I do not consider here justifies the majority in indirectly suggesting an interpretation of the statute that would give appellants, through the narrow interests of the NCP, a whip hand in the final decision.

A further example of the tenuous rationale of the majority in its reversal appears in its attempted characterization of the TPB approval of the Three Sisters Bridge as a "stale" approval.¹² The TPB formally approved the Three Sisters Bridge in December 1967 as "consistent with comprehensive planning in the region" and since that time, as the District Court found, "the TPB has continuously reviewed the transportation system for the area and . . . the approval of the Three Sisters Bridge has never been rescinded."¹³ The Division Engineer of the Bureau of Public Roads (Mr. Hall) considered this approval of the bridge when he made his finding in August or September, 1969, that the project was "based on a continuing comprehensive transportation planning process carried on cooperatively by states and local communities."¹⁴ On these admitted facts, I consider it to be a gross distortion of the record to characterize Mr. Hall as acting upon a "stale" approval, when the original TPB approval was within twenty months, and the area transportation system had been "continuously reviewed" by the TPB since then without any alteration in its

approval of the bridge. It is also incorrect to call such approval "inapposite." And to require a "comprehensive plan" (which the court refers to, whatever that might mean as applied to a project for a single bridge), as opposed to requiring that project to be consistent with "comprehensive planning," is to attempt to impose a requirement that is not imposed by the statute.¹⁵

I thus concur in the trial court's finding that the requirements of section 134 were fully complied with and dissent from the contrary conclusion of the majority here.

SECTION 109(A)—THE SAFETY OF THE PROJECT

I concur in the trial court's conclusion to require further study of the structural feasibility of the bridge but dissent from that portion of the majority opinion which states that the Secretary "undertook no study of the [air pollution] problem." As previously stated the Secretary testified that "air pollution was an overall consideration in this as well as all interstate highway projects."¹⁶; thus I consider that the air pollution problem was properly considered and disposed of. I would further permit work to proceed upon the excavation for the piers because this work is in the nature of a preliminary test since pre-construction borings are not conclusive. Thus, according to the testimony there will always be some doubt as to the absolute feasibility of the location and plans until the excavation is completed for the piers. It is my view that given the approval of Congress, and the necessary available appropriations (both of which the project has), it is within the proper discretion of the Secretary to proceed to that extent.

SECTION 128—THE LOCATION HEARING

Since the record is devoid of any proof that the present location of the bridge and ramps would affect the public in any manner substantially different from the three locations (which spread eagled the present location) discussed at the 1964 hearing, I would concur in the findings of the trial court that the public hearing requirements were substantially complied with. I thus dissent from the statement by the majority that the trial court's opinion was not clear that a finding had actually been made. To me it is perfectly clear that the court so found when it ruled that the present location was "not a new location" within the meaning of section 6a(1) of the PPM. The finding by the trial court that "no private property will be taken for the bridge or its ramps and interchanges" is also relevant to the finding with respect to the location.

SECTION 317—THE MAP

This section requires that a map should be filed showing the portions of land which a department desires to appropriate. In this connection the majority opinion in footnote 61 refers to a letter of December 15, 1970 from the National Park Service and indicates that the plaintiffs may present this matter to the District Court for reconsideration of its ruling under Section 317. It seems clear, however, that the letter does not relate to any parkland but only to the "adverse impact (of traffic conditions) on the parkway (the highway)." It is thus my opinion that the letter would not have any relevance to any issue under section 317.

Congress, Representative Natcher and so-called political influence

In Part II of the majority opinion Judge Bazelon deals with the position of Congress and refers principally to some statements by Representative Natcher relating to the Three Sisters Bridge. The opinion infers that Representative Natcher by his acts was a party to forcing approval of the Three Sisters Bridge without regard to its merits, but the record does not so reflect. As the trial court found, Representative Natcher stated that he would do what he could to withhold appropriations for the construction of the Dis-

tract of Columbia rapid transit system "until the District complied with the 1968 Act" and "the freeway project gets under way beyond recall."¹⁷ Representative Natcher was thus merely attempting to see that the laws enacted by Congress were carried out. The Three Sisters Bridge was just one of several freeway projects upon which Congress in 1968 had directed the District of Columbia to commence work.¹⁸ It is not unusual or improper for Congress to withhold appropriations until its laws are complied with. In discussing the public position of Congress, as articulated by its laws and Representative Natcher, Judge Bazelon states:

[T]he impact of this [congressional] 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. (Majority opinion, p. 24)

And further:

[T]he [trial] 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 [the influence emanating from Representative Natcher]. (Majority opinion, p. 25)

Judge Fahy does not agree that the trial court found that extraneous pressure had influenced the Secretary's decision and I find it impossible to read the findings and conclusions of the District Court as announcing that holding. In this respect the trial court's opinion states:

The mere fact that the Secretary was aware of the Congressional pressure to build the Three Sisters Bridge is not sufficient to invalidate his action in directing that the bridge be restored to the Interstate System. Since the issue in this suit is whether there has been compliance with Title 23 of the United States Code, the political pressure exerted by members of Congress is relevant only as to whether it may have caused Secretary Volpe to act without considering the merits of the project as required by Title 23. As will be discussed in connection with § 138, Mr. Volpe commenced an exhaustive study of the merits of the Three Sisters Bridge project soon after taking office, and did not come to a decision that the bridge was essential until the Summer of 1969. The Court believes the Secretary's testimony that his decision was based on the merits of the project and not solely on extraneous political pressures. It is true that Mr. Volpe was also interested in securing the release of the rapid transit appropriations, and that the approval of the bridge led to the release of those funds. But the Court finds that the mere fact that the Secretary was aware of this pressure does not invalidate his decision that the Three Sisters Bridge is an important and necessary part of the Interstate Highway System.

The plaintiffs contend that the Congressional pressure for the construction of the Three Sisters Bridge was of such a character that it can reasonably be inferred that it had some influence, conscious or unconscious, on the decision of the Secretary to redesignate the bridge as part of the Interstate System. From the evidence of the contemporaneous statements of Secretary Volpe, and his testimony in this case, 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. But the Court concludes that this does not invalidate the decision of the Secretary in this case. . . . The statute com-

mits the decision to the Secretary's discretion. There is no requirement that he base his decision only on matters presented at a public hearing, but rather, there is only the implied requirement that he base his decision on the merits of the project. In view of the Secretary's testimony that he made an exhaustive review of the merits of the project and based his decision on that study, this Court will not invalidate his decision. The present case is further distinguishable from *Jarrott* in that there the contacts with the Board were secret, while here the actions of Congressman Natcher and others are a matter of public record contained in official Congressional documents and speeches made on the floor of the House of Representatives. [Footnote omitted, emphasis added.] *D.C. Federation of Civic Associations v. Volpe*, 316 F. Supp. 754, 765-766-767 (D.D.C. 1970).

It is submitted that any fair reading of the trial court's opinion cannot twist its language to support Judge Bazelon's conclusion that it held that the Secretary's decision would be invalid "only if based solely on these extraneous considerations." While the trial court found as a fact that the Secretary's decision was "based on the merits of the project and not solely on extraneous political pressures," this is only one of several fact findings; it is not the basis for the decision of the trial court and such factual finding is not the application of any rule of law. The trial court also found that "the mere fact that the Secretary was aware of this [congressional] pressure does not invalidate his decision. . . ." But most importantly, the controlling conclusions by the trial court recognized the "implied requirement that he [the Secretary] base his decision on the merits of the project" and that the Secretary had made an exhaustive review of the merits of the project and based his decision on that study, [and] this Court will not invalidate his decision. (Emphasis added).

It thus seems clear to me that the trial court (Chief Judge Sirica) thereby found that the Secretary had based his decision upon the merits of the project. I specifically concur in this conclusion of the trial court and disagree with Judge Bazelon's solitary conclusion with respect to this phase of the case. Judge Fahy also does not agree with Judge Bazelon that the trial court found that extraneous pressure had influenced the Secretary's decision. It is thus clear that as presently articulated in these opinions a majority of the judges on this panel do not require that new determinations "on the merits" be made because of the interjection of any, for want of a better name, political pressure.

Judge Bazelon's opinion also discusses the relevance of the position of Congress on the appropriations to the matter of the Three Sisters Bridge. Under *Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402, 416 (1971), the Supreme Court indicated that "The court must consider whether the decision [on the use of parklands] was based on a consideration of the relevant factors." I find that the trial court made the proper finding when it determined after a lengthy trial that the Secretary based its decision on a "review of the merits of the project . . . [and] . . . that study." While the majority opinion states it is not holding that the bridge can never be built, if Judge Bazelon's individual view as to the position of Congress in this and other matters were to prevail, the result would come close to setting up legalistic standards which are practically impossible of compliance. Judge Bazelon's opinion would do that here by deciding, contrary to the finding of the trial judge, that because a member of the Cabinet had knowledge of the position of Congress on appropriations for subways and highways in the District of Columbia that his decision with respect to the merits of a highway project must neces-

sarily have been improperly influenced by that information.

Actually any member of the Cabinet, worthy of his position would necessarily know the position of Congress on such matters. No person with the position and ability to make the decision with respect to the Three Sisters Bridge would be ignorant of the publicly expressed congressional position on such matters. What Judge Bazelon fails to consider is that there were congressional pressures both ways and that the trial judge after full consideration found as a fact that the Secretary based his decision on a study of the merits of the project. For an appellate court to reverse such conclusion on this appeal is to overstep its authority to determine whether the action of the Secretary was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." The Supreme Court has said that this court has no authority to set aside the Secretary's action on a finding that it was "not supported by substantial evidence" or unwarranted by the facts." *Citizens to Preserve Overton Park v. Volpe*, supra, 401 U.S. at 414 Likewise, the credibility of witnesses is a matter in which the trial judge is normally considered to have a particular province in actions tried upon the facts without a jury, *Fed. R. Civ. P.*, 52(a).¹⁹ Judge Bazelon's view of the matter would violate both of these rules.

Judge Bazelon also reflects an overly suspicious view with respect to the effect of so-called political pressures. An individual's attitude toward this type of question is closely related to his individual trust in human beings—whether he believes a human being can resist improper pressures. I do not find it unusual for a Cabinet member to be capable of resisting such pressures. Moreover, the law is that in the absence of evidence to the contrary (and there is no such evidence here) public officers are to be presumed to perform official acts in accordance with the law.²⁰ As I read Judge Bazelon's opinion, however, it is his individual view that such pressures are irresistible. In the face of such colossal distrust of Government officials, the mere existence of the vestiges of pressure becomes equivalent to the reality of duress. I find that conclusion to be unsupported—and contrary to law.

The realities of this situation are that under the Constitution the Congress of the United States has a wider voice in the affairs of the District of Columbia than it does in the affairs of states or other cities. Pursuant to its constitutional mandate Congress does take a firm hand in matters affecting the District and that is precisely what this court found was lacking in the first case (1968) involving the District highway program. *D.C. Federation of Civic Associations, Inc. v. Atris*, 129 U.S. App. D.C. 125, 391 F. 2d 478 (1968). But no Congressman has any weight in such matters beyond his ability to speak for Congress and to the extent that he does speak for Congress he is only calling attention to the expressed will of Congress.

Congress has spoken in this matter. In Section 23 of the Highway Act of 1968,²¹ it ordered the erection of the Three Sisters Bridge, not as a single project but as part of the broad highway improvement program for the Washington Metropolitan area. And Congress and those who speak for it have a continuing interest in seeing that the expressed will of Congress, as clearly enunciated in a statute signed by the President, be carried out.

Moreover, Congress has also declared that the relationship of the highway improvement program in any state, or the District of Columbia, be coordinated with plans for improvements in other affected forms of transportation (this would include subways) which are formulated with due consideration to their public effect on the future development of large urban areas. In this respect Title 23, § 134, provides as follows:

Footnotes at end of article.

§ 134. TRANSPORTATION PLANNING IN CERTAIN URBAN AREAS

It is declared to be in the national interest to encourage and promote the development of transportation systems, embracing various modes of transport in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective the Secretary shall cooperate with the States, as authorized in this title, in the development of long-range highway plans and programs which are properly coordinated with plans for improvements in other affected forms of transportation and which are formulated with due consideration to their probable effect on the future development of urban areas of more than fifty thousand population. After July 1, 1965, the Secretary shall not approve under section 105 of this title any program for projects in any urban area of more than fifty thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section. Added Pub. L. 87-866, § 9(a), Oct. 23, 1962, 76 Stat. 1148. (Emphasis added.)

Thus, this congressional mandate applies to both the subway and to the highway program for the Washington Metropolitan area with which we are here concerned. To the extent that it provides that the Secretary shall not approve highway projects in large urban areas unless he finds such projects are based on a continuing comprehensive (i.e., rail and highways) transportation planning process in conformance with the objectives stated in Section 134, it is essential that the Secretary of Transportation in approving highway plans be concerned with the program to build subways in the District of Columbia. Indeed it would be impossible and contrary to law for any Secretary of Transportation to pass on any major highway project in the District of Columbia without being familiar with and considering its effect and relationship to the subway construction program. In carrying out this statutory duty the Secretary must determine, in this case with respect to the District of Columbia, that the proposed subway and highway plans will combine to produce "modes of transportation in a manner that will serve the States and local communities [here the Washington Metropolitan Area] efficiently and effectively." It is obvious, if the subway program were to proceed without the necessary highway construction, that the modes of transportation being built would not be efficient or effective. To this extent some joint consideration of subway and highway construction (including the Three Sisters Bridge) was a relevant matter and I do not find that the Secretary exceeded his authority by giving such matters more weight or consideration than was required by the statute.

In its discussion of "prudent alternatives" the majority opinion really attempts to define the problem as being one to determine whether a unique problem of extraordinary magnitude was posed by the potential loss of appropriations for the District subway. This is completely foreign to what section 138 is all about and does nothing more than indicate a preoccupation with the position of Congress. Actually when section 138 speaks of prudent alternatives it refers to alternatives to the use of parkland for the erection of the bridge at one location or another. The majority generally ignore the fact that the topographical features of the river with the high, steep banks of the Potomac Gorge, when coupled with the existing highways and parklands on both sides of the river, would cause the location of any other bridge that would meet the traffic congestion problem to affect existing parklands in a substantially sim-

ilar manner to the Three Sisters project. The case is unique in those respects. It is obvious that the viable alternatives would affect parklands substantially to the same extent.

The majority also ignore the fact that the so-called parklands involved on the Virginia side of the river are all in the George Washington Memorial Parkway. Highways have always been an important part of this highway park. The George Washington Memorial Parkway was established by Congress (46 Stat. 482 et seq.) as a narrow elongated parkway along both banks of the Potomac River from Mt. Vernon and Fort Washington to the Great Falls of the Potomac. It parallels the Potomac River from Mt. Vernon to a point above the Great Falls on the Virginia side, except for the City of Alexandria, and from Fort Washington (in Maryland across from Mt. Vernon) to a similar point above the Great Falls on the Maryland side, except within the District of Columbia. One of the congressional purposes in establishing the parkway as a memorial was to provide for the construction of extensive highways within the dedicated areas. The legislation also sought to protect and preserve the natural scenery of the Potomac Gorge and the Great Falls of the Potomac, to preserve the historic Patowmack Canal and to acquire that portion of the Chesapeake and Ohio Canal below Point of Rocks (46 Stat. 482-83).

The fact that this park has to a substantial extent, and always has had extensive highways within its confines, makes it practically impossible for any proposed bridge in this area to be erected without affecting some of its lands. This results from the fact that much of the traffic congestion which the proposed bridge seeks to relieve is traffic over the automobile highways within the parkway itself.

It is thus submitted that (1) the restrictive alternatives occasioned by the topography and location of the parklands, and (2) the nature of the parkland here involved, established by congressional legislation with substantial highways within its confines as one of its principal purposes, make the proposed Three Sisters Bridge a unique problem. It should also be noted that this highway park was established by Congress and that Congress has power by a subsequent act to change it.

In its peroration to Part II the majority opinion attempts to disclaim certain obvious implications of its decision. However, in so doing, it merely emphasizes the partial and slanted view it takes of the facts. Thus it states they are not suggesting any impropriety in the acts of those who "strongly advocate the bridge"; then next imply that there is some question as to the authority of such persons to exert pressure on Secretary Volpe which resulted in placing the Secretary in such an extremely treacherous position; and then conclude by denying that they are suggesting that Secretary Volpe acted in bad faith or in deliberate disregard of his statutory responsibility. Finally, they set aside the Secretary's finding on grounds which the Secretary testified under oath did not exist and the finding of the trial court supported the Secretary's finding. The result reached by the majority opinion thus contradicts its disclaimers. So whether the majority are implying that the Secretary acted contrary to his statutory responsibilities or not, they end up at exactly the same place as though he had.

However, all of this buys time for the objectors and keeps alive the hope that a new Secretary or a new Council will succumb to pressure and disapprove the project. The majority opinion does not criticize pressure from the objectors and it does not fully state the history of the prior approvals and disapprovals of the project. Originally the Three Sisters Bridge was designated as part

of the entire metropolitan freeway project. Nothing in this record indicates that this was not a decision of the engineering merits uninfluenced by any improper pressures. However, in the waning days of an outgoing Presidential Administration, a lame duck City Council of the District of Columbia on January 17, 1969, three days before a new administration was to take office, deleted the bridge from the Interstate Highway System at the request of the District government. The majority do not question the basis of this action, but only attack the reversal of this decision.² It may well be that they should question the background of that decision rather than what may well have been a rectification of a prior error or improper action.

PROCEDURE ON REMAND

In the conclusory paragraph of its opinion the majority suggests that the Secretary establish a "full scale administrative record which might dispel any doubts about the true basis of his action." When members of an appellate panel, for no reason more substantial than their own innate suspicion, elect to disbelieve the sworn testimony of a member of the Cabinet that his final decision was not influenced by outside factors, and also to circumvent the factual finding of the trial court to the same effect, in my opinion, it is not likely that a more extensive administrative record would cause them to believe him in the future. A court that has gone to the great extremes that this court has to reverse the trial court here can always find reasons satisfactory to it for avoiding practically any subjective decision required with respect to the bridge. It may well be that the only hope to carry out the expressed will of Congress lies with the Supreme Court.

To the extent that the majority opinion differs from the views hereinbefore set forth, I respectfully dissent and I concur in the remainder.

FOOTNOTES

¹ The proposed bridge lies almost completely in the District of Columbia since the Potomac River is entirely within the District. The bridge approaches on the south bank would be within the jurisdiction of Virginia.

² § 138 requires a determination that there was "no feasible and prudent alternative to the use of such land" and that "the project includes all possible planning to minimize harm to such park . . . or historic site." 23 U.S.C. § 138.

³ *Georgetown as an historic site.* The old Georgetown District was created within the District of Columbia by Chapter 984, approved September 22, 1950 (64 Stat. 903). Its west boundary was fixed at "Archbold Parkway from Reservoir Road to the Potomac River. . ." The district so established would be slightly to the east of the presently prescribed location of the Three Sisters Bridge. If any of the ramps or interchanges were to come within said district, it is obvious from the maps that it would only touch a *de minimus* area at the southwest corner of the district which is devoid of buildings. Thus, the Three Sisters Bridge does not imperil the architecture in Georgetown. The old Georgetown District was established "to preserve and protect places and areas of historic interest, exterior architectural features and examples of the type of architecture used in the National Capital in its initial years. . ." (64 Stat. 904). To effectuate the intent of Congress the Act required the Commissioners of the District of Columbia before issuing any permit for the construction, alteration, reconstruction or razing or any building within the old Georgetown District, to refer the plans to the National Commission on Fine Arts for a report as to "the exterior architectural features, height, appearance, color and texture of the materials of exterior construction which is subject to public view

from a public highway." The Commission was then required to report its recommendations as to whether the plans with respect to any building would preserve the historic value of said district and if not to suggest changes. Thus, while the Act referred to "places and areas" of historic interest, the operative features of the law were directed solely to buildings within the district and there was no showing made in this case that any buildings within the district would be affected by the Three Sisters Bridge or any of the ramps and interchanges that would be constructed under any plan. And as stated above, only a *de minimis* area at the southwest corner might be affected by the ramps and interchanges. The bridge itself would not touch the Old Georgetown District. Also the character of the so-called parkland on the north bank of the Potomac (the D.C. side) where the bridge abutments would be erected consists practically entirely of a railroad right-of-way, the Chesapeake and Ohio Canal and a public highway. Thus, any substantial interference with "green places" on the District of Columbia side of the river has not been demonstrated.

* Biographical data on Secretary of Transportation John A. Volpe indicates that he was born December 8, 1908, graduated from high school and following two years of night school majored in architectural construction at Wentworth Institute. He engaged in the construction business in Massachusetts from 1933 to 1943 when he volunteered for duty with the Civil Engineer Corps (Seabees) of the United States Navy. On his return to civilian life he held the rank of Lt. Commander and he then reopened his construction company. As the business grew, he set up offices in Washington, D.C. and Miami, Florida. He served as Commissioner of Public Works for the State of Massachusetts for four years beginning in 1953. In this position he undertook one of the largest highway construction programs in the history of Massachusetts. President Eisenhower named him as the first Federal Highway Administrator of the United States and he served in this position in 1956 and 1957 and thus became one of the architects of the \$40 billion Interstate Highway Program initiated by the United States at that time. He is a member and past president of the Society of American Military Engineers and is also past president of the Associated General Contractors of America. He was also elected to three terms as Governor of Massachusetts. CONGRESSIONAL DIRECTORY, 92nd Cong., 1st Sess. 973 (1971).

⁶ Citizens to Preserve Overton Park v. Volpe, 401 U.S. 402 (1971).

⁷ The so-called Three Sisters Islands consist of nothing more than three small rocks which project above the waters of the Potomac River. At low tide they are connected by a small sand bar.

⁸ 23 U.S.C. § 138.

⁹ Majority opinion, p. 11.

¹⁰ D.C. Federation of Civic Associations v. Volpe, 316 F. Supp. 754, 775 (D.D.C. 1970).

¹¹ 23 U.S.C. § 134.

¹² D.C. Federation of Civic Associations v. Volpe, *supra* note 9, 316 F. Supp. at 795.

¹³ See page 15 of majority opinion.

¹⁴ 316 F. Supp. at 794.

¹⁵ *Id.*

¹⁶ 23 U.S.C. § 134.

¹⁷ 316 F. Supp. at 775.

¹⁸ *Id.* at 762.

¹⁹ Pub. L. No. 90-495, 82 Stat. 815 (1968).

²⁰ FED. R. CIV. P. 52(a) provides:

(a) Effect. In all actions tried upon the facts without a jury or with an advisory jury, the court shall find the facts specially and state separately its conclusions of law thereon, and judgment shall be entered pursuant to Rule 58; and in granting or refusing interlocutory injunctions the court shall similarly set forth the findings of fact and conclusions of law which constitute the grounds of its action. Requests for findings are not neces-

sary for purposes of review. Findings of fact shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge of the credibility of the witnesses. The findings of a master, to the extent that the court adopts them, shall be considered as the findings of the court. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact and conclusions of law appear therein. Findings of fact and conclusions of law are unnecessary on decisions of motions under Rules 12 or 56 or any other motion except as provided in Rule 41(b).

²¹ United States v. Chemical Foundation, 272 U.S. 1, 14-15 (1926) states:

The presumption of regularity supports the official acts of public officers and, in the absence of clear evidence to the contrary, courts presume that they have properly discharged their official duties. *Confiscation Cases*, 20 Wall. 92, 108; *United States v. Page*, 137 U.S. 673, 678-680; *United States v. Nix*, 189 U.S. 199, 205.

Ostereich v. Selective Service Bd. No. 11, 393 U.S. 233, 241 (1968) (Harlan, concurring), is to the same effect.

²² § 23 of the Federal-Aid Highway Act of 1968 provides:

SEC. 23. (a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" submitted to Congress by the Secretary of Transportation with, and as a part of, "The 1968 Interstate System Cost Estimate" printed as House Document Numbered 199, Ninetieth Congress. Such construction shall be undertaken as soon as possible after the date of enactment of this Act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.

(b) Not later than 30 days after the date of enactment of this section the government of the District of Columbia shall commence work on the following projects:

(1) Three Sisters Bridge, I-266 (Section B1 to B2).

(2) Potomac River Freeway, I-266 (Section B2 to B4).

(3) Center Leg of the Inner Loop, I-95 (Section A6 to C4), terminating at New York Avenue.

(4) East Leg of the Inner Loop, I-295 (Section C1 to C4), terminating at Bladensburg Road.

(c) The government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in "The 1968 Interstate System Cost Estimate", House Document Numbered 199, Ninetieth Congress, within the District of Columbia which are not specified in subsection (b) and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such 18-month period then the Secretary of Transportation and the government of the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section. (82 Stat. 827-8)

²³ If the present objectors were associated with the disapproval of the Three Sisters Bridge project in 1969 for reasons unrelated to its merits, it may be that they do not come into court with clean hands.

DO NOT RUSH INTO NEW AID BILL MESS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. KEMP. Mr. Speaker, I must say forthrightly that the good claimed for the foreign aid program is not supported by facts and for that reason I voted against the measure when it came before the House.

Until this administration came into power, we had been borrowing money from the American people to pay for commodities and services which were given free to foreign nations, and then borrowing dollars from foreign nations in order to make our balance-of-payments situation look better than it was.

Now, many foreign nations are again demanding our diminishing gold for the surplus dollars they hold, thus further depleting our limited gold stocks. In some countries, businesses will accept dollars only at a discount. This uncontrolled dissipation of our wealth is pricing us out of world markets. We may well finish this year with a true trade deficit of a billion dollars.

I think this provides us with a new opportunity to insist that the other free nations pick up their fair share of the defense burden we have carried virtually alone all these years. An excellent analysis of the foreign aid situation appears in the November 3, 1971, issue of the Buffalo Courier Express.

Mr. Speaker, I think it is important to call this to the attention of my colleagues and include the article at this point.

The article follows:

[From the Courier Express, Nov. 3, 1971]

DO NOT RUSH INTO NEW AID BILL MESS

Congress probably will—and perhaps it should—adopt some kind of interim foreign-aid program in the wake of the Senate's stunning reversal last Friday of the "Uncle Sucker" giveaway syndrome. However, since there still is \$4.7-billion in unspent aid from previous bills, the Senate ought not to rush into any hasty, patched-up version based on now-outmoded concepts of the late 1940s.

What's needed is something more modestly designed to fit the 1970s—with a price tag far less than the \$3-billion range set by President Nixon. While some critics of the Senate vote—including Mr. Nixon himself—were overquick to brand the Senate vote as "irresponsible," this was a knee-jerk reaction. The Senate, we believe, acted more from a sense of frustration after wrestling with the jumbled aid-bill parts, from knowledge of public impatience with the ever-mounting costs and ever-declining results of a boondoggle that had outlived its time. In this sense, the Senate was really asserting its responsibility to reject the executive's overcommitment to the idea that there has to be a paramilitary solution to every ill among the 42 client states.

Economic help ought not to be tied to purely American political and military goals in the 1970s. And the Senate should not buckle under to the type of response that came from Defense Secretary Laird who, in his terms of military strategy in Vietnam, offered stark proof of how this one-dimensional view persists, of how legitimate aid ideals have been twisted and pre-empted by military planners.

In recent years, the aid program, over-all, has been a failure, actually encouraging conditions it was supposed to alleviate in many places. The administration really brought the aid rejection upon itself. There was very little sense of responsibility in the "Bush-league" diplomacy at the U.N. when Washington crudely twisted the arms of client states to try to get them to vote as Washington wished, then petulantly threatened to cut off their aid after some of them either voted to admit Peking or abstained from voting. In effect, the administration conceded that it was using the aid to buy votes.

The aid-revision plan shelved last July by the House Foreign Affairs Committee contained a few good starting points for reform. Its main goal was a shift from unilateral to multinational funding, or distribution, of aid. And it called for the separation of economic aid from military aid. Yet other parts of the so-called Peterson plan, as submitted by Mr. Nixon, were objectionable—such as the five-year authorizations which would erase the yearly reviews.

It was indeed ironic that some senators, such as New York's James L. Buckley, R-C, tried hard to chop out the \$140-million for U.N.-related relief work but said little about the billions voted through the years for client states such as Laos, Thailand, Greece, Spain and various regimes in South Vietnam: \$2-billion for Spain; \$1.5-billion for Laos; \$3.6-billion for Greece; \$1.5-billion for Thailand and \$15.2-billion for Saigon—not counting the billions in the defense budget, of course.

Separation of the programs would enable the Senate to continue the present level of voluntary contributions—as contrasted with dues assessments—to such agencies as UNESCO while redesigning the whole aid concept. It is a matter of acting on the priority items, even if doing so in a piecemeal fashion. Above all, the Senate should avoid the old scenario, the farce, as Idaho Sen. Frank Church termed it, like the plague.

MINNEAPOLIS CLERGYMEN OPPOSE PRAYER AMENDMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. FRASER. Mr. Speaker, a group of leading clergymen from Minneapolis recently contacted me to express opposition to the prayer amendment, House Joint Resolution 191. Their letter provides a cogent set of arguments for the defeat of this unwise and unnecessary legislation.

At this point, I would like to have the letter included in the RECORD:

NOVEMBER 5, 1971.

DEAR CONGRESSMAN FRASER: We the undersigned clergymen from the 5th Congressional District address ourselves to the matter of the proposed amendment to the U.S. Constitution, to allow for nondenominational prayer in the public school.

We believe that it would be unwise for this kind of legislation to pass Congress and become law for the following reasons:

We hold strongly to the distinction that has historically been maintained through the U.S. Constitution, namely, the separation of church and state. We believe God has created the civil authorities for the purpose of maintaining order in the world, and that God's Kingdom is the ultimate rule and authority over the Universe. The notion of "separation of church and state" is based on a sound principle that God's Kingdom (the Kingdom on the Right) should not

exercise authority over the civil authorities, (the Kingdom on the Left). Nor should the Kingdom on the Left (civil government) exercise authority over the Kingdom on the Right, (the ecclesiastical order).

The proposed amendment opens the door for the civil authority to begin to prescribe prayer and leaves the opportunity for ultimate civil control over ecclesiastical matters. We believe this to be wrong. By the same token, we would believe that the intervention of ecclesiastical authority over the civil powers to be equally wrong.

We believe that the First Amendment to the Constitution adequately guarantees the freedom of worship and religion without establishing religion. We further believe that the supreme court decision concerning public prayer in the schools to adequately safeguard the distinction between the church and the state for the protection of both.

Finally, we do not believe that prayer can be "non denominational." Prayer is by its very nature sectarian and directed toward a specific supreme being that is named in the prayer. A prayer that is directed to an unnamed God is as offensive as regimenting all people to pray to a governmentally prescribed God.

For these reasons we support you in your opposition to this amendment to the Constitution and we encourage other members of the United States Congress to oppose H.J. Res. 191.

Sincerely,

Rev. Warren A. Sorteberg, Rev. James A. Anderson, Rev. David B. Olson, Rev. Paul Hallett, Rev. Elton W. Brown, Jr., Rev. John R. Hanson, Rev. Fred M. Miller, Rev. Stanley H. Conover, Rev. Thomas P. Hunstager, Rev. Bill Youngdahl, Rev. Louis W. Johnson, Rev. David L. Anderson, Rev. Bruce Buller, Rev. Peter Erickson, Rev. David Preus, Rev. Sheldon Torgerson.

THE U.N.'S MISTAKE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. CRANE. Mr. Speaker, one fact which should be made clear to the international community is that the shock and dismay existing in the United States over the admission of Communist China to the United Nations and the accompanying expulsion of the Government of Taiwan cuts across both party and philosophical lines. The overwhelming majority of Americans, Republicans and Democrats, liberals and conservatives, feel that the United Nations has turned its back upon its own Charter and its own principles. There are some in the Congress who advance the view that our relationship with the United Nations should not be altered as a result of its action in this matter. That view, it seems clear, is a minority view.

Many of those who urged the admission of Communist China to the United Nations find themselves as stunned by the expulsion of Taiwan as do those who opposed having the United Nations admit to membership a nation which has violated the Charter, been condemned for aggression in Korea, and has continued its policy of aggression abroad and repression at home.

In its editorial of October 27, 1971, the New York Times, a publication which

supported Peking's admission, states that—

To have deprived another government in good standing of its representation, in deference to Communist China's demand, was quite another proposition; and the U.N.'s acquiescence in this demand—"to expel forthwith the representative of Chiang Kai-shek"—was in our view to place expediency far above principle.

The Times continues:

What the U.N. did was, in effect, to expel Taiwan in order to open the door to Communist China on her own terms. It seems to us that this was an unconscionable move, in no way justified by the . . . desirability that Peking participate in the work of the United Nations. On the contrary, expulsion of one government controlling only 14 million people in order to admit another controlling 700 million, more or less, seems to us to have been a callous act of appeasement of dubious morality.

In the face of the United Nations' retreat from the principles of its Charter, more and more Americans are reconsidering our own financial support of that organization. An editorial in the Washington Daily News comments that—

The China debate . . . has focused attention on the fact that the United States pays for more than a third of U.N. activities. Why? There is no good reason. This country has far less than a third of the world's wealth, income, population, or resources.

The Daily News goes on to urge that Congress "carefully reconsider America's U.N. contribution" and also discusses the "incredible fiction" which gives the Soviet Union three votes while the United States possesses only one.

I share this editorial which appeared in the Washington Daily News of October 27, 1971, with my colleagues, and insert it into the RECORD at this time:

THE U.N.'S MISTAKE

In voting to expel Nationalist China, the United Nations has committed a grave error which will return to haunt it.

For the first time in its 26-year history, the world organization has taken the drastic step of ousting a member. It acted not because Taiwan perpetrated aggression or some heinous crime against humanity, but to appease a great power—Communist China.

Taiwan was sacrificed because Peking demanded it as a price for entering the United Nations. Any organization that victimizes a small member to mollify a large applicant has, we submit, compromised its honor and perhaps its future.

As bad as what the General Assembly did was the way it did it. The membership overrode the sensible United States contention that expulsion was an "important question" requiring a two-thirds majority.

If throwing a state out of the international community is not an important question, what is?

Nationalist China was the victim Monday night of a shouting, unruly simple majority. In the future it might be the turn of Israel, Portugal, South Africa or some other small country on the hate list of the Communist, Afro-Asian and have-not bloc that dominates the General Assembly.

Fortunately, Taiwan is a tough-minded, self-reliant state that will survive the U.N. action. (Whether the weakened United Nations will itself survive is another question.) Taiwan also has a defense treaty with the United States. This remains valid and should deter Communist China from taking encouragement from the U.N. vote and trying to invade the Nationalist-held island.

To no one's surprise, many disgusted members of Congress are threatening to withhold funds from the United Nations. While we share their disgust over the China vote, we hope they will not abruptly withdraw support from the organization, which is deeply in debt and near bankruptcy.

Admittedly, the United Nations has not justified the high hopes placed in it at the close of World War II, but it is the only peacekeeping body we have. It is a useful place where countries can blow off steam (which sometimes averts war), read accommodations in the corridors, and get health and development aid. It can't be improved by killing it.

The China debate, however, has focused attention on the fact that the United States pays for more than a third of U.N. activities. Why? There is no good reason. This country has far less than a third of the world's wealth, income, population, or resources.

Congress should, we think, carefully reconsider America's U.N. contributions. Then it should whittle down our percentage—but gradually so as not to cripple the good work that is done by the organization.

And since "important questions" now can be decided by close votes—the key measure on Peking carried 59 to 55—isn't it time for fairness in the distribution of votes?

Under the incredible fiction that Byelorussia and the Ukraine are independent nations, the Soviet Union cast three votes. The General Assembly has ruled that there is only one China and Taiwan is part of it. Well, everybody knows there is only one Soviet Union, and Byelorussia and the Ukraine are part of it, with infinitely less independence than Taiwan. Why not expel them?

It will be interesting to see if the howling majority that ran the United Nations Monday night has the courage to apply its logic to Russia. We doubt it.

AWARD TO SUN OIL FOR ENVIRONMENTAL CONSERVATION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1971

Mr. COLLINS of Texas. Mr. Speaker, one industry in our country that has taken positive action in its concern about ecology is the petroleum industry. Petroleum Engineer has recognized Sun Oil as one of the pacesetters of environmental control development in the petroleum industry.

Sun Oil won first place in the environmental control awards program for its impressive program of soil and water conservation in drilling and production. We, in Texas, are tremendously proud that Sun Oil received this distinction for its water conservation programs in west Texas which made possible new fresh water reservoirs for several cities. We salute Sun Oil and the petroleum industry and look forward to recordbreaking achievements in protecting our environment in the coming years.

The statement of award presented to Sun Oil reads:

A Sun Oil Co./Colorado River Municipal Water District contract executed in 1963 opened the way for several big waterflood projects in Sun's Silver Area and made possible a new reservoir which supplies water to several major West Texas cities.

Sun contracted for 3 million gal/day water through a 52-mile pipeline from Lake J. B.

Thomas. By obtaining a source of water for flood projects Sun could recover an estimated 35 million bbl from oil fields in Coke and Nolan Counties.

With one million gal/day brine intercepted on the Colorado River the CRMWD's stalled plans for a second major lake on the Colorado River could progress. The 488,766-acre-ft fresh water reservoir was also planned as a recreational spot, to become the 14th largest lake in Texas.

To meet Sun's deadline, company had to plan and build water treating plant and pump stations and 37 miles of distributive lines. CRMWD had to arrange financing, get rights-of-way easements, plan and lay 52 miles of 24-in. and then 18-in. pipe from Lake J.B. Thomas to the Sun water treating facility at Silver.

Sun leased land for the water treating plant, the site was cleared and leveled 30 days in advance of awarding the construction contract. Components of the water plant were ordered in advance to minimize construction delay.

Freese, Nichols and Endress engineering firm designed and supervised construction of water plant, and they also served as engineering consultant for CRMWD.

Sun also acquired right-of-way and planned distribution pipelines for Southwest Nena Lucia and Jameson Reed Units. Jameson Reed Unit acquired two pump stations, SW Nena Lucia Unit acquired three pump stations, 11 wells had to be deepened and converted from oil to water injection wells.

The steel cylinder pipe was laid in two spreads, one 24-in. pipe and the other 18-in., with Sun and CRMWD crews working toward each other. Entire pipe was laid in 63 days. On June 27, the water was officially tendered to Sun and two days later the treating of the water began and injection was started in the Jameson field.

A Lubbock, Tex., newspaper called it a 6-month miracle: "The two groups negotiated a multimillion-dollar deal, laid 90 miles of pipelines, secured the rights-of-way, built a water treatment plant, financed and delivered water from Lake Thomas in Scurry and Borden Counties . . . all in less than six months. Sun completed its end of the job only four hours before CRMWD completed its part."

THE LATE HONORABLE WINFIELD K. DENTON

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1971

Mr. MAHON. Mr. Speaker, I wish to join in paying tribute to the memory of Winfield K. Denton, a former Member from the State of Indiana. It was my privilege to be closely associated with Winfield Denton. We served together for many years on the Committee on Appropriations. During his tenure, Mr. Denton served on the Labor-Health, Education, and Welfare, Foreign Operations, and Interior and related agencies subcommittees, serving as chairman of the latter in the 89th Congress.

Winfield Denton was a dedicated American in the fullest sense. He was devoted to the people of his district and to the welfare of the Nation. He was beloved as a Member of the House, a respected and able member of the Committee on Appropriations.

When Mr. Denton left the House, he carried with him the good wishes of his

colleagues here. He left a legislative record for which his surviving family and the people of Indiana can well be proud.

I join in words of sympathy to members of the family who survive.

CANCEL THE AMCHITKA TEST

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. BROOMFIELD. Mr. Speaker, despite numerous warnings, the hour for the Amchitka nuclear explosion some 6,000-feet below the earth is fast approaching. AEC assurances to the contrary, environmental experts have warned that there is indeed a possibility that this blast may have disastrous effects.

There is a chance, although we are told it is remote, that this action may trigger a series of tidal waves or earthquakes. In addition, radiation could escape from the site causing the pollution of the northern Pacific and its marine life.

Mr. Speaker, any one of these possibilities, no matter how remote, would be reason enough for us to pause and reflect on the decision to go ahead with this test. I am particularly disturbed that all of the facts have not been disclosed to the American public. For example, we only recently learned that one high level presidential adviser, Dr. Russell Train, voiced his opposition to this test.

In light of these persistent fears and doubts, I suggest that this explosion be delayed at least till further study can be made. The air should be cleared once and for all before any action is taken.

Furthermore, our allies such as Canada and Japan have expressed their opposition to the Amchitka test. They stand to lose the most should their worst fears become reality. Yet, these allies have no voice in making a decision which might cause untold damage to their countries.

The magnitude of the environmental crisis that our world faces requires international cooperation and understanding. To promote that goal, Mr. Speaker, I have joined with other Members in this body in proposing a worldwide study to combat pollution. This explosion can only serve to undercut and destroy that spirit.

I ask that the following article which appeared in the Philadelphia Inquirer which discusses the possible consequences of the Amchitka experiment be included in the RECORD.

The article follows:

[From the Philadelphia Inquirer, Sept. 14, 1971]

CANCEL THE AMCHITKA TEST

A pair of 6,000-foot-deep shafts, drilled into the barren surface of Alaska's Amchitka Island by the Atomic Energy Commission at a cost of \$200 million, are empty today, waiting for America's biggest nuclear weapons test. We hope they will go unused.

A row has been going on for months among scientists, environmentalists, politicians and officials in and out of the White House over the test plan, which is code-named "Cannikin."

The code means, of course, little cup. Op-

position to the test is based on fear of the consequences if the Cannikin runneth over.

We are not persuaded to anything approaching certainty that the test would—as the most dire critics forecast—cause devastating earthquakes, engulfing tidal waves and spill into the air and sea such radioactive poisons as to damage man and extinguish Arctic life forms.

But faced with clearly irresolvable differences of opinions by learned and often passionate experts, we feel prudence demands the risk be avoided. The only way to do so is to cancel the test—a decision which must be made soon by President Nixon—until far greater certainty of safety can be presented.

Except in the eyes of the AEC and the nuclear arms professionals, it appears as well that there is reason to doubt the test's usefulness. The weapon which the AEC plans to detonate is in the five megaton class—250 times the explosive energy of the Hiroshima and Nagasaki bombs. It was designed as a warhead for the Spartan missile, a long-range defensive element of the Safeguard anti-missile system.

In the contexts of the Strategic Arms Limitations Tasks and Mr. Nixon's continuing reappraisal of the nation's nuclear arms policies, there is reasonable doubt that the Spartan will ever be armed for the purpose contemplated when Cannikin was planned. Both Canada and Japan are strongly opposed to the test, as are most of Alaska's public officials, including both its senators and its governor.

But more telling, we feel is the possibility—implicit in the unresolved debate—that events will not follow the AEC's assertion that the explosion will be lightly contained in its own cavern.

The AEC has a disturbing record on this point: 10 percent of the underground tests it has conducted at its Nevada test site have emitted radioactivity, yet the AEC had insisted in every case there would be none. Project Long Shot, detonated under Amchitka in 1965, was designed, the commission said, so no radioactivity would leak for hundreds of years, and then with gradualness and deterioration which would make it insignificant. Leaks began within a few months.

A vast array of estimates, positions and interpretations—many of them classified Top Secret—makes up the debate record so far. It is sprinkled with such phrases as "unlikely possibility," "very unlikely," and "even more unlikely."

All of it adds up to more likelihood than we like—or think America and mankind can afford.

THE LATE HONORABLE WINFIELD
K. DENTON

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1971

Mr. ROONEY of New York. Mr. Speaker, I, too, was saddened to learn of the passing of the Honorable Winfield K. Denton whom I knew well over the eight terms that he was a Member of this body. We served together on the House Committee on Appropriations and I came to know him as a fine person and a man who never shirked responsibility. Winfield had a distinguished career as a lawyer and public servant in his home State of Indiana. He served as a fighter pilot in World War I and at the age of

46 reenlisted for World War II and was made a lieutenant colonel in the Adjutant General's Office. Winfield was a kindly, warm and devoted person. To his family I extend my deepest sympathy upon his passing.

WHITE HOUSE CONFERENCE ON THE
INDUSTRIAL WORLD AHEAD: A
LOOK AT BUSINESS IN 1990

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. GERALD R. FORD. Mr. Speaker, the Nation's business press was informed at a White House briefing recently about a major economic conference soon to take place: The White House Conference on the Industrial World Ahead: A Look at Business in 1990.

This significant event—the first business conference ever held by the White House on the future of American business—will take place at the Sheraton-Park Hotel in Washington for 3 days starting February 7. The Conference represents an innovative move toward preparing for the Nation's economic future.

For these and the following reasons, I wish to call attention to this most significant business conference that Commerce Secretary Maurice H. Stans and Labor Secretary James D. Hodgson will cochair.

In referring to recent economic growth, Secretary Stans states—

Along the way we've encountered a variety of difficulties which we have managed to overcome, as well as some opportunities which we may not have exploited fully. We are discovering that the potholes of inflation and unemployment, for example, require tandem efforts: decisive action to cope with immediate dislocations, as well as long-range planning to smooth out the road ahead.

While we can't exactly predict the future, we can prepare for it on the basis of reasonable assumptions and projections. The Nixon Administration is bringing some of the Nation's best thinkers and planners together to look not at today's economic problems but rather at how we can anticipate and plan the requirements of a Nation of 300,000,000 citizens 20 years hence.

President Nixon will address the conferees on the first day. Recently he stated:

I feel it is time for key leaders with an interest in our industrial society to take a long-range look and develop policies that will help shape that future.

To work out these policies, more than 1,500 representatives of business, labor, the professions, and Government are being invited so that they can apply their special talents and insights to an intensive study of future economic opportunities and problems.

Through frank discussions conducted by a series of panels and workshops, the conference aims at drawing up specific indicators such as where the country will stand relative to 1990 world markets, what jobs will be available for our labor

force, and how our work and business environments will be altered.

The Conference Board of New York City will also prepare a chart book for conferees so that they will have a further insight into basic economic projections. Included in this book will be future population trends, the degree of rising per capita income, and the industrial composition of the United States as it may look in 20 years.

The conference emphasis, then, is on acting positively—in advance of the future. I believe this approach toward future opportunities and problems is most encouraging. I commend Secretary Stans for acting on his belief that business "should arrive in 1990 as more than a beleaguered and battered survivor of today's problems. It must be a strong sector in a strong economy in a strong nation."

FRANCHISING AND THE
MARYLAND ECONOMY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. GUDE. Mr. Speaker, in recent years franchising has assumed a major role in the American economy. It has added a valuable and stimulating element to the economic development of numerous areas. As franchising takes its place in the mainstream of American business many States, including Maryland, are studying possible legislative regulations of franchises. The Joint Economic Committee of the Maryland Legislative Council has recently held hearings on proposed regulatory legislation. I call the attention of my colleagues to the testimony of Mr. Bernard S. Browning, president of General Business Services, Inc., before that committee. Mr. Browning raises several excellent points which I believe should be carefully considered by all State legislatures that are considering regulation of the franchising industry:

FRANCHISING AND THE MARYLAND ECONOMY

Mr. Chairman and Gentlemen of the Joint Economic Committee: I am pleased to have the privilege of testifying before you about the proposed Maryland franchise law which could have far reaching implications and effects on the citizens of Maryland and the economy of our state.

Franchising represents the best of two worlds—the expertise, knowledge, and know-how of large national companies coupled with the incentive opportunity for building equity and the chance to operate a small business on your own. If properly handled it permits the individual to realize all the benefits of the free enterprise system while minimizing his risk of failure.

Any legislation that is not conducive to growth of franchising will inevitably force most of our major companies to establish company owned stores or outlets and siphon off those profits to the parent company rather than sharing them with their franchisees in Maryland.

Every responsible franchisor is proud of his trademark and reputation in the business

community. For that reason every responsible franchisor will normally go to great extremes to avoid misunderstandings and problems with his franchisees. If he abuses his franchisees or takes advantage of them, he will soon find it very difficult to attract new franchisees.

PROFIT BY LITIGATION

The Franchisee, on the other hand, does not have a trademark to protect and may sometimes be tempted to take advantage of a situation if there is some immediate profit or gain to be made. I would sincerely hope this committee would be careful not to recommend any legislation whereby an individual could benefit or profit more by litigating than by working his franchise properly. The provision in Paragraph 47 of Treble Damages plus costs including reasonable attorney fees might under certain circumstances prove too great a temptation to resist. Determining what treble damages are could be more involved and more costly than the amount at stake. What is a reasonable attorney's fee could vary greatly between what was in the minds of the attorney and what might be possible to obtain.

Franchisors normally succeed when their franchisees succeed. The incentives and encouragement should always be for the franchisee to operate a successful outlet and not attempt to profit or benefit via the courts or under the sanction of punitive legislation.

I trust the members of this committee are thoroughly aware of implications and ramifications of their deliberations beyond the borders of Maryland. For example, our firm which operates in forty-eight states has a clause in its franchise agreements whereby the applicable law or interpreting of the contract is that of the state of Maryland. Passage of adverse legislation could conceivably affect the operations of our franchisees in the other forty-seven states.

In any line of endeavor there will always be unscrupulous individuals who will attempt to take advantage of the opportunity at hand. Passage of any legislation is unlikely to eliminate that small fringe element from our society. To pass legislation that might penalize the 98% of our populace who are "good guys" in order to catch the 2% who are "bad guys" does not appear to me to be the wisest approach.

However, we endorse wholeheartedly the concept of full disclosure as outlined in Paragraph 40 of the proposed bill. Full disclosure, in our opinion, is not only good business, it also can eliminate and reduce the chances for many abuses.

I have been disturbed for some time at the pyramid operators and other "fast buck" artists who have seized the name *franchise* to cloak their operations with a certain degree of acceptability and respectability. Such pyramid operators do not offer a true franchise and the end result is a confused public. I would like to suggest that no one be permitted to use the word *franchise* in any offering to the public, who had not operated at least ten of the outlets which they propose to franchise for a period of three years. Franchising to me means knowledge and experience that can be transferred to the franchisee. People who offer a franchise without this kind of know-how do a disservice to the community and invariably create problems with a lot of unhappy franchisees. I would strongly recommend and hope you will seriously consider such a provision in any legislation reported out of this committee.

Our franchisees serve as business counselors to small business in the community, many of which are franchisees for other firms. Because of our peculiar position we have a unique vantage point. We are no

doubt more sensitive and cognizant of the importance of franchising to the success of the small individual entrepreneur.

Quality control standards are vital to any successful franchising operation. The 180 day termination clause provided in Paragraph 43, would be grossly unfair, not only to the franchisor but to all the fellow franchisees. Within 180 days if I wanted to be a poor franchisee, I could ruin the reputation of a trademark in my community to the point that anyone would be unlikely to succeed again.

Also the termination for good cause is so vague that it will probably create more problems than it would solve. The words "reasonable" and "unreasonable" have varying meanings to different situations. For the protection of other Maryland citizens who may have franchises, the franchisor should have the opportunity to terminate on reasonably short notice providing he has given the franchisee the opportunity to correct the violations of which he is guilty. Violations can be clearly spelled out in the contract and every franchisor is aware of those critical factors which are important in their quality control procedures. If the franchisee deliberately violates one of the requirements on which he took the franchise he is penalizing every other franchise holder in the chain.

It should be pointed out to this committee that every responsible franchisor will attempt to keep his franchisee happy and not unreasonably terminate. Finding a replacement can be both time consuming and costly. It is far better for the franchisor too.

I thank you for the opportunity, gentlemen, to appear before you this evening and I offer to you the complete and wholehearted cooperation of our entire operation in helping you to develop proper and fair legislation that will protect the citizens of Maryland and will foster the growth of small business in the state of Maryland through franchising. I know that this committee is vitally concerned with the prosperity of our state and that of its individual citizens and will recommend legislation that will encourage small business and the growth of our economy. For that reason, I would strongly urge you not to recommend passage of the Bill known as the Franchise Practices Act in the form as written. I feel passage in its present form would be a great disservice to Maryland citizens and would create more problems than it would solve.

STATEMENT ON PROPOSED PRAYER AMENDMENT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mrs. ABZUG. Mr. Speaker, one of the major goals of any democratic society is to provide the individual with the maximum amount of personal freedom to do, think, say, and write what he feels, so long as it does not infringe on the freedom of others. It is for this noble goal that Americans have struggled, fought, and died over the past 190 years. There were many times during these noble struggles when men of small mind or undemocratic character sought to limit our freedom or impose upon us their particular ideas or philosophies.

We have been fortunate thus far; we have been able to preserve most of the freedoms that our forefathers so wisely wrote into our Constitution. It has been a task that has required great determination and commitment to our basic principles.

Today we are once again required to rise up and speak out against those that seek to impose their ideas and beliefs upon us. This country started out as a haven for those that believed differently or did not believe at all. Are we now going to reject one of our oldest values? Are we going to give up an ideal that we have worked so hard to protect?

Prayers, of course, do not threaten our freedom; our freedom is threatened when government begins to think that it has the right to legislate in the area of beliefs. We must resist this temptation no matter how noble or righteous we think our beliefs are.

Have we learned nothing from the centuries of religious persecution?

Have we not yet learned to respect the beliefs of our fellow citizens?

Have we not learned to respect the wisdom of our Founding Fathers?

Thomas Jefferson once commented that religion is a matter which lies solely between a man and his God. These words are as valid today as they were the day he spoke them. The state cannot and should not become a medium through which God and man interact. Our Government exists to preserve our liberties and our safety, not to promote or influence our personal spiritual relationships, or lack of them.

This country has been one of the few in the world that has been free of religious persecution. We have seen the flourishing of a great variety of faiths. Our Constitution has served us well in this area. It should not be altered.

DELIBERATE DEATH OF MONGOLOID INFANT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. HOGAN. Mr. Speaker, many of us were deeply shocked by the recent reports of the decision at Johns Hopkins Hospital to allow a mongoloid infant to die of starvation because his parents refused to authorize minor surgery which would have allowed him to eat. The child lived for 15 days, dying slowly of dehydration in a dark corner of the hospital. Such blatant disrespect for human life horrifies me. No human being should be denied the inalienable right to life by another human being, particularly for such flimsy reasons as "he might inconvenience parents" or "burden society."

The case of the mongoloid child is just one more example of the terrifying psychology which is creeping into the American way of life—largely, I think, as

a result of the push for abortion on demand. Abortion advocates are literally poisoning the respect of our citizens for the sanctity of life. To what lengths will we go to achieve an unburdened society?

My fears over the tragic direction of our national conscience were echoed eloquently in a series of letters concerning the death of the mongoloid child published in the Washington Post on October 23, 1971. Mr. Speaker, I insert these letters into the RECORD at this point.

[From the Washington Post, Oct. 23, 1971]
LETTERS TO THE EDITOR: ON THE DECISION TO ALLOW A MONGOLOID INFANT TO DIE

Why is it that it takes a panel of "experts" to decide a moral issue so clear cut as that presented to the symposium on the ethics (?) of modern medicine sponsored by the Joseph P. Kennedy, Jr. Foundation (Washington Post, Friday Oct. 15, 1971)?

The Reverend John Fletcher concluded the death by starvation of a mongoloid infant at Johns Hopkins was "primitive." Indeed! In an age of scientific wonders we surely must have a more merciful way to execute the unwanted. An injection of morphine would have gotten this child out of the way painlessly. Even electrocution or hanging, methods reserved for wayward adults would have been quicker. Perhaps because the adults have availed themselves of the "due process" denied this child, they are entitled to more humane methods of ending their lives.

The moral point, which nobody at Johns Hopkins seems to have understood, is that murder is immoral. It also happens to be illegal.

Mrs. Callahan, a psychologist, and Dr. Fox, a professor of sociology, said the parents shouldn't have made the decision. Mr. Auerbach, your reporter, wondered rhetorically who should have made it. The Reverend Fletcher doesn't know. Obviously, Dr. Bartholome, the pediatrician on the case, didn't know. If nobody knew then or knows now who had the right to make the decision, why was it made? Perhaps Mrs. Freund, Gustafson and Harrington "will," as your report noted, "tackle that ethical and moral dilemma at the symposium Saturday."

I wonder what Mother Theresa of Calcutta would say.

DENNIS M. KENNY.

FALLS CHURCH.

In regard to the story (Oct. 15) concerning the symposium on medical ethics, in which was related the case of a mongoloid infant allowed to starve to death, may I suggest to the doctors an alternative? If the life or death decision was made by the parents in such a case, why not release the infant from the hospital immediately? Rather than have hospital personnel have to watch a human being's slow, purposeful death, why not make the parents observe at home the unfolding consequences of their decision?

DOROTHY KOUT.

WASHINGTON.

Your article, "Doctors Ponder Ethics of Letting Mongoloid Die" evokes memories in me almost as painful as what I felt four years ago when I was told my baby was a mongoloid. Fortunately, my husband and I had no life and death decision to make, for our son was physically sound. But the anguish, bitterness and overwhelming despair of those early days have convinced me that no parents could possibly make a rational decision at a time like this—nor should they have to.

Instead, there should be a mandatory law so that if through medical science the child can be made physically sound—then so be it—make him physically sound. This way, no one has to make a decision.

Having once been born he deserves his chance at life—and his parents deserve the chance to accept or reject him *after* they have had time to recover from the initial shock and come to know him. I say this with conviction because of knowing what it is to be afraid of your own baby—of not wanting to see him, to hold him—of wishing that somehow he and all the problems he represented would just disappear. I know too what it is to see that baby grow into a little boy whose spunk and determination, whose loving heart, has brought more joy and true sense of the meaning of life to me, to his father, to his brother and sisters, than the most beautiful, talented, brilliant child could even come close to.

Four years ago I could not have imagined the remotest possibility of ever saying these words. And for this very reason I believe—indeed—I know that a life and death decision concerning a mongoloid baby should not be up to the parents.

MARILYN TRAINER,

Maryland Chapter President, Mothers of Young Mongoloids.
SILVER SPRING.

When Americans have grown up enough to have the kind of compassion for each other that puts human priorities first, no parents of a mongoloid child would withhold permission for an operation that would save the child's life.

In the District of Columbia and other parts of our country, life is not easy for the family whose circle includes this kind of child. Proper attention and schooling is expensive and there is always the problem of "what will happen to our mongoloid child when we die?" The District of Columbia Children's Center, Forest Haven, at Laurel, Maryland, would have to be the answer in most cases. That understaffed, last to be funded institution, can be worse than death for some of its residents.

ROSALIE IADAROLA,

Member of the Board, District of Columbia Association for Retarded Children.

WASHINGTON.

Granted the difficulties of the case, the "ethical" ambience surrounding the decision to allow a mongoloid infant to die in a Baltimore hospital is unspeakable. The moral anguish of the medical personnel involved is affecting, but inevitable. Behind their immersion in the legal considerations, one senses the omnipresent question of money: who will pay for an unauthorized operation? Will the parents sue if it is performed? What will be the subsequent fate of a child whose parents will not accept responsibility for him? So a reluctant decision, in which the child's right to live was apparently the last consideration, is made, and, in an institution devoted to the preservation of life, he is shoved into a dark corner to endure a protracted and unattended death. The parents are reluctant to "burden society" with the care of such a child; they are apparently blind to the spiritual burden such a crime adds to a society which is already carrying too many.

We are living in a society in which, increasingly, the most fundamentally human ethical response requires an act of heroism. The most morally sensitive among our citizens are forced to defy or override the law,

to make imperative ethical decisions that place their personal careers in jeopardy or entail actual imprisonment. In such cases, law becomes a piece of aberrant and irrelevant machinery floating free of its base in the evolved value system of the people. It becomes an actual hindrance to ethical action. In this case the law was interpreted as an obstacle to the survival of a human being without blame and without redress. Cause of death: parental default and improvised bureaucratic fiat.

Dr. Bartholome calls for a "group of people sophisticated enough in law, ethics, sociology, and medicine to make this kind of decision." When these sophisticated people gather to consider the "ethical and moral dilemma involved," perhaps they can extricate themselves from its horns by recalling a few monosyllabic, unqualified imperatives: "Feed the hungry. Bring the needy and harborless into thy house. When thou shalt see one naked, cover him. And despise not thy own flesh." Simplistic? Yes. These imperatives are primary. The question of how they are to be carried out is vastly troublesome, sometimes profoundly disquieting, sometimes an occasion of personal jeopardy, but always secondary. As adequate a guide as is needed to the naked existential situation upon which a false dilemma was tragically imposed, they require no validation from a cumbersome theological and metaphysical construct. They require only a spontaneous and instinctive assent of the heart.

NANCY JARVIS.

WASHINGTON.

It was such a sad story—about the doctors pondering the ethics of letting the mongoloid baby die. There was no "question" as to the ethics: it certainly was not ethical for a hospital staff to stand by and let a baby starve to death.

But why will the courts not make a mongoloid baby a ward of the state? Had such action been taken, then the baby could have had the operation.

What is a mongoloid baby anyhow? It is a baby born with an imbalance of chromosomes resulting in mental retardation. And what is mental retardation other than that person cannot develop mentally at the level society considers normal? So? What about the physically retarded or handicapped? What about emotionally handicapped? Could they be a ward of the state? If not, would it be ethical for their parents to let them starve to death? Are all the children who are wards of the state perfect mentally, physically, and emotionally?

Someone said there is none so deaf as one who refuses to hear nor one so blind as one who refuses to see—and people who cannot see that a baby is entitled to life will not be enlightened by anything I have to say. Still, I had to write this letter—for I have a Mongoloid son. He's 9 years old and a delight to our family. He's mentally retarded—no doubt—but he's socially smarter than a lot of so-called brainy people.

JUNE S. HESSON.

OXON HILL.

There are a number of shocking aspects regarding the slow, starvation death of a mongoloid infant at Johns Hopkins University Hospital. What is perhaps most disturbing is that entire groups of people, individually and collectively committed to the saving of human life, would sit back without so much as a public peep and watch a helpless child gradually die.

The argument that doctors had no legal right to perform the operation without parental approval is superficial. Johns Hopkins,

or any other of the doctors involved, could and should have sought immediate injunctive relief from a federal or state court to remove the parents from the position of deciding whether the operation could be performed. Alternatively, the court could have been asked to permit euthanasia. Either course would have been more rational, humane and merciful than the one adopted. Judicial relief might not have been forthcoming, but it should have been sought. Concededly, such a petition would have attempted to open new vistas in the law. But in my judgment new vistas must be opened if the existing laws allow this kind of situation to transpire.

RICHARD O. DUVAL.

GAITHERSBURG.

Fellow members of our most advanced species, homo sapiens (?); please let us make legal what is presently covertly practiced and condoned: euthanasia. I speak specifically of the babies with Downs syndrome who are "allowed" to die. Time and again, without publicity, and excluded from the constitutional guarantee of life, liberty and the pursuit of happiness, this death sentence is imposed by an irrevocable decision of the parents alone, but with the willing or unwilling complicity of the medical and legal professions.

If this form of euthanasia is to be practiced, let us, as human beings, devise a humane way to execute the unwanted mongoloid babies. Starvation is unpleasant and the responsibility for passing judgment from the parents. Let us give the responsibility for executing sentence only to those willing to participate in infanticide.

There is precedent for legal action. We have only to copy Adolf Hitler's program, "Helping Retarded Children Die." And logically, step by step, without a twinge of conscience the inclusion of other groups of defectives as removable burdens to society, would become desirable—painlessly humane actions as "the will of God" for removable—let us hope. We could mask our * * * those among us religiously inclined; or for the scientific, "cleansing the American genetic inheritance." Thus, we would shortly be revealed in our true glory: the completely civilized Master Race.

One does wonder into which category of "defectives" or "undesirables" each of us might eventually be placed. God, and Big Brother, help us all.

CELIA M. WYMAN,

Area Chairman,

Mothers of Young Mongoloids.

Alexandria.

I have personally worked with mentally retarded children and found how sweet and lovable they can be—just like any normal child (and as a fact, mongoloid children have been found to be more affectionate than normal children).

As it was stated in the article by the parents: "Why burden society with a Mongoloid child?" Why are they so worried about what society thinks of a mongoloid child in a family? As far as I see it, it's the ignorant in our society who have the problem of grasping and understanding problems like this.

Besides, it seems to me those parents are really saying: "Why burden ourselves with a mongoloid child?" Then concerning the statement: "Why not let God's will be done?" Do you suppose God wanted this child dead? No, I don't think He did.

Vienna.

STACEY PEFFERS.

INCREASING SUPPORT FOR PRAYER

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. HUNT. Mr. Speaker, our colleague, the Honorable CHALMERS P. WYLIE, the author of House Joint Resolution 191, has called to my attention the following list of telegrams which he received this morning in support of House Joint Resolution 191:

CHARLOTTE, N.C.,
November 4, 1971.

HON. CHALMERS P. WYLIE,
Longworth House Office Building,
U.S. House of Representatives,
Washington, D.C.

HON. CHALMERS P. WYLIE: I am for the prayer amendment now before Congress—the so-called Wylie amendment. I do not believe it jeopardizes the historical separation of church and state as some have alleged. I believe it is absolutely imperative that we keep church and state separate if we are to maintain our religious freedom.

The Government should never become the administrator of any particular religious practice.

Our greatest danger lies in the direction that secularism and atheism will have the unofficial religion of America.

I see no danger in the amendment—if I were a Congressman, I would vote for it. I believe that the overwhelming majority of the American people want prayer in the schools.

It is interesting to me that when we took prayer out of the schools, sex permissiveness—rebellion—drugs—and even crime came in.

BILLY GRAHAM.

SAN BERNARDINO, CALIF.

HON. CHALMERS P. WYLIE,
Longworth Building,
Washington, D.C.:

Strongly support H.J. Resolution 191. Sending letter and messages to nine uncommitted. Letter follows.

BILL BRIGHT,

President, Campus Crusade for
Christ International.

FAYETTEVILLE, ARK.

Congressman CHALMERS WYLIE,
Longworth Building,
Washington, D.C.:

Unqualified support for your H.J. Res. 191. It means the continuance of prayer, which is important to us all.

FRANK BROYLES,

Head Football Coach, Univ. of Ark.
and President, Fellowship Christian Athletes.

LIMA, OHIO.

CHALMERS P. WYLIE,
Longworth House Office Building,
Washington, D.C.:

The Ladies Auxiliary to the Veterans of Foreign Wars give you our support. Keep the pledge of allegiance in the school and put the Lord's prayer back in school.

Yours truly,

GERTRUDE CONEY,
Legislative Chairman.

ELMHURST, ILL.

HON. CHARLES WYLIE,
Longworth Building,
Washington, D.C.:

The following members of the executive committee of the Conservative Congregational Christian Conference in session at Hinsdale, Illinois, support the constitutional amendment on voluntary prayer in public schools.

Rev. WAYNE J. HAMILTON,
President, Fluvanna Community Church,
Greennhurst, N.Y.

Rev. RAYMOND BIDDLE,
Westville Congregational Christian
Church, Beloit, Ohio.

Rev. ROBERT B. MCKITTRICK,
Grace Congregational Church, Milwaukee,
Wis.

Rev. A. BARRY JONES,
University Avenue Congregational
Church, St. Paul, Minn.

Rev. EDWARD A. WEITMAN,
Clifton Park Community Church, Clifton
Park, N.Y.

Rev. SAMUEL T. HEMBERGER,
Missionary at Large, Elmhurst, Ill.

PITTSBURGH, PA.

HON. CHALMERS WYLIE,
Longworth Building,
Washington, D.C.:

Would appreciate your support of H.J. Res. 191, prayer amendment to Constitution.

PAUL G. BENEDUM,
Treasurer, Fellowship of Christian Athletes.

HUNTINGTON, IND.

Congressman WYLIE,
Longworth Building,
Washington, D.C.:

As minister of the United Brethren in Christ Church we support your voluntary prayer amendment.

Thomas L. Brodbeck, Terrence Bakner,
Barry Bryan, Harry Sparling, N. Mulles,
Gary Ledbetter, Tom Stricker, James
Sturgeon.

TOPEKA, KANS.

Congressman CHALMERS WYLIE,
Longworth Building,
Washington, D.C.:

As pastor Reformed Presbyterian Church I support voluntary prayer program.

D. H. ELLIOTT.

LANCASTER, PENN.

Representative CHALMERS P. WYLIE,
House Office Building,
Washington, D.C.:

This pastor favors prayer amendment. Keep working for it.

Rev. CHAS. LEIPHART.

WINONA LAKE, IND.

Congressman CHALMERS P. WYLIE,
Longworth Building,
Washington, D.C.:

We heartily endorse your voluntary prayer amendment and promote it.

BOARD OF BISHOPS, FREE METHODIST
CHURCH OF NORTH AMERICA,
MYRON F. BOYD, Chairman.
MANASSAS, VA.

CHALMERS WYLIE,
U.S. House of Representatives,
Longworth House Office Building,
Washington, D.C.:

Concerning putting Bibles into public schools.

CHARLES BOT BOLTON.

CHALMERS WYLIE,
House of Representatives,
Longworth Building,
Washington, D.C.:

You have our vote for Bible in all schools.
Mr. and Mrs. William Eddins (and 18
teachers at Manassas Christian
School).

ST. PAUL, MINN.

Congressman CHALMERS O. WYLIE,
Longworth House Office Building,
Washington, D.C.:

We are in full support of your bill on the
prayer amendment. State legislatures should
have opportunity to consider amendment and
reflect sentiment of their constituents. As
editors of Catholic newspaper with 50,000
nationwide circulation can assure you most
of our readers support Wylie bill.

Do not be confused with alleged opposi-
tion of Catholic Church on this issue. State-
ment of opposition by United States Catholic
conference was signed by five prelates (two
of whom are at the Synod in Rome) who
were sent the statement by mail.

The Wanderer, in a quick spot check with
seven other prelates found that none of
them had been consulted on the issue or were
even aware such a statement was being con-
sidered.

As Catholics and citizens we resent the
efforts by self-willed individuals to presume
to imply to speak for us, or to influence
pending legislation by less than candid
means. We must ask: Who are these faceless
people who are so determined to deny the
American people an opportunity to be heard
on an issue of such vital interest.

ALPHONSE J. MATT, Sr.,

A. J. MATT, Jr.,

Editors, *The Wanderer*.

UNIVERSITY OF ALABAMA.

Congressman WYLIE,
Longworth Building,
Washington, D.C.:

Support your H.J. Res. 191 on unequivocally.
Coach BRYANT,
University of Alabama.

SOUTH BERWICK, MAINE.

Representative CHALMERS WYLIE,
House of Representatives,
Office Building,
Washington, D.C.:

The Board of Directors of School Adminis-
tration District #35, South Berwick, Maine,
support H.J.R. 191 and urge your support at
the House vote on Nov. 8, 1971.

GRAYSON HARTLEY,

Superintendent of Schools.

MAN'S INHUMANITY TO MAN— HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 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 sadisti-
cally practicing spiritual and mental geno-
cide on over 1,600 American prisoners
of war and their families.

How long?

CLEAR VIEW ON ELECTRIC RATES

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1971

Mr. JONES of Alabama. Mr. Speaker,
an unusually concise review of the com-
plex and vexing problems which have re-
sulted in staggering increases in the
rates for electric power during the past
couple of years has been presented in the
Huntsville, Ala., Times of October 31,
1971.

Philip W. Smith, a writer for the
Times, is to be commended for his exami-
nation and presentation of the fuel
crisis which has been a factor in the in-
crease in electric rates in the Tennessee
Valley and throughout the Nation.

Much of the information was devel-
oped at regional hearings instituted by
our distinguished colleagues, the Hon-
orable JOE L. EVINS, chairman of the
House Select Committee on Small Busi-
nesses and the Honorable NEAL SMITH,
chairman of the Subcommittee on Small
Business Problems. They are to be com-
mended for undertaking the examination
of this complicated problem.

Press reports of the testimony before
this subcommittee confirm many of the
findings which resulted from my per-
sonal and continuing examination into
this problem.

Because of the importance of electric
power to our society, each of us should
be vitally concerned with the situation in
this important industry. For this reason,
I include the article by Mr. Smith at this
point in my remarks, and I commend it
to the attention of each of you.

The article follows:

BEHIND THE FUEL CRISIS

(By Philip W. Smith)

A massive new conglomerate with the po-
tential to manipulate fuel supplies, slow tech-
nological development of alternate fuel sup-
plies, and control fuel price levels has ap-
parently emerged in the last four or five
years.

Except for investigation by a single con-
gressional subcommittee and some initial
study by the Federal Trade Commission, the
concentration of ownership of the nation's
energy sources into a few hands apparently
has gone virtually unchecked.

One result appears to have been the ap-
proximately 25 per cent increase in electric
rates in the Tennessee Valley last October
and the prediction last week by the chair-
man of the board of Tennessee Valley Au-
thority that, "complex and interlocking pro-
cesses are at work today which, if some fore-
casts are accurate, forewarn of most sub-
stantial basic energy cost increases in the
years just ahead."

TVA power rates remained substantially
unchanged for approximately 30 years until
1967. During the past four years, however,
the rates have increased a total of 81.2 per-
cent. Rates of other private power companies
across the country have taken correspond-
ing or higher increases.

There are many indications, but yet no
concrete evidence, that the rate increases
were caused by artificially created fuel short-
ages and artificially high fuel prices by a few
large petroleum and coal companies.

Testimony before the House subcommittee

on small business problems has revealed that
the four largest coal companies account for
a third of all coal production in the country.
Further testimony has shown that major
oil companies account for approximately 84
per cent of the U.S. refining capacity; 72 per
cent of natural gas production and reserve
ownership; 30 per cent of domestic coal re-
serves; over 20 per cent of domestic coal pro-
duction capacity; over 50 per cent of uranium
reserves; and over 25 per cent of uranium
milling capacity.

It has not yet been established whether any
provisions of the Sherman or Clayton anti-
trust acts have been violated but a spokes-
man for the FTC said last week that, based
on preliminary studies, he expects some rec-
ommendations for anti-trust action by FTC
staff members to the commission by early
next year.

As pointed out by a recent special sec-
tion of the Vanderbilt Law Review, how-
ever, anti-trust action may do little to solve
the problem. The disruption caused by di-
vestiture actually might worsen the present
fuel crisis, according to the law review.

The reasoning of this theory is that since
the extraction, processing and refining of
mineral resources often require large capital
expenditures, small diversified units may be
inefficient and American firms, split into
smaller units, would be at a competitive dis-
advantage in dealing with international fuel
producers.

"When a small, closely knit group of cor-
porations controls resources as indispensable
to the nation as basic fuels, the prospect of
judicial relief in five to six years is, in
effect, no relief at all," a group of Vanderbilt
students who worked on the law review article
pointed out to the subcommittee last week
in Nashville.

"It has also been suggested that the agen-
cies charged with enforcement of the anti-
trust laws tend to move hesitantly against
the economically and politically powerful
petroleum industry," the students added.

Varying state and federal regulations ap-
pear to have lessened competition within the
fuel industry and tend to concentrate the
nation's basic resources into the hands of a
few large corporations.

For example, regulations prohibiting the
burning of high sulfur coal have detri-
mentally affected many small coal com-
panies because they lack the financial re-
sources to seek out or produce low-sulfur
coal. No inexpensive desulfurization process
has yet been devised.

Similarly, the Vanderbilt students call the
Coal Mine Health and Safety Act, "regula-
tory tunnel-vision."

While this act has not lessened national
coal production, it has lessened competition
within the coal industry even more because
many small mines closed rather than trying
to meet the strict provisions of the act.

According to James R. Garvey, vice presi-
dent of the National Coal Association, de-
spite the serious competitive threat atomic
energy poses to other energy sources, the fed-
eral government still spends only seven per
cent as much on coal research as it does to
promote and develop atomic energy.

It appears that the only solution to the
so-called "energy crisis" is a major change
in federal and state regulations and also in
the way they are administered.

In some cases, conflicting federal and state
regulations seem to be actually working
against each other and many regulations are
producing side effects which create the need
for still more regulations which in turn pro-
duce even more side effects.

Someone at the national level is appar-
ently going to be forced to formulate a "na-
tional energy policy" and decide how it
is going to be administered.

TVA board chairman, Aubrey J. Wagner has also suggested that there needs to be a definition between fair profit and excessive profit in the fuel industry.

"Electricity is quite price-sensitive as we have learned in the region TVA services. We just could price it to a point where its tremendous and vital potential to upgrade the overall quality of human life will be denied," the chairman added.

There is no doubt that a portion of the increased cost of fuel, and therefore of electricity, has been caused by efforts to improve the environment and provide for safer working conditions for miners. No one who has testified before the sub-committee has

denied that these price increases are justified and necessary.

No one has yet established that the coal, oil, natural gas and other energy companies have violated any laws by merging.

But these facts have been established.

While the United States has less than six per cent of the world's population, it consumes approximately 33 per cent of the world's energy.

In the past decade, electricity experienced a growth rate of over seven per cent, yet by 1970 that rate had increased to over nine per cent per year and it is predicted that the consumption of electricity will double every ten years.

The cost of electricity has increased more than 80 per cent during the past four years in Tennessee Valley and in similar proportions throughout the remainder of the country.

The average cost of coal purchased by TVA in 1971 was 53 per cent higher than the average cost in 1965. Considering new purchases only and not long-term contracts still in force, prices paid in 1971 rose to nearly double those paid for new coal purchased only a year to 18 months earlier.

This increase in cost has been, and apparently will continue to be, passed along by utilities to the consumer.

SENATE—Monday, November 8, 1971

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father who has watched over us and brought us to this new week, accept the dedication of our souls, minds, and bodies in service to Thee and to our fellow man. Keep ever before us the holy vision of a better nation in a better world. Teach us how to serve Thee as ardently in daily duties as in the time of prayer. Be with all Members of this body and with those who in obscure places assist them. Help us all to exalt the spiritual values, to live a life of prayer, to strive for justice and peace, and in all our ways so to honor Thee that we may be a nation strong in the Lord and in the power of His might. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, November 5, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I have some unanimous-consent requests still to make, but yield at this time to the distinguished Senator from Mississippi (Mr. STENNIS).

The PRESIDENT pro tempore. In accordance with the previous order, the distinguished Senator from Mississippi (Mr. STENNIS) is now recognized for 15 minutes.

BUSING COMES HOME TO THE NORTH

Mr. STENNIS. Mr. President, over the past several years, I have been speaking from time to time on this floor regarding the dual standards of school desegregation that exist in our country. I have pointed out the destruction of effective school systems in the South, undertaken in the name of obliteration of de jure

segregation, while racial isolation in schools continued in the North on a massive and increasing scale, and was left untouched because it was said to be de facto segregation. I have said that in many places in the North and West, this racial isolation is really de jure segregation because it originated in actual official actions of school boards and local governments, although sometimes subtle and disguised, in establishing school district lines, housing programs, and the like. I have also said that if and when the time should come that the citizens of the North and West should be required to accept the enforced racial balance that is imposed on southern schools, they would reject it out of hand, and would make their views known to Congress. I have expressed the hope and belief that this national hypocrisy will in due time give way to a single national policy; and that, because everyone will have to follow it, it will have to be moderate, practical, sensible, and aimed at the true purpose of schools, which is to educate children.

On February 18, 1970, the Senate by a vote of 56 to 31 passed an amendment which I had introduced to the Elementary and Secondary Education Act. It provided that it is the policy of the United States that guidelines and criteria shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation. The amendment was lost, in effect, in conference, by the changes made in it.

I offered the same amendment in 1971, this time to the emergency school aid bill. It passed the Senate on April 22. On November 4, the other body passed it, but deleted references to title VI of the Civil Rights Act of 1964 and the Elementary and Secondary Education Amendments of 1966, making it applicable only to the emergency school aid measure.

Mr. President, I mention these matters now because in recent weeks it has become clear that in a number of cities outside the South the matter of busing schoolchildren for racial balance has become an extraordinarily intense issue. This appears to be the case regardless of whether the busing is undertaken by

local school boards on their own initiative or required by court order.

Let me review briefly what has occurred in some of these cities. I will begin with Detroit, because it is one of the more recent and more highly publicized cases where there has been a court finding of de jure segregation in schools.

In April of 1970, the Detroit School Board adopted a voluntary plan of partial high school desegregation, to be effective at the beginning of the 1970 fall semester. There were strong protests from white parents and some blacks. The Michigan State Legislature rescinded the plan, and subsequently the Detroit voters recalled and replaced four school board members who had supported the plan.

The NAACP sued in Federal district court. The case went twice to the court of appeals and ultimately was remanded to the district court for trial on the merits of the issue of segregation.

On September 27 of this year, the district court ruled that a de jure segregated public school system is in operation in Detroit.

The court said:

We find that both the State of Michigan and the Detroit Board of Education have committed acts which have been causal factors in the segregated condition of the public schools of the City of Detroit. As we assay the principles essential to a finding of de jure segregation, as outlined in rulings of the United States Supreme Court, they are:

1. The State, through its officers and agencies, and usually the school administration, must have taken some action or actions with a purpose of segregation.
2. This action or these actions must have created or aggravated segregation in the schools in question.
3. A current condition of segregation exists.

We find these tests to have been met in this case. We recognize that causation in the case before us is both several and comparative. The principal causes undeniably have been population movement and housing patterns, but state and local governmental actions, including school board actions have played a substantial role in promoting segregation. It is, the Court believes, unfortunate that we cannot deal with public school segregation on a no-fault basis, for if racial segregation in our public schools is an evil, then it should make no difference whether we classify it de jure or de facto.

On October 4, the court gave the State of Michigan 4 months to develop an integration plan involving both the city and