

was not a single television, radio, or newspaper report on it. Farmers forgot to demonstrate. If they had been lying down in front of the White House or picketing Congress, they would have made it, but they came here as decent, thoughtful, God-fearing, taxpaying citizens. It seems that somehow we have forgotten how people like that look or act. But I am not going to forget them. I came here to represent the unrepresented, the handicapped, the sick, the poor, the minorities, the farmers, the kind of people who do not get in the news. The rest of them can take care of themselves pretty well. That has been my philosophy. That is the way I am going to act. I would not have worked for a loan for Lockheed if I did not worry about workers and their jobs.

I am worried about farmers and their income; I am worried about kids and their education. This country today does not seem to know what comes first.

I offer my amendment and, Mr. President, you just heard the first of a series of comments about it until it is adopted. I hope and pray we will be able to do something about the amendment offered by the Senator from Arizona and the Senator from Alaska. I know their purpose. I understand their interest in having the interest on development loans at not below the rate of interest that the Treasury pays. I understand that, and I appreciate that. I find not too much fault with it; but when it comes to our agricultural sales, which is the only thing that bails this country out in foreign trade, I am opposed to any change of law that will adversely affect that.

Let the Senate and the House know, and let the public know, that if it were not for the American farmer and his production, this country would have a trade deficit that would be colossal, and

totally destructive to our country. How in the name of commonsense is the Nation going to have a balance of trade without it I do not know. The American economy cannot be revived with an adverse balance of trade. If they do not know that much, they should go back to school and study economics I and II, for even a freshman knows that.

Mr. President, having delivered myself of a few of my emotions tonight, I have no objection if the distinguished majority whip, who has been so tolerant of me, suggests we go over to another day.

Mr. BYRD of West Virginia. Mr. President, the Senator from West Virginia now speaking thoroughly enjoyed the remarks of the distinguished Senator from Minnesota (Mr. HUMPHREY). He is glad to listen to the Senator from Minnesota at any time and is always educated, informed, and inspired by his remarks.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. HUMPHREY. Mr. President, I want to include the fine and good Senator from West Virginia as one of those concerned people that I was speaking about. When I have stood on the floor of the Senate in years past and needed an ally, all I needed to do was to walk over to the distinguished Senator from West Virginia, and if he had two votes, I would have gotten them.

Mr. BYRD of West Virginia. I thank the distinguished Senator.

#### PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. Following the recognition of the two

leaders, under the standing order, the distinguished senior Senator from Missouri (Mr. SYMINGTON) will be recognized for not to exceed 15 minutes.

There will then be a period for the transaction of routine morning business not to exceed 30 minutes, with statements limited therein to 3 minutes. At the conclusion of that period the Chair will lay before the Senate S. 2820, a bill to provide foreign economic and humanitarian assistance authorizations for fiscal year 1972.

A time agreement has been entered into with respect to that measure, and the majority leader has asked me to state again that any rollcall votes on amendments to that bill will not occur until after the rollcall vote on the Okinawa treaty, which is scheduled to take place at 3 p.m. tomorrow. So there will be rollcall votes tomorrow afternoon.

It is anticipated that the Senate will complete its action on the foreign economic and humanitarian assistance measure tomorrow—even if the Senate has to stay in late—and that it will then proceed to take up the second of the foreign aid measures, S. 2819, a bill to provide foreign military and related assistance authorizations, in connection with which there is also a time agreement entered into.

#### ADJOURNMENT UNTIL 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 31 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, November 10, 1971, at 9 a.m.

## EXTENSIONS OF REMARKS

### FLORIDA'S DEMOCRATIC WOMEN

#### HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. PEPPER. Mr. Speaker, it is my privilege to call to the attention of my colleagues the installation speech of Mrs. Margaret H. Cobbe upon her acceptance of the presidency of the Democratic Women's Club of Florida. Mrs. Cobbe, of Gulfport, Fla., is a distinguished member of the Democratic Party in my State, and I am confident she will prove to be an outstanding leader of our Democratic women.

I cite this speech here because it expresses the new spirit of women in politics. It conveys clearly and simply the determination of dedicated women to make our political system work, to make it work for women and for all Americans.

I believe my colleagues of both parties will be interested in Mrs. Cobbe's remarks, which were delivered on October 9 at the annual convention of the Democratic Women's Club of Florida in Miami

Beach, in my congressional district, and which follows:

INSTALLATION SPEECH OF MRS. MARGARET H. COBBE

Today the Democratic Women's Club of Florida chartered a new course for the future. I feel humble and proud and a little awed to have been selected as your leader. I don't kid myself into thinking it will be smooth sailing. I'm sure we'll make our share of mistakes but we'll learn from them and we'll pick ourselves up again and row all the more vigorously. With everyone pulling together, I feel confident we'll weather the storms and reach our destination.

You have elected some strong officers here today. I want the Committee Chairmen to be just as strong. For this reason, I will delay appointments until I have consulted with many of you. We must have the most capable people in the state to make our reorganization work and I invite you to give me your recommendations.

I am just so proud of our organization and I hope that during these two years I can project that pride to each of you, and to the small and the mighty throughout the state. We must not only feel affection for our local clubs but we must learn to think regionally and state-wide so that we can multiply our strength and influence and recognition.

Our past presidents have been ladies of the

highest order. Their dignity and integrity have been beyond reproach. I promise to work very hard to maintain the high standards they have set and, hopefully, move ahead in other ways:

First, I would like to see a closer liaison with other Democratic organizations. We've made progress, particularly with the State Executive Committee, but there is room for improvement. I believe we should cultivate our Democratic youth; take them under our wing and nourish them. Our Junior Executive Committee project, which we instituted last year, is an excellent opportunity for us to guide our young. Some of their viewpoints may seem radical to us, but with tolerance and vision, they can be tempered with the wisdom of age and experience, and made into workable ideas for us all. They have much to offer and we too can learn. We could use some of their idealism, their enthusiasm and their fresh concepts. The Party is big enough and broad enough to blanket all: the old and young, conservative and liberal, and all the in-betweens. A woman's organization is the perfect vehicle for unifying all Democratic forces—we have the temperament, the patience and the discipline to do it. For years we've bolstered the egos of our men by letting them take the credit for what we've done, and perhaps that's the reason for lack of progress in my next point:

Recognition. Some sources think we're the

best-organized Democratic group in the state. Others barely acknowledge our existence. We must take action to alter the thinking of the latter group. We can be aggressive and still remain feminine. We can let them know we're alive without the marching, sign-waving and chanting. We have opinions and we should express them. We should not have to attend a Special Women's Caucus or a Liberation group for fulfillment. We have a ready-made organization right here and we must exercise its full potential. Gone are the days when a candidate can come to town and meet with a group of men only, if he's smart. When a sponsor arranges such a meeting, he does a disservice to the candidate. Women are capable of policy-making, of organizing, of planning. And we should protest when we're excluded from such a gathering. I attended a meeting on the East Coast recently where only three women were present, two of us from out of town. And even though I'd travelled three hours to get there, I'm sure I would've been turned away, as other women were, had it not been for the formidable presence of our National Committeewoman. The power of this organization can and should be used to correct such inequities.

Now we come to a most important point: involvement in the issues, and this becomes intermingled with recognition. No longer is a woman content to follow blindly along just because a candidate or officeholder is a registered Democrat. The coffees and luncheons and little courtesies are nice. We appreciate them; but they are no substitute for good government. We should not have to worry about stepping on the toes of a candidate or officeholder; our main concern should be whether the issue is good for the people. If thorough study convinces us it is not good for the people, then we should wield our influence. An officeholder should be responsive to his constituents and should gracefully receive constructive criticism, especially from those who played a major role in placing him in office, because we too become accountable for his actions.

The Democratic Women's Club of Florida believes strongly in party organization. It is the alternative to power and special interests. Our motivation is completely unselfish—it is simply placing good candidates in office. It isn't enough for us to say, "I got a Democrat elected." The proud moment comes when we can say, "I got a good Democrat elected who's good for the people of Florida." I'd like to see our organization take the lead in this type of party endeavor. We can be the guide—the very conscience—of our party.

As we activate the Regional Councils, more leadership roles will open up; untapped talent will be discovered. There will be more opportunity to voice your opinions; more occasion to study the issues. It will be a training ground for higher office. You will find yourself more involved than ever before and it is my opinion that increased club membership will naturally follow.

The immediate task before us is to do everything in our power to assure the success of the proposed amendment to allow a tax on corporate profits. Florida has a regressive and inelastic tax base which needs to be corrected, and this will be a good beginning. Reubin Askew came to the woman in the early days when he was struggling for recognition. And the women responded. We did the missionary work by answering the question, "Reubin Who?" We endorsed his corporate tax proposal because it is right that everyone should pay his fair share. We must go the rest of the way now and produce the winning vote. This should be our first priority when we return home.

The year ahead will be a strenuous one, but I know we'll find the Democratic Women's Club of Florida equal to the challenge. Not since the suffragettes marched for the vote have women's voices been so loud in the land. This is a new era of Women Power. I

am confident that the voice of the Democratic Women will be heard.

## REVENUE SHARING—A BOON TO APPALACHIA

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. BAKER. Mr. Speaker, it was recently my pleasure to have Mr. Donald W. Whitehead, Federal Cochairman of the Appalachian Regional Commission, speak in my district on revenue sharing and Appalachian development.

Mr. Whitehead, who heads the very successful Appalachian regional development program, explained in a speech to some of my constituents at the Downtown Civitan Club in Chattanooga how the Appalachian Regional Commission is paving the road toward the new federalism.

I believe that Don Whitehead's comments are valuable, and I welcome this opportunity to share them with my colleagues.

The article follows:

REVENUE SHARING AND APPALACHIAN DEVELOPMENT—A PRESENTATION BY DONALD W. WHITEHEAD, FEDERAL COCHAIRMAN APPALACHIAN REGIONAL COMMISSION

President Nixon in his 1971 State of the Union Address advanced Six Great Goals for America.

Perhaps the most significant of these from the standpoint of the structure of the Federal system was his revenue sharing program. The Appalachian portion of America will be greatly affected by this program when it is enacted into law.

I am grateful for this opportunity to lay before you at some length our thinking on the critical subject of the relationship between revenue sharing and Appalachian development. We at the Appalachian Commission in Washington, working through the Appalachian offices in the states, have for some six years been addressing many of the questions which revenue sharing will raise.

### OVERVIEW

Let me initially outline for you an overview of my remarks here today. There are three major topics I would like to discuss.

First, while recognizing that an extensive explanation of the history and the provisions of revenue sharing programs is not needed for this audience, I would like briefly to review both those points, as well as to discuss some general reasons for and general impacts of revenue sharing.

Second, after completing that, I would like to elaborate in some detail how the Appalachian Regional Commission is paving the road, so to speak, towards the New Federalism. I hope those remarks will serve to illustrate why Appalachia should be the best prepared region in all America to utilize effectively the revenue sharing programs.

The third portion of today's remarks will deal with some plans and prospects for Appalachia under revenue sharing.

### BRIEF HISTORY OF REVENUE SHARING

Conditional grants in aid are not a new phenomenon on the American political scene; indeed, they may be said to antedate the Constitution itself. From the time of the Confederation Government, when the sixteenth section of every township in the Northwest Territories was set aside for the support of public education, until this very

day, Federal grants of one sort or another have played a significant role in the American political process. Under the present Constitution of the United States, the practice may be said to have begun with the assumption of the state debts by the Federal Government.

Hamilton's Funding Act implemented Federal policy on this matter together with the somewhat related and extremely sensitive problem of the Continental debts. During the Jackson Administration, the Surplus Distribution Act disbursed some \$28 million from the Federal Treasury to the states. Ostensibly, a loan, these payments were, in effect, outright gifts.

There are several landmark legislative actions in this general policy area. The Morrill Act of 1862 gave to each state large tracts of land for establishment and support of state universities and colleges. The Smith-Lever Act of 1914 is unique in that it was the first grant to have a matching requirement and the first to require prior Federal approval of the plans involved.

Its substantive content dealt with agricultural extension programs at land grant colleges. The Social Security Act of 1935 had the then unique provision of making grants directly to individuals.

The Federal Highway Act of 1956 set the 90:10 ratio program which is building the nation's Interstate Highway System. Model Cities, Medicare, and OEO are further examples. The late 50's and the decade of the 60's saw the blossoming of a plethora of grants-in-aid—literally hundreds of them—eventually distributing more than 30 billion dollars of federal aid last year.

A tremendous amount of dissatisfaction has grown up in recent years among a variety of groups with the effects of the Federal grant system. Although more often than not couched in economic terms, the basis of the arguments seems to rest in political policy decisions and consequences which surround the grants. So beginning perhaps as early as 1958 there began to come calls for altering the grants-in-aid system. In the 1960's Dr. Walter Heller, the noted economist, and Joseph Pechman of the Brookings Institution advanced the concept of "revenue-sharing." Shortly thereafter the idea entered the political arena.

It was within this context that President Nixon has advanced both his general revenue sharing program as well as his six special revenue sharing packages. For a moment if I might, let me recap the broad outlines of those plans.

The general revenue sharing proposal would be a \$5 billion fund for the first fiscal year of operation and would grow each year as its personal income tax base rises. It would be set at 1.3% of such base. The two factors determining what portion of the total allocation each state would receive will be population and revenue effort, or how well a state utilizes its own resources to raise revenue.

Only states and general units of local government would participate in the program. There would be no programmatic requirements for the use of general revenue sharing funds.

Six special revenue sharing programs, totaling \$11 billion, have been proposed by the Administration: (1) Urban Community Development; (2) Rural Community Development; (3) Law Enforcement; (4) Education; (5) Manpower; and (6) Transportation. Basically the approach here is to consolidate some 130 existing narrowly defined categorical grant programs, add some \$1 billion in new funds, and to combine all this into the six broad areas I mentioned. Within the purposes set out by those broad categories, states and their localities would be free to spend the money as their own needs dictated.

Three special provisions about revenue sharing are worthy of mention. Later in discussing the impact of revenue sharing on Appalachia, additional aspects of the plans



will be outlined. First, all revenue sharing plans, except the Urban Development and the Rural Development ones, have a "pass-through" requirement which insures that local units of government will have decision-making power over how a portion of the shared revenues are spent. Urban Development Revenue Sharing has what might be called a "pass-around" requirement, which makes it mandatory for all parts of an urban area, central city and environs alike to share funds. Rural Development Revenue Sharing is limited by its nature to the rural parts of a state, and such funds must be spent for the benefit of rural residents.

Second, all revenue sharing plans have firm safeguards to insure that no American of any race, color, or creed will be denied benefits of programs funded by shared revenues.

Third, the President has pledged for the six special revenue sharing programs a "hold harmless" guarantee. Quite simply this means that no state will receive less money under special revenue sharing programs than it currently receives in the Federal grant programs which are collapsed into that special revenue sharing program. Pure, plain, and simple. The figures are available for inspection. From the perspective of a broad overview, that is what President Nixon has proposed.

#### GENERAL ANALYSIS OF REASONS FOR AND IMPACT OF REVENUE SHARING

Ladies and gentlemen, all across America today in metropolis and hamlet alike, among citizens old and young, growing numbers of people are fed up with government as usual. For government as usual too often has come to signify governmental institutions and practices which have failed to keep pace with the times. Plurality and diversity are the twin cornerstones of American democracy. Plurality and diversity are the foundations upon which the entire concept of revenue sharing rests.

I reject at the outset the patronizing notion that the government and government officials in Washington are necessarily more talented, more wise, more efficient, or more dedicated than their counterparts at other levels. And at all levels, but especially at state and local levels, government often lacks the ability or the tools to serve the people. Bear in mind if you will that the heavy burdens of services in this country, such things as education, police and fire protection, welfare, etc., are borne primarily by state and local governments, not by the Federal government.

The preemption of the personal income tax base by the Federal level of government has effectively denied to all other jurisdictions the most growth-elastic source of revenue. Property taxes, sales taxes, and the like are the source of practically all state and local tax revenues.

It is not in my estimate an exaggeration to assert that states and municipalities face a fiscal crisis. But all too often the debate concerning the grant-in-aid system or the revenue sharing proposals has centered on these economic questions. It is understandable that this would be the case. The dollar is an economic unit. But in my estimate the arguments about revenue sharing and the possible impact of that program range far beyond national fiscal policy. Those arguments go to the heart of the political nature of the Federal system, to the keystone of the relationship between the national government and the states and between the states and their subsidiary governmental units. President Nixon squarely addressed this question in one of his revenue sharing messages:

... (State and local governments) are placed in the position of having to accept Federal money with its concomitant restrictions on state funds or receive no Federal money at all. Thus we may find states and local governing units pursuing projects which may be of low priority to them simply because money for these projects is available,

but the matching requirements for such grants may have to be met at the expense of programs of higher priority to the community.

Continuation of such a policy clearly is not in the best interest of good government at any level. No one benefits; everyone loses. While political pressure forces state and local leaders one way, financial pressure drives them in another direction. The result? People lose. They lose faith most of all, faith in the ability of government to cope with public problems.

What would be some of the effects of a program of revenue sharing such as President Nixon has offered to America? Not only in Appalachia but also throughout all America, several come to mind.

The introduction of revenue sharing is likely to alter the patterns of differential access to decision-makers. Public policy in the United States is shaped largely by the downward pressure of Federal expenditures and the upward thrust of legislative intervention on behalf of local interests. This factor, when coupled with the structure and the function of the American Federal system provides a wide variety of channels to decision-making centers of government. Pressure groups have exploited these opportunities for differential access by lobbying directed at various critical points in the decision-making process. And with the nationalization of major policy issues, local and state public officials have organized for political action. With power to make decisions on particular issues moved from Washington to state capitals and to city halls patterns of influence will also change. The real point is such decisions will be made closer to home and decision makers will be more accessible to the people. The role of special purpose local government units such as sanitary and water districts is going to change under revenue sharing. Such units cannot receive general revenue sharing funds. As states and localities gained additional revenue, they might take over the function which the special units now provide. Local general governmental units may then choose to work in cooperation to solve their problems. At any rate, for the most part, such special units operate by virtue of state permissive authority under the general concept of Dillon's Rule (local governments are the creations of the State and derive all their powers from the State).

Shared revenues will have some impact on the fiscal efforts of state and local governments. Such a statement seems self-evident, but assessing such impact is a little more difficult. Three alternatives seems plausible to me. Such impact could be *stimulative* in nature. By that I mean that the added revenue would spur a recipient government to new activity, with perhaps additional state financing. In the second place, the impact of revenue sharing funds might be *additive* in nature. That is, the funds might be used to increase the size of a particular program of function already in operation. It is anticipated that much of the money from the special revenue sharing funds will be used to continue many of the programs in that particular subject area. Third, shared revenues might have a *substitutive* impact on fiscal effort. State and local governments might substitute shared funds for those raised locally thus freeing the latter funds for other uses, or for reducing regressive local tax burdens.

For the last several minutes I have tried to outline briefly the history, some of the underlying thinking, and some of the possible impacts of revenue sharing. All this has been done on a general broad scale. For a few minutes now, let us think together in some detail about Appalachia and revenue sharing.

#### APPALACHIA: PAVING THE ROAD TOWARDS THE NEW FEDERALISM

Several months ago a White House official noted that Appalachia was "leagues and leagues ahead" of the rest of the country

in community development cooperation. And it is not surprising that this should be so. Since 1965 the thirteen Appalachian states and the Appalachian Regional Commission have been attempting to foster just that particular climate. Notable success has been evidenced; much remains, however, to be accomplished.

When revenue sharing becomes law, the Appalachian portion of this country should be the most prepared area in all America to utilize effectively those shared revenues. There are at least two major reasons for this.

First: *Area Cooperation*. Through the creation of multi-county organizations controlled by local governments operating under state direction, the Appalachian states have been able to strengthen local government's ability to plan for and to utilize area-wide services. This experience upon further refinement will have prepared the states to plan for and to control effective use of the *state share* of new revenues. But equally as significant, it has taught the localities to work together in planning and in using the local "pass-through" portion of shared revenues. Several local jurisdictions working together will therefore be able to accomplish goals which each working separately could not hope to achieve.

A second reason why Appalachia will be well prepared to utilize shared revenues is that the Appalachian experience has heavily stressed the development of comprehensive planning and the improvement of management capabilities of government to be able to implement those plans. The Appalachian Regional Commission is concentrating major attention on efforts to improve the caliber of management at state and local levels of government. Concurrently, we are reinforcing our attempts to encourage states to develop broad-gauge plans and budgets to meet stipulated objectives.

Management and planning will be vital to the success of revenue sharing. President Nixon, as part of his Urban Community Development Sharing, has offered a special supplementary proposal for Planning and Management Assistance to the States. For the current fiscal year this project is budgeted at \$100 million.

Focused on political executives at state and local levels the implementation of this program will enhance the utilization not only of any shared revenues but also of the remaining \$20 billion in Federal grant programs as well as state and local programs.

What about the Appalachian Regional Commission and its role in paving the road towards the New Federalism? The Commission is the major experiment in force today for innovations in the Federal system. At the Commission, we have a partnership. Not a partnership of theoretical objectives, but a real partnership of decision-making. President Nixon's representatives and the representatives of the thirteen Appalachian Governors sit at the Commission table, decide priorities and set policy. We do not always agree, and states disagree among themselves.

From that political process emanate viable, workable political decisions. Political decisions which are translated into action to benefit the people of Appalachia. This is the new wave of Federalism.

At the Commission we are also trying to achieve a flexibility of Federal assistance for the thirteen states of the Region. As the quality of planning in Appalachian states has improved, the Commission has moved towards less restricted block grants for broad purposes. This is the true essence of special revenue sharing. It is the next step along the road towards an expanded general revenue sharing program. The unbelievable fragmentation of categorical grants and the lack of control at the local level over how these grants are used are two things this Administration is determined to change. Perhaps the really unfortunate thing about this rag-tag system is that it renders nearly impos-

sible any rational community planning about available needs, resources, and capabilities.

In those dark days of the early 1940's just after the Battle of Britain, Winston Churchill called upon America and her people: "Give us the tools and we will finish the job." President Nixon made the same plea when he offered the most sweeping and comprehensive reorganization of American Government in all our history. We at the Commission will continue to encourage reforms at the state and local levels which will complement the President's initiatives. To do this we will continue to provide funds and technical assistance to states and to their localities. Thereby we will seek to aid them in their quest to modernize administrative operations and to consolidate categorical departments and bureaus along functional lines. Without these tools, revenue sharing and all the benefits that program will bring will be seriously impaired as we seek to pass those benefits along to the people of this nation.

Let me turn now to some specific plans and prospects for Appalachia once revenue sharing becomes a reality.

#### APPALACHIA UNDER REVENUE SHARING: PLAN AND PROSPECTS

The special revenue sharing program which will have the most immediate impact on Appalachia and the program which is designed especially for that and for similar regions is Rural Community Development Revenue Sharing. What is a "rural" area? About as many definitions exist as one would want to find. In the revenue sharing legislation, however, rural areas are defined as counties or similar political subdivisions which either have a population density of less than 100 persons per square mile OR are not parts of a standard metropolitan statistical area. Over 2800 counties in the nation fit this category.

In his March 10 message the President noted:

It takes many different kinds of activities to create rural development—to create opportunity. One must start with the individual—his education, his skill training and his health. Next the individual needs to be linked to resources and markets through transportation. Public sector infrastructure . . . is needed to encourage industry to locate in new areas. The environment is also becoming an increasingly important factor in industrial location.

Under this program some \$1.1 billion, over 15 percent of which is new money, would be available for revenue sharing. Moreover, the President has requested an added \$100 million for cities between 20,000 and 50,000 which would not be eligible for Urban Community Development Revenue Sharing. This would be only for cities in that size and would not be part of the formula share. Rural Revenue Sharing will remove barriers and streamline efforts for development not only in Appalachia but also in all America as well.

As well-intentioned as past rural development programs have been strict requirements and guidelines have often severely hampered states and localities in efforts to attract industry and services for their people. Elimination of inflexibility is a key goal for Rural Revenue Sharing.

Narrow Federal project definitions can force states to spend scarce revenues on "matching funds" thereby distorting their own priorities. It is difficult for local jurisdiction to say "no" when Federal funds are available. More urgent community priorities may fall by the wayside. Revenue sharing will end this practice to a large degree—as there are no matching requirements.

Political accountability is made difficult by the present system. Elected officials should in my estimate have both the authority to set priorities, the requisite power to implement projects flowing from those priorities, and

the accountability to be held responsible for those decisions. Revenue sharing will make this possible.

Conversion of the existing development programs into Rural Development Revenue Sharing is both logical from the standpoint of rational policy and consistent with the aims of those programs. Diversification of the economic life of rural America to meet the challenge of producing a better life for her citizens is our goal. All America, urban and rural alike, has a critical stake in the success of rural development. Progress has been made towards achieving that goal, especially in Appalachia. But we and the country as a whole have much left to do.

As I mentioned earlier one of the critical aspects of revenue sharing and a requirement common to all the President's proposals is the necessity for the development of statewide planning for public policy purposes. Statewide planning has as its goal rational coordinated policy. Under the proposed legislation, the Governor has the responsibility for the preparation and filing of the plan resulting from a consultative process between Governor, planners, and the local, multi-jurisdictional bodies. The Governor will have the final responsibility, part of the particular agony of that office.

What about the Appalachian Regional Commission itself? Much speculation has appeared about what would happen to the Commission after the passage of Rural Development Revenue Sharing. Several things emerge in answering such a question.

The Administration bill continues Federal participation in and Federal support of the Commission as well as support for staff established pursuant to the original Appalachian Act, though all its present program funds would go directly to the States.

The Appalachian state could continue all projects and programs of the Commission which they elect. The Appalachian Governors have assured me that this is precisely their intention. Of course, this is the way things are now since each Governor must give approval to every Appalachian dollar spent in his state.

Will Appalachian states be short-changed? The answer is no. No state will receive less under any special revenue sharing program than it did under all the present programs which are folded into that revenue sharing package. This is the concept of "hold harmless," a baseline below which a state cannot fall. Many states will receive more than the minimum, however.

This in a nutshell is the Rural Development Package which will so basically affect the country will benefit from all the revenue sharing programs, so will Appalachia. How so? Let me briefly explain some key provisions of the other five special revenue sharing programs which will have special interest to Appalachia.

1. Urban Community Development. Twelve percent of the Appalachian people live in urban areas, cities over 50 thousand and their surrounding environs. New ways are needed to rebuild our cities. Federal grant programs for urban development have not achieved the purposes for which they were established. Delay, duplication, waste, rigidity, and inconsistency have frustrated the noblest of goals. Appalachian cities are no exception. Urban development funds would be available to aid these cities. Eight percent of Appalachian people live in cities of 20-50,000 population. They will benefit from the special \$100 million fund I mentioned earlier plus a portion of the \$2 billion fund.

2. Transportation Revenue Sharing. The lion's share of that program, some \$2.04 billion, is for general transportation needs. Appalachia will receive its share of these funds.

3. Education Revenue Sharing. A significant portion of the \$3 billion set aside for education will be in the area of vocational education. Appalachia has been a pioneer in

that field, and will continue to be so. Just as any other portion of the nation, Appalachia will benefit from all the programs outlined in education revenue sharing.

4. Law Enforcement Revenue Sharing. This particular program makes changes in the Omnibus Crime Control Act of 1968, to give full measure to the President's promise that "The wave of crime will not be the wave of the future." The plan will assist both enforcement and judicial agencies at state and local levels to wage the war on crime.

Appalachia has much need for modernized police and judicial systems. This half billion dollar program will be a giant step forward towards achieving the great American ideal of equal justice under law. Both comprehensive planning and operational activity would be eligible for assistance.

5. Manpower Revenue Sharing. Manpower is an area, the President has noted, where "... the need to adapt to diverse and changing local conditions is especially compelling..." The goal is deceptively simple: move men and women to productive employment. But to do this, major programs of recruitment, testing, placement, and training are required, to name only a few. The need for this training in Appalachia is acute. The Administration has tagged \$2 billion for this type revenue sharing. State and local governments in Appalachia will have a portion of this amount.

Not to be overlooked of course is general revenue sharing, the \$5 billion fund for general governmental purposes. A state or a locality could spend any portion of its share of this money for any purpose I have previously outlined or for any other legitimate purpose. The important factor of course is that again, the decisions about the use of that money will be made by the people at the state and local levels. This will enhance the ability to make effective decisions for they will have the resources to implement their plans.

We have looked for the last several moments at how Appalachia and Appalachians will benefit from revenue sharing. Both general revenue sharing and the six special revenue sharing programs will have tremendous impact on the area. But in conclusion, let us think together for a minute about the larger questions raised by my remarks here today.

#### FINAL PHASE: THE NEW FEDERALISM

What then is the final goal, the ultimate aim of all the revenue sharing proposals? Woodrow Wilson called it the "cardinal question" of American constitutional law—the balance of power between national and state governments.

There is just too much to be done in America today for the Federal Government to try to do it all. Remember this central point: the purpose of revenue sharing is not to prevent action but rather to promote action, not to fight power but rather to focus that power for the benefit of all America. "Good people," the President has noted, "cannot do good things with bad mechanisms. But bad mechanisms can frustrate even the noblest aims."

One of the best things about the American Constitution and the system of government which has grown up around it, is that so much room is left for change. Thomas Jefferson summarized the problem we face in his usual incisive fashion:

I am certainly not an advocate for frequent and untried changes in laws and constitutions . . . but laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, (then) institutions must advance also, and keep pace with the times.

The President's revenue sharing proposals will focus new power and responsibility on all levels of government. And the ultimate beneficiaries will be America's people. But all



public power is a trust; we who exercise it are responsible to our people. For in our system it is from the people and for their benefit that all power must spring. Our forefathers had a clear vision and the fruit of their vision was a new nation. It is for us now, if our vision can match that of the men of Philadelphia, to renew the Government they created and thereby give new life to our common dreams.

COMMENDING J. EDGAR HOOVER,  
DIRECTOR, FEDERAL BUREAU OF  
INVESTIGATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. YOUNG of Florida. Mr. Speaker, in this period of time when it seems that we are continually confronted with turmoil and strife and protests from within the country against America, it is indeed heartening to find an organization which is totally dedicated to our country and which holds true the guiding principles upon which our Nation was founded. The American Legion is a national organization of people who have made it their responsibility to stand up for America. Because of the selfless dedication of these patriots, I am pleased to have the honor of introducing the following resolutions adopted this year at their national convention, and I commend the Legionnaires for their support of and adherence to the principles embodied in these resolutions. I hope that others, too, might follow their leadership for the benefit of our Nation and its future.

The resolutions follow:

COMMENDING J. EDGAR HOOVER, DIRECTOR,  
FEDERAL BUREAU OF INVESTIGATION

(Origin: Department of Louisiana; Res. No. 90—Wisconsin; Res. No. 261—Nevada; Res. No. 267—Maryland; Res. No. 345—North Dakota; Res. No. 389 using No. 19 and text of No. 261.)

Whereas, J. Edgar Hoover has been a staunch defender of the rights and freedoms of the citizens of this great Republic without regard to race, creed or color; and

Whereas, Mr. Hoover being a faithful servant of the people of this Nation, has through his untiring efforts exposed the enemies of the United States of America from within; and

Whereas, The attempted downgrading of, and clamor for forced retirement of Mr. Hoover must be held in contempt by the overwhelming majority of the people of this Nation; and

Whereas, Former Presidents John F. Kennedy and Lyndon B. Johnson and President Richard M. Nixon have continued J. Edgar Hoover as Director of the F.B.I.; now, therefore, be it

Resolved, By The American Legion in National Convention assembled in Houston, Texas, August 31–September 1, 2, 1971, that The American Legion hereby commends J. Edgar Hoover for his untiring efforts, for his devotion to duty, and for the vigorous and impartial manner in which the F.B.I. conducts its business; and, be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the Attorney General, the President of the Senate, the Speaker of the House of Representatives and Mr. Hoover.

#### PROHIBIT DISPLAY OF ENEMY FLAG

(Origin: Res. No. 268—Maryland; Res. No. 433—Virginia; Res. No. 566—New York were consolidated, using Number and text of 268.)

Whereas, The flags or banners of hostile countries or revolutionary groups, holding Americans as prisoners of war, are permitted to be flown in these United States; now, therefore, be it

Resolved, By The American Legion in National Convention assembled in Houston, Texas, August 31–September 1, 2, 1971, that The American Legion seek to have laws enacted by the Congress of the United States making it a penal offense for anyone flying the flag of any country or revolutionary group hostile to the United States of America and holding Americans as prisoners of war.

#### EASY AND INEXPENSIVE TRAVEL TO FLORIDA

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. CHAPPELL. Mr. Speaker, within a few weeks the Auto-Train will begin carrying passengers along with their cars down to central Florida. This is an exciting new travel service that is catching on with the public and we want to commend Auto-Train for their innovativeness.

Just this week, Time magazine commented on the Auto-Train service and I would like to quote their article:

Driving the 1,340 miles of Highway 95 from New York to Florida is at best a tiresome two-night, nine-meal trek. Its costs about \$150 for a group of four. But thousands of vacationers continue to make the grim odyssey rather than opt for relatively cheap air flights, for the simple reason that a Florida holiday virtually demands an automobile, and rentals there during peak seasons are prohibitive.

Now that trip will no longer be necessary, thanks to the new Auto-Train. Modeled on the excellent auto-bearing passenger trains of Europe and Canada, the Auto-Train will begin running daily from the Washington suburb of Alexandria, Va., to Sanford, Fla., on Dec. 6. The train will carry 90 to 104 vehicles in several enclosed carrier cars for a flat fee of \$190 per car and group of four passengers. It will leave the new Alexandria station at 8 p.m., stop only for brief crew changes, and arrive at 11 o'clock the following morning in Sanford, a pleasant 3½ hour drive from Fort Lauderdale or Miami.

Mr. Speaker, while the Time writer mentions a drive on to other areas of Florida, I would like to point out that when a passenger arrives in Sanford, Fla., he is right in the middle of the most interesting and exciting section of the entire State. Intercoastal waterways, beautiful tropical attractions, the beaches, great citrus groves, horse farms, and sports activities—the world's finest are all within a few minutes' drive from the termination of the train. Additionally, the visitor will find the friendliest and most wonderful people in the world in this section.

Mr. Speaker, we are proud of the new Auto-Train and know it will see many years of success on trips to central Florida.

#### AIR TRAVEL, CHICAGO TO ISRAEL

HON. ROBERT MCCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. MCCLORY. Mr. Speaker, the interest in air travel from Chicago to the State of Israel is increasing—and it appears that additional service could be made available for direct flights from Chicago to Tel Aviv by El Al Airlines.

Mr. Speaker, application for such service was recently denied by the Civil Aeronautics Board with the result that a resolution was adopted by the House of Representatives of the Illinois General Assembly urging the President and Civil Aeronautics Board to review and reconsider this application—and recommending that the flight route requested by El Al Airlines for service between Chicago and Israel should be granted.

Mr. Speaker, I am calling to the attention of the House of Representatives this significant action by the Illinois House of Representatives, and would urge other Members of this body—particularly from the great Midwestern area of our Nation—likewise to express their interest in the need for this additional air service. Mr. Speaker, the principal sponsor of the Illinois resolution is my longtime friend and respected counterpart, Representative John H. Connolly, of Waukegan. I am attaching the copy of this resolution for the benefit of all the Members of this body.

The resolution follows:

#### HOUSE RESOLUTION 396

Whereas, The Civil Aeronautics Board of the United States has denied the application of El Al Airlines for an approved direct flight route from Chicago to Israel; and

Whereas, Untold thousands of Illinois citizens and midwestern Americans fly to Israel each year for business, pleasure or to visit relatives or the many holy places and shrines of deep significance for the Jewish and Christian religious faiths; and

Whereas, Existing air travel patterns necessitate, for travelers departing Chicago, a change of air craft at either Kennedy International Airport or Montreal, with all the hardship, inconvenience and expense caused thereby, such stop-overs being especially burdensome on the many elderly air passengers; and

Whereas, Shameful congestion of air traffic already exists over Kennedy Airport, with all the hazards inherent in such conditions, and delays both landing and departing, and a direct Chicago-Israel route would by-pass this congestion; and

Whereas, The Civil Aeronautics Board has approved direct flights from Chicago to many other European, Middle European and Mediterranean countries, and in this light denial of El Al's application appears unjustified; therefore, be it

Resolved, by the House of Representatives of the Seventy-seventh General Assembly of the State of Illinois, that this body strongly urges the President of the United States and the Congress to inquire into the decision of the Civil Aeronautics Board denying El Al's application: to recommend to the Civil Aeronautics Board that it reconsider its prior decision and grant approval for the flight route requested by El Al Airlines; and, be it further

Resolved, That a suitable copy of this resolution be forwarded by the Secretary of State to the President of the United States; the Speaker of the House of Representatives of the United States; the President of the Senate of the United States; each member of the congressional delegation from Illinois; and to the Chairman of the Civil Aeronautics Board.

Adopted by the House, October 11, 1971.

## PRAYER IS A PRIVATE MATTER

### HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. SCHWENGEL. Mr. Speaker, another indication of the widespread concern about the so-called prayer amendment is an editorial which appeared in the Friday, October 29 issue of the Miami Herald.

As the dangers of the amendment become better known, people are becoming more vocal in their opposition to the amendment. This editorial pointedly shows the divisiveness which could come about if the amendment was passed.

The editorial follows:

PRAYER IS A PRIVATE MATTER; HOUSE SHOULD LEAVE IT SO

The issue of prayer in the schools has the odd result of stirring up irreverent anger, and mostly for the wrong reasons.

A constitutional amendment to permit "nondenominational prayer" in the public schools is expected to go before the U.S. House of Representatives for a vote next month.

What passage of this amendment would create is a new layer of confusion and emotion for no good reason.

For one thing, the amendment apparently assumes that the U.S. Supreme Court has forbidden prayer in the schools, which it has not. In its famous decision, the court went to great lengths to explain it forbade officially led or prescribed prayer, not voluntary prayer.

For another, the notion of licensing a nondenominational prayer creates the necessity for the government to get into the business of determining when a prayer is or is not denominational.

Not only does the government have uniquely poor qualifications for this exercise, but such a move would run contrary to the historic separation of church and state provided in the Constitution. We oppose any weakening of that provision.

Besides, we wonder how satisfying a nondenominational prayer might be. A political cartoonist aptly commented on this recently when he pictured a classroom scene with a teacher leading a prayer. It began: "To whom it may concern..."

The proposed constitutional amendment reads:

"Nothing contained in this Constitution shall abridge the rights of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

The Supreme Court this year reinforced the 1962 and 1963 decisions which held that organized prayers and Bible readings were unconstitutional. In a decision involving state aid to parochial schools, Chief Justice Warren E. Burger said for the 8-1 majority:

"The Constitution decrees that religion

must be a private matter for the individual, the family and the institution of private choice, and that while some (government) involvement and entanglement is inevitable, lines must be drawn."

The new amendment has unlimited potential for divisiveness. The questions it raises to be answered are nearly endless. We think they would harm the good motives sincerely expressed by the prayer advocates.

Prayer, it seems to us, must remain an individual thing. By its very nature it is not something to be imposed. If it is not a voluntary personal expression, is it a real prayer?

We know of no person who does not have ample opportunity to pray in church or home or whatever silent private moment and place he chooses.

If he is not praying, it is not the fault of the Supreme Court, and not the business of the Constitution to make him do so.

## WETLANDS ARE NOT WASTELANDS

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an article appearing in the Washington (D.C.) Post of Saturday, October 30, 1971 entitled "Wetlands Are Not Wastelands" which speaks clearly for itself.

The need to preserve the Nation's wetlands is becoming critical and an appreciation for that need is clearly manifest in the article.

The article follows:

#### WETLANDS ARE NOT WASTELANDS

The ocean is far too vast and stormy a place for the hatching and nurturing of numerous species of fish and other marine life. The re-creation of that life depends on the wetlands—the shallow areas of beach, marshes, swamps, open creeks and ponds, sand dunes, bogs, salt meadows or even woods that are sometimes flooded. Neither could ducks, rails, snipe and many other birds survive without them. They are also the habitat of muskrat, otter, beaver and mink. Only thoughtless or ignorant men consider the wetlands wastelands to be dredged, filled or polluted.

A good many people, too, depend on the wetlands for their livelihood. In Virginia the wetlands, both above and below the low water mark, represent only one per cent of the total state territory. Yet 95 per cent of Virginia's annual harvest of commercial and sport fish depends on their marshes in one way or another. So does a good part of the tourist industry and much recreation. Dr. William Hargis, head of the Virginia Institute of Marine Science, estimates that Virginia's seafood industry yields a catch of about \$20.5 million a year. The value of saltwater sport fishing to the economy, he says, is about \$40.2 million per year. Wetland hunting is estimated to pump some \$1.4 million annually into the economy.

Preserving the wetlands is therefore not only a matter of ecological sentiment but also of clear-cut, measurable economic gain. A growing number of Virginia legislators, it appears, are beginning to understand this and are now more inclined than they have been in the past to pass effective legislation such as Maryland recently enacted to protect its wetlands. We urge them on.

## AMERICAN OIL SCORES FIRST IN PROTECTING THE ENVIRONMENT AGAINST PETROLEUM SPILLS

### HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. COLLINS of Texas. Mr. Speaker, American Oil is one of the leaders in the petroleum industry's continuing development of programs to guard against pollution. In recognition of American Oil's development of a skimmer that recovers all types of spilled oil at high rates in both calm and rough water, the company was awarded first place in Petroleum Engineer's environmental control development program in the category of transportation.

With such developments as this, American Oil and the entire petroleum industry are leading the way for the rest of America in protecting our environment. American Oil was cited by judges as follows:

#### AMERICAN OIL CO.

Since early 1967, one of the goals of American Oil Co.'s Research and Development Dept., has been to provide the petroleum industry with more effective oil recovery equipment. The initial objective was to develop an oil skimmer that would recover all types of oil at a high rate, would function efficiently in both calm and rough water, and would minimize the water content of the recovered oil. Subsequent operating experience indicated that a truly effective skimmer should also be capable of recovering oil-soaked debris and oil-soaked straw.

Two unique oil recovery devices were developed as a result of this program.

The first device—called the Absorption Oil Skimmer—uses a sock of flexible, open-celled, polyurethane foam on a rotating drum to soak up the spilled oil. Rollers squeeze the foam, selectively rejecting water and recovering oil. A small experimental model was tested before the end of 1967. A working skimmer was constructed consisting of a 1-ft. diam drum 4 ft. long, mounted between hulls of a 20-ft self-propelled pontoon boat. Unit was delivered to the company's Yorktown, Va., refinery in February, 1968. This unit was capable of recovering 2100 gal of liquid containing 95% oil. Although intended primarily for use in relatively calm water, craft recovered oil efficiently in waves of 2-ft nominal height.

In March of 1968, the U.S. Coast Guard borrowed the skimmer and flew it to San Juan, Puerto Rico, where it helped clean up the spill from the tanker Ocean Eagle. Three identical units were constructed and delivered to American Oil marine terminals by August, 1968. Subsequently, the Absorption Oil Skimmer was made available to others through licensees in the U.S. and Japan. The largest commercial version is a 40-ton oil skimming ship currently in use in Tokyo Bay.

The second device—called the Brush Belt Oil Retriever—was developed during 1970 to handle oil-soaked debris and straw as well as oil. It uses a brush-like belt of polypropylene bristles mounted on an inclined conveyor. Debris and straw are removed by a rake and oil is removed by a wiper bar. A small experimental model with a 1-ft wide belt was tested and found capable of recovering 2100 gal/hr/ft width. Recovered liquid contained 95% oil. A unit using a con-



veyor with a length of 10 ft between pulleys can recover oil efficiently in waves having a nominal height of four ft. The Brush Belt Oil Retriever was selected by Industrial Research Inc. as one of the top technical developments of 1971. A commercial version capable of recovering up to 12,600 gal/hr of oil is being constructed.

The Absorption Oil Skimmer is covered by U.S. Patent No. 3,546,112. Patent is pending on the Brush Belt Oil Retriever.

American Oil is in the vanguard of the petroleum industry in environmental control development. One of the judges in the awards program noted that being a judge has been an education. We commend the judges on completion of a difficult task of choosing between the many progressive innovations. The following judges on the Awards Committee reflect quality and depth of perspective in their review of petroleum environmental control development:

#### LIST OF JUDGES

Jules Bergman, Science Editor, ABC News.  
Bob Chandler, National President, Sigma Delta Chi professional journalism society.

Professor James A. Fay, Professor of Mechanical Engineering, Massachusetts Institute of Technology.

Duane L. Gregg, Assistant Managing Editor, Better Homes and Gardens.

Phil Herrera, Environmental Writer, Time Magazine.

Tom Kimball, Director, National Wildlife Federation.

Dr. Henry Linden, Director, Institute of Gas Technology.

John T. Middleton, Air Pollution Control Office, Environmental Protection Agency.

Burt L. Schorr, Environmental Writer, Wall Street Journal.

Thomas R. Shepard, Jr., Publisher, Look Magazine.

Dr. Dale Straughn, Allen Hancock Foundation, University of Southern California.

Peter C. Stuart, Environmental Writer, Christian Science Monitor.

Dr. Claude E. Zobell, Marine Biologist, Scripps Institute of Oceanography; University of California.

John Scott, Editor, Petroleum Engineer, Awards Program Coordinator.

#### U.S. WITHDRAWAL FROM VIETNAM

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. JACOBS. Mr. Speaker, I was wondering, in view of the events of the past few weeks in Saigon, if any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

These two operations will begin on the same date and will end on the same date.

A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp.

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

#### PULLER ANECDOTES

### HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. MORSE. Mr. Speaker, it was from Charles W. Colson, now special counsel to the president, who served as a company commander in the 2d Marine Division under Gen. Lewis B. (Chesty) Puller, that I first learned of the truly extraordinary qualities of this distinguished American.

Few men, in my opinion, more rightly deserve the title of "hero" than Chesty Puller. His career was marked by professional valor, bravery, and leadership to his country, combined with a deeply thoughtful and humanitarian spirit for the men he led.

Chuck Colson has often told me that General Puller taught him much more about men and about life than he ever learned in his 4 years of undergraduate schooling studying under brilliant professors—a luxury General Puller himself never had. He has also related to me that Chesty Puller taught him, and thousands of other marines, that the most powerful force in the world is a man's own determination and that the word "can't" simply doesn't exist in the English vocabulary.

Another friend of mine who knew General Puller was Mr. Wendell Pigman, of Washington, who served in the 1st Marine Regiment when it landed at Inchon and later during the capture of Seoul in the Korean war. I am pleased to share with my colleagues a letter, written by Mr. Pigman, which appeared in the Washington Post of October 26, in which he recalls some of his memories of Chesty Puller that typify the character and spirit of this Marine Corps leader.

#### PULLER ANECDOTES

(By Wendell H. Pigman)

Those who served with Gen. Lewis B. (Chesty) Puller, USMC, admired that salty scrapper. He was the enlisted man's hero. His death opens a gap in my pantheon.

A few anecdotes give some of the flavor of the man. Shortly after landing the 1st Marine Regiment at Inchon, Korea, Puller was guiding the attack from the top of a hill next to the Inchon-Seoul highway. General MacArthur appeared with an entourage at the foot of the hill. Word was sent to the top of the hill that General MacArthur was at the bottom. Word came back down that Colonel Puller was at the top. The two did not meet.

Shortly after the First Marine Division had come out from the hard-fought battles at Chosin Reservoir and was resting at a camp west of Pusan, Colonel Puller held an awards ceremony. After pinning medals on a number of men, Puller said: "I understand that some of you men are worried; that you are afraid that you will not be taken care of. Well, don't worry. I'm going to get you back in the fight right away." There was no cheering but morale took a definite upturn.

Just before the Cuban missile crisis, recently retired General Puller was attending a wedding reception in Arlington. When asked what he was doing, he replied: "I'm staying in shape by chopping wood every day. They're going to need me. They say it will take three divisions to take Cuba. It will only take one Marine division and I'm going to command it." Little wonder that Headquarters didn't want him in Washington.

He was a colorful and able field Marine. His indomitable spirit will be missed.

I am deeply grateful to men like Chuck Colson and Wendell Pigman, and our colleague, Lawrence Coughlin, who have known Chesty Puller well, and have shared their memories of him with me. I join with them in extending my deepest sympathies to Mrs. Puller and her family.

#### MAN'S INHUMANITY TO MAN— HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

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

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

How long?

ON THE PRAYER AMENDMENT, THE  
DENVER POST SAYS "NO"

## HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. SCHWENGEL. Mr. Speaker, the Denver Post called attention to the issue of religious liberty which has too often been ignored in the debate over the prayer amendment. That is, the supporters of the amendment would rather that it not be discussed.

Yet, this is what is at issue. In this editorial which appeared on October 31, the Denver Post does a public service by pointing out how the so-called prayer amendment would infringe on the freedom of religion so deeply engrained in our system of government.

The editorial follows:

[From the Denver Post, Oct. 30, 1971]

IF IT FAVORS FREEDOM OF WORSHIP, CONGRESS  
SHOULD KEEP HANDS OFF

Nine years ago, the Supreme Court ruled that the First Amendment to the Constitution made it none of government's business "to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government."

The court did not, as some people rather excitedly concluded at the time, make it illegal for anyone to pray, in school or anywhere else, nor did it outlaw references to God in American public life.

The decision, written by the late Justice Hugo Black—who was an authority on James Madison—was clearly in accord with the views of Madison and the other drafters of the First Amendment. It rejected an attempt by a New York school board to prescribe for public school pupils a prayer written by the state board of regents.

The decision was not, of course, in accord with the views of those who put great store by officially-sanctioned, lowest common denominator expressions of public piety. Hence, there have been several attempts since that 1962 *Engel* case decision to amend the First Amendment to specify that the clause banning the official establishment of religion by the state does not preclude public non-denominational worship.

So far, these attempts have failed.

The latest is a resolution submitted by Rep. Chalmers Wylie, R-Ohio, which could come up for a vote of the House of Representatives by Nov. 8.

Representative Wylie's resolution contains this wording:

"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."

What is wrong with that?

In the first place, as the National Council of Churches of Christ has pointed out, Americans already have the right to participate in prayer, non-denominational or denominational, in public or private buildings, under the free exercise of religion clause of the First Amendment as it presently exists and as it has NOT been diminished by the Supreme Court.

Conceivably, Wylie's reference to non-denominational prayer could actually narrow down the freedom to worship.

But even more to the point is the implication—made explicit every time some govern-

ment body in this country decides to authorize official worship—that the agency that authorizes a prayer also sets the terms for what sort of prayer is permissible. It is at that point that government intrudes, however cautiously, on the individual's rights of conscience.

During congressional debate in 1789, Daniel Carroll of Maryland very wisely observed in behalf of the proposed First Amendment that "the rights of conscience are, in their nature, of peculiar delicacy, and will little bear the gentlest touch of governmental hand."

Madison himself was asked to interpret the words referring to religion in the proposed amendment and he said they meant "that Congress should not establish a religion, and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience."

That, to us, is the essence. Prayer is an individual matter of conscience, and the best thing government can do—for prayer, and for religious observance generally—is keep its hands off.

The individuality of prayer, the privateness of prayer, is something that Christians, particularly, should seek to affirm. For it was Jesus who told His disciples (as reported in the sixth chapter of St. Matthew) that they should not pray as the hypocrites do, standing in public places, "that they may be seen of men," but that they should pray in their own rooms, "to thy Father which is in secret."

He also warned them, when they prayed, to avoid using "vain repetitions, as the heathens do." It is almost as if He was referring to one of those non-denominational devotions composed by an agency of government.

## PIG BOWL

## HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. ESCH. Mr. Speaker, on November 7, 1971, football fans across my district flocked to Eastern Michigan University's Rynearson Stadium to watch the classic Pig Bowl—the annual battle between the "Goats" of the Ann Arbor Police Department headed by Chief Walter E. Krasney, and the "Pigs" of the Washtenaw Sheriff's Department headed by Sheriff Douglas Harvey. Beyond viewing one of the truly great football games of the season those in attendance contributed to a Christmas fund for needy children in Washtenaw County.

The Pig Bowl began in 1969 when Deputy William Gilles voiced his concern for the needy children of Washtenaw County. He contacted the Ann Arbor police and proposed a charity football game between the two departments. This was the first time that a police group had tried this sort of project, and since then many other police departments have picked up the idea.

With somewhat greater advance planning, the second year's gridiron contest drew a record crowd of 7,500. More than \$9,000 was raised to buy toys for needy children at Christmas and to support organizations throughout the county who were involved with youth activities.

The success of the first two games is due to many hours of work and effort by many segments of the community. Business places through the county sell tickets and encourage their patrons to attend the game. The University of Michigan and Eastern Michigan University have lent their support and equipment for the game. Off-duty officers from both departments donate their time on patrol for their colleagues who are playing in the game.

The coordinators for this year's game were Jan Suomala and Duane Weber representing the Ann Arbor police and Ron Ritter representing the sheriff's department. All three coordinators, of course, predicted victory in this the third game. Regardless of the outcome however, the real winner was again the children of Washtenaw County who will have a merrier Christmas than they might have had.

## RUSSIAN FLOTILLA IN CUBA

## HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. PEPPER. Mr. Speaker, we have seen further evidence of the determined and expanding development by the Russians of a military and naval base in Cuba. Not only are many thousands of Russian soldiers in Cuba but naval flotillas with increasing frequency now come to Cuba. One arrived recently just after Premier Kosygin left. An item about this flotilla appeared in the Miami Herald of November 1. I am gravely concerned that the administration seems to be indisposed to have a confrontation with Russia about this growing base it is establishing in Cuba. We may, if we wait very much longer, find that Russia with her increased strength will not back down in a confrontation.

Mr. Speaker, I include in the RECORD, following my remarks the item that appeared in the Miami Herald of November 1:

[From the Miami (Fla.) Herald, Nov. 1, 1971]

## RUSSIAN FLOTILLA IN CUBA

A Five-ship Soviet Navy task force arrived in Havana Sunday and was received by thousands of Cubans who lined up on the waterfront and waved Soviet flags.

The force, composed of two sub chasers, two conventional-powered submarines and a tanker, are on an "instructional cruise" and will remain in Cuba until Nov. 9, Havana Radio said.

The ships arrived a day after Soviet Premier Alexei Kosygin returned to Moscow after a four-day Cuban visit.

Soviet warships have been making periodic visits to Cuba for the past two years in what United States officials regard as a continuing Soviet policy to show the flag in areas of their interest.

A report of reconnaissance sightings by U.S. planes and ships had earlier described two of the Russian vessels as a modern guided missile cruiser and a guided-missile destroyer.



## CFR AND ITS TOP SECRET DOCUMENTS

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. RARICK. Mr. Speaker, according to local news reports, top secret Pentagon papers are more accessible to the public than a "confidential paper delivered to a Council on Foreign Relations seminar by Daniel Ellsberg," self-confessed thief of the Pentagon papers.

Exactly why the highly influential Council on Foreign Relations is able to maintain such secrecy while being privy to highly classified Government information is not made clear, nor is it clear why the Council on Foreign Relations would want to suppress information that may be vital to our Nation's security.

I ask that related news articles be inserted in the RECORD at this point.

The articles follow:

[From the Washington Post, Nov. 6, 1971]

## ELLSBERG PAPER CRITICIZED ESCALATION

The confidential paper delivered to a Council on Foreign Relations seminar last year by Daniel Ellsberg that was handed over to the Federal Bureau of Investigation contains Ellsberg's frequently repeated criticism of the U.S. policy of gradual escalation in Vietnam.

The paper was delivered on Nov. 17, 1970, to a study group that included Morton H. Halperin, a former member of the Pentagon's Office of International Security Affairs and chief editor of the now-famous Pentagon papers about the Vietnam war, Paul C. Warnke, who was assistant secretary of defense in charge of ISA, and Helmut Sonnenfeldt, then and now a senior member of Henry Kissinger's National Security Council staff.

Ellsberg later admitted leaving to the press the Pentagon papers.

Discussion held regularly at the Council on Foreign Relations in New York are meant to be confidential. A "discussion meeting report" made available to The Washington Post along with the copy of the Ellsberg paper is marked "confidential—not for publication."

The Council on Foreign Relations is one of the most prestigious organization dealing with foreign affairs in the United States. Its members include leading figures in the East Coast foreign policy establishment in and out of government.

There was no indication from the contents of the Ellsberg paper why it should become the object of a subpoena in connection with an investigation of how the Pentagon papers reached the press. The Council's surrender of the paper has raised criticism from some members.

In his seminar paper, Ellsberg draws an analogy between the graduated response that characterized U.S. policy in the Cuban missile crisis and the progressive escalation of involvement in Vietnam. But in Cuba, he said, there was clear public support for the President, and Americans could see a direct threat. Furthermore, he noted, unilateral American power could wipe out the Soviet missiles in Cuba. These conditions did not exist in Vietnam. Nor did the essential matter that in Cuba the stakes were smaller for the adversary than for the United States.

Ellsberg said that Lyndon B. Johnson's 1964 campaign provided the clear signal to Hanoi "that it was politically rewarding for him in 1964 to imply to the public he was not leading them toward a large war in Asia."

Ellsberg said, "They knew they could assure him a large, long war, if he chose to start one at all . . . The mood of the public, foretold by Johnson's tactics and confirmed by his success, could only reassure them on the ultimate outcome: or at the very least, on the relative merits of holding on under pressure and prolonging the war, while raising its costs for America."

In the confidential summary of the discussion that followed Ellsberg's presentation—a digest on which it is clearly noted that it was not edited by the participants—Warnke is said to have noted that the Vietnam case did not warrant "general conclusions about the efficacy of a policy of gradual escalation."

The digest said, "The only lesson Mr. Warnke drew was: don't commit force on an all-out or limited basis unless you are prepared to pay more than what the other side is willing to pay."

Another participant sought to summarize some points for William Bundy, who was absent. "Bundy points to calculations of beneficial side effects elsewhere in Southeast Asia." Bundy has been appointed head of Foreign Affairs, the quarterly magazine of the council. He was Assistant Secretary of State for Asian Affairs during the Johnson administration.

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

## U.S. SUBPENA UNITARIAN FUND RECORDS

(By Sanford J. Ungar)

The FBI, armed with a grand jury subpoena, is inspecting the bank records of the Unitarian-Universalist Association in Boston.

The FBI inspection, covering eight separate bank accounts of the religious association and its non-profit publishing arm, Beacon Press, is part of the Justice Department's investigation into disclosure of the Pentagon papers.

Sen. — who learned of the bank inspection last night, said he will fly to Boston this morning to ask the First U.S. Circuit Court of Appeals to hold the Justice Department in contempt of court.

— contends that the FBI action violates the appellate court's order suspending the grand jury investigation, pending the outcome of the senator's legal effort to place permanent restrictions on the probe of the Pentagon papers.

Beacon Press last month published an edition of the secret Pentagon study on the Vietnam war from material made public by — during a midnight Senate subcommittee session June 29.

As — planned his new court action for today, the religious organization announced in Boston that it would send representatives to New England Merchants National Bank—where the records inspection has been taking place—"to register our strenuous objections."

Attorneys for the Unitarian-Universalist Association and Beacon Press were also reportedly considering their own moves in federal court in Boston.

Statements from both the association and — last night indicated that the new issue had been injected into the continuing furor over the Pentagon papers investigation—the constitutional separation of church and state.

Robert West, president of the religious organization, which represents some 200,000 Unitarian-Universalists across the country, said, "We perceive grave danger in the subpoenaing by the government of the checks of a religious denomination, particularly as it relates to the publication of a controversial book."

He charged that "serious questions of church-state separation and freedom of the press are raised, in addition to the general issues of government intimidation and repression of dissent."

—, for his part, said, "I think it's wrong. I will use everything in my power to stop them from what they are doing."

The senator has already contended in federal court that the government investigation threatens his own congressional immunity as well as the constitutional separation of powers among the three branches of government.

Sources said the bank records under examination by the FBI cover the period between June 1 and Oct. 1 of this year, during which arrangements were made for Beacon's republication of the Pentagon papers.

The grand jury subpoena was originally issued on Oct. 28 and covers all checks deposited into and issued from the eight bank accounts in excess of \$5,000.

According to the subpoena, those checks are to be presented before the grand jury next Wednesday, the same day as the scheduled argument on — appeal before the circuit court in Boston.

The subpoena came to light only yesterday, when bank officials informed the association and Beacon that FBI agents had already begun inspecting the records.

Attorney David R. Nissen of Los Angeles, who is supervising the government's investigation of the Pentagon papers reached in Boston last night, said he had no information about the FBI's activities at the bank.

But Nissen said that as long as grand jury proceedings are not resumed, "the FBI is perfectly free to interview anyone" without violating the outstanding appellate court order.

Bank officials could not be reached last night for comment.

Meanwhile, members of the Council on Foreign Relations have reacted angrily to the organization's decision to make available to the FBI a confidential seminar paper by Daniel Ellsberg.

James C. Thomson, a professor of history at Harvard University, yesterday labeled the council's action "outrageous."

"It is counter to normal ethics and to the printed by-laws of the organization," Thomson said after learning that the document had been turned over to FBI agents in response to a subpoena from a grand jury in Boston investigating disclosure of the Pentagon papers.

## THE LATE HONORABLE A. WILLIS ROBERTSON

## HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1971

Mr. ROONEY of New York. Mr. Speaker, the United States and the Commonwealth of Virginia have lost a truly distinguished citizen with the passing of the Honorable A. Willis Robertson who served for over 30 years in this House of Representatives and in the other body. He had a keen mind and combined it with great integrity. He was a fair man and a gentleman admired by all, regardless of political persuasion. He was a man that the Commonwealth of Virginia, which he loved so much and spent almost his entire life serving, could be duly proud. Willis Robertson spent almost half a century in public service. Those many of us who knew him with admiration and respect are deeply saddened by his passing. To his family I extend my deepest sympathy.

## ISRAEL'S ECONOMIC CRISIS

## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. HAMILTON. Mr. Speaker, Israel is now facing a grave economic crisis which was mainly brought about by the massive defense needs and the resulting huge foreign debt. Clyde Farnsworth's articles in the November 7 New York Times describe the staggering dimensions of Israel's economic problems and I commend his comments to my colleagues:

ISRAEL: "THE IMPOSSIBLE"

(By Clyde H. Farnsworth)

JERUSALEM, ISRAEL.—The three million citizens of Israel face economic problems of staggering dimensions, but Government and business leaders believe that whatever happens, the future can never be as grim as the past.

Daniel Rekanati, head of the largest private bank in the country, put it this way: "I remember back in 1952 an American banker came over for a visit and asked me whether I thought the State of Israel would still exist in three years. Nobody asks that question today."

The way Yigael Brod sees his life may be indicative of prospects at large. He is a 22-year-old machinist's helper just mustered out of the army after his compulsory three years of service, seven months of which were in the trenches along the East Bank of the Suez Canal.

Mr. Brod, married and the father of a three-week-old daughter, lives with his family in a one-room apartment in South Jerusalem. He makes \$125 a month at the factory and has been told by his boss that if he works hard he can count on doubling his pay over the next seven years. The young man is already deeply in debt.

Life in Israel is hard, he told a foreign visitor recently. "To make it, you have to work, because nobody gives you anything. I'm not afraid of hard work. We have a saying in Israel that if you have a lot of money, it's not good money."

Although she depends heavily on aid from the United States and the support of world Jewry, Israel, like Yigael Brod, has found no substitute for hard work in the deadly serious matter of progressing economically.

It's not a question of survival but of raising living standards, said Shimon Peres, former Deputy Defense Minister, who is now Minister of Communications and Transport.

This is a working man's society, said Yitzhak Ben-Aharon, head of the National Labor Federation. It marks a unique appearance in Jewish history. Three-quarters of the working population of one million are industrial workers.

What are the problems?

The country's foreign debt is probably unparalleled in the history of any nation, representing the equivalent of \$1,000 for each citizen. It takes \$500-million a year, or 10 per cent of the gross national product, just to service the debt.

Defense spending is wildly disproportionate, eating up resources that could be used for better homes, schools and public transport. Defense takes up to 27 per cent of the G.N.P., against 10 per cent in the United States.

Israel is practically without natural resources and, according to Agriculture Minister Haim Gvati, is in danger of running out of water in the next five to 10 years.

Although the country is in the economic growth league of Japan, inflation, abetted by

last August's devaluation, is dangerously pushing up costs.

Because everything is being sacrificed for growth, the Jewish land is in the midst of a fierce labor shortage and is coming increasingly to depend on Arab labor. One-tenth of the work force is Arab, and regularly scheduled buses now bring Arab day labor from the occupied territories on the west bank of the Jordan and from Gaza to jobs in Tel Aviv. There are youth protests because pent-up social demands are not being met quickly enough.

"We are trying in this country to do almost the impossible," said Mr. Rekanati, chairman of the 129-branch Israel Discount Bank, from his Tel Aviv office. "In addition to defense, we have to absorb immigration running to 50,000 persons a year and build homes and schools for these people. And simultaneously we are trying to be a welfare state and to insure that standards of living of the population are continuously rising. They say this is a country of miracles."

Israel's total foreign expenditures for military hardware, raw materials and other needs are running at an annual rate of \$3-billion. Earnings from industrial and farm exports and from tourism, shipping and financial services amount to \$1.5-billion. This is the dimension of the balance-of-payments problem.

The deficit is financed by loans and gifts, by the capital input of foreign companies, by war restitution payments to Israeli citizens from the West German Government (running at \$200-million a year) and if necessary, by the \$400-million pool of foreign-currency reserves of the Israeli national bank.

"It is a hand-to-mouth monetary existence. Last year two great miracles befell us—the armaments from the United States and the aid from the United States," said Pinhas Sapir, Minister of Finance, Commerce and Industry and a likely successor to Premier Golda Meir.

"To many Israeli officials the only way to get out of the bind is to export more. To export more the base of the economy has to be broadened. To broaden the base of the economy more debt has to be incurred."

"We're not worried so long as our exports and the general economy continue to expand by 10 per cent or more," said Mr. Rekanati, the banker.

Finance Minister Sapir is confident exports will reach \$2-billion by 1973, a 40-fold increase over 1949.

But practically every country in the world wants to export more, which means that competition will be much tougher than in the past. The United States with its new imports surcharge and monetary initiatives signalled the beginning of what some economists see as a new mercantilist era.

While the terms of competition toughen, Israel faces the possible contraction of markets as a result of the expected widening of the European Common Market to include Britain, Ireland, Denmark and Norway.

The larger customs union would tend to increase trade among the members at the expense of those outside.

The six Common Market countries are Israel's biggest market, buying \$250-million of products a year. The United States comes next with \$170-million.

In line with her export drive Israel badly wants to get under the European tariff walls. A preferential commercial agreement went into effect a year ago under which customs duties on industrial products will be progressively lowered by one-half over five years, while duties on farm products will be cut by 40 per cent.

Israel is far from satisfied with the Common Market agreement, according to Avraham Agmon, director general of the Finance Ministry. "The agreement has done us little good," he said, pointing to the competition

with developing countries, which, under still another accord, ship manufactured and semi-manufactured goods into the Common Market duty free.

In the struggle for markets Israel has gained some important advantages, however, by specializing in the high-technology fields in industry and concentrating on profitable, capital-intensive sectors in agriculture.

Europe is now cultivating a taste for avocados from the western Galilee area and the Israeli coastal plain. None were produced 10 years ago. The market last year was worth \$2-million.

Similarly \$2.5-million worth of strawberries were sold from Israel to Europe last year. The strawberry crop began only five years ago. Celery, peanuts and melons are among the new crops grown in the irrigated semi-desert lands, earning altogether some \$30-million a year in foreign currency.

Perhaps the most technologically exciting agricultural venture involves flowers. Freshly picked carnations, roses, gardenias and other flowers are flown to European centers daily under a computerized marketing setup. Agents in European centers transmit data on the specific needs, even to the shapes and sizes of flowers demanded, and within hours the shipment arrives from Lydda Airport.

All of this is in addition to the main staples—oranges, lemons and grapefruits. Israeli citrus exports last year totaled \$115-million.

But Israel is chiefly counting on industrial exports to pay its way in the world. The large defense outlays have stimulated metal and electronic developments. In addition to finding some peacetime applications for defense spending, Israel has become an arms exporter.

A sophisticated sea-to-sea missile, the Gabriel, already operational in the Israeli Navy, has been sold to some foreign countries, according to sources in the Defense Ministry.

Koor Industries (Koor means melting pot in Hebrew) is the country's biggest industrial enterprise. It is actually a conglomerate of 50 manufacturing companies owned by the industrial offshoot of the National Labor Organization, the Histadrut. Some of the companies are jointly owned with foreign enterprises such as General Telephone and Electronics and the big Belgian glass producer, Glaverbel. The 50 companies do an annual business of about \$300-million.

Koor is run by Israel's former defense chief Meir Amit, who likes to point out to visitors that in relative terms Koor is bigger than General Motors. "We account for 9 to 10 percent of total output in Israel—General Motors for only 3½ percent of output in the United States," he said.

To meet the national goals, said Mr. Amit, Koor is determined to triple its volume of foreign sales by 1975.

## MIDEAST PEACE IN OIL DRILLING

(By Clyde H. Farnsworth)

TEL AVIV.—On the Western Sinai Peninsula and offshore in the Gulf of Suez oil is being drilled for both by Egypt and Israel, with no regard to the hostilities between the two countries.

"Four or five frogmen could easily destroy the installations on both sides," a high Israeli petroleum official said. "They leave us alone and we leave them alone. So what we have now is an oasis of peace."

The former Egyptian wells in the Balayim Field, halfway up the Gulf of Suez, are pumping more than 100,000 barrels daily, enough to make Israel completely self-sufficient in oil for the first time.

Israel took the wells in the six-day war between June 5 and June 11, 1967, when all the Sinai peninsula was occupied. The war left Israel in possession of 34,000 square miles, four times the land occupied after the 1948



war of independence and one-half the area ruled by Solomon.

Thirty or forty miles south of Balayim are the offshore wells of the El Murgan Field, pumping about 300,000 barrels daily for Egypt. The Standard Oil Company of Indiana's subsidiary, the Pan American Oil Company, holds the concession.

Tankers from both sides ply the Gulf of Suez with their much-valued cargo in business-as-usual fashion. The Israeli tankers round the sandy peninsula and churn up the Gulf of Eilat on the eastern side of the Israeli port of Eilat. The crude oil is then refined into gasoline, diesel oil and other products for Israeli consumption.

The Balayim Field had been operated for the Egyptians by Enter Nazionale Idrocarburi (E.N.I.), the Italian state oil company.

The Israeli authorities have told E.N.I. that it would be compensated for the oil acquired by Israel on the basis of the normal shareout in the Middle East—25 percent usually goes to the operator and 75 percent to the state.

Israeli technicians have run the operation since the six-day war. Fresh capital has been ploughed into the field.

Until there is a Middle East settlement, the Israeli authorities maintain, Israel will continue to take the oil as the spoils of war. There is no question, they say, of compensation for Egypt.

Until 1967 Israel, which produces inside her 1948 frontiers only 3 percent of her oil needs, was able to get around Arab oil boycotts against the Jewish state by purchasing oil indirectly from Iran and other sources.

Even with the oil from Sinai, Israel continues to purchase from the same sources to build up her reserves.

Israeli companies are also actively engaged in a search for oil outside the Middle East, but as yet have made no important strikes.

#### FOREIGN DEBT MOUNTS

Israel's over-all foreign debt has risen nearly three times since the end of 1968 to \$3.4 billion.

Fifteen-year bonds sold to the world Jewish community at relatively low interest rates—4 per cent—comprise \$1-billion of the debt. About 80 percent of the money has been raised in the United States and 10 percent in Canada.

The Israeli Ministry of Finance says there is a high proportion of renewals when the bonds mature.

The largest portion of the debt to governments is carried by the United States, chiefly to finance purchases of American military hardware. Last year Israel was given a \$545-million loan to pay for American aircraft.

#### CONCERN OVER THE PROPOSED PRAYER AMENDMENT

##### HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. PEYSER. Mr. Speaker, I have been deeply concerned over the proposed prayer amendment. I have spent many hours reading, thinking, and praying for guidance in reaching a decision on this matter. I signed the petition to bring this matter to the floor of the House of Representatives in order that it could be debated publicly and not remain locked up in committee. I personally see no reason that a group of young people cannot gather together voluntarily in a school or any public building and pray together

or discuss religious thoughts they may have—nor do I see anything in the Constitution of the United States that prohibits this kind of action. I guarantee that if any attempts are made to limit the freedom to pray in my congressional district, I will personally join the fight to make it possible for people to gather together for this purpose.

However, I feel, as do the leaders of every organized religion whom I have been in contact with who represent the overwhelming majority of the people in my district, that we do not want the State to dictate the type of prayers that we and our children must say.

I have long been active in the Episcopal Church as a vestryman and as superintendent of the church school. I have talked with people of the Catholic, Protestant, Jewish faiths, and people of other persuasions and have found very few who want their children to be exposed to a State prayer. This type of action is similar to the steps taken by the Communist Party in the Soviet Union to control the innermost lives of their people and particularly their children.

It is for these reasons, coupled with a love for this great country of our and a love of the freedom which our Constitution and particularly the Bill of Rights have given all of us, that I have voted against this misleading amendment.

#### NOT TO BLAME FOR ATTICA OR OTHER ILLS

##### HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. DUNCAN. Mr. Speaker, I read a very moving, very true, letter which I wish every Member of Congress would read—would heed. Who is to blame for the ills of our society?

The letter follows:

[From the Knoxville News-Sentinel, Oct. 2, 1971]

NOT TO BLAME FOR ATTICA OR OTHER ILLS, SHE DECLARES

Editor, The News-Sentinel:

Well, it's finally happened. Once again, I've been blamed for another incident in this country. I sat tonight and listened to a man on television blame me for the tragedy at Attica.

My little brain is working overtime in writing this letter. I say little brain, because anyone with common sense would have been hollering long ago.

I've been blamed for the riots on the college campuses.

I've been blamed for the war in Vietnam. I've been blamed for oppressing the Negro race.

I've been blamed for the generation gap. You name it; I've been blamed for it.

There's not a single prisoner at Attica that I helped put there. And it's a great possibility had they lived by my ideas and standards, they wouldn't be there either. But my ways of living are a little old-fashioned. Instead of stealing, I worked for what I have. Instead of murder, I've tried to follow the Golden Rule. Instead of trying to tear down this country, I've tried to stand be-

hind it. I haven't demanded a single thing in return.

Demands, demands, demands. That's all I hear anymore. I'm sick to death of it.

Attica is a prison for hardened criminals. These men didn't just rob somebody's piggy bank. Some of them were two and three time losers. If they could have been rehabilitated, they would have learned a lesson the first time.

And you actually expect me to sit and take the blame? Me, the society, the country?

No, fella, you pushed me too far. I refuse to be held responsible for Attica. I refuse to be blamed for being the "society" that put these men behind bars. I refuse to be held accountable for the environment of these men.

But I will take the blame for the country being too lenient with a criminal. I will take the blame for allowing laws to pass that protect the guilty rather than the innocent. I will take the blame for letting courts and Justice Department make it so easy on a lawbreaker that he's not afraid to commit his crimes.

To the families of the slain hostages, I owe my deepest sympathy. To the surviving prisoners at Attica, I owe nothing.

Mrs. CARL VALENTINE.

#### PRICE OF FREEDOM

##### HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. WINN. Mr. Speaker, my esteemed colleague from western Kansas, Mr. KEITH SEBELIUS, recently addressed a group of young people in his district concerning the price of freedom.

A Great Bend, Kans., radio station, KVGB, was so impressed with what he had to say that they devoted an editorial to his remarks. I felt the entire House would find this brief editorial and Congressman SEBELIUS' ideas of timely interest.

#### KVGB EDITORIAL

Kansas' First District Congressman Keith Sebelius addressed more than 100 young people from Northwest Kansas last week-end regarding youth's role in today's business world.

His comments are an impressive commentary on our economic system, and they deserve quotation.

Under free enterprise, Congressman Sebelius said, the individual citizen or the customer is the boss. Despite the claims of socialism, fascism, communism or any "ism," Sebelius pointed out, no other system exists where the man in the street can discipline management.

The Congressman continued: "Nothing is free in this world. Everything in our economic life has a source, a destination and a cost that must be paid. Government is not a source of goods or money. Everything that is produced by government is produced by the people, and most important, what the government gives to the people it must take from the people.

"The only money government has to spend is the money that is taxed or borrowed out of the people's earnings. If the government decides to spend more than it takes in—and it has been doing a lot of that for too many years—that money, when it is spent, reduced the value of the people's money and their savings.

"Employment and job security do not come from the government or from business. They come from the customer. If there are no customers there can be no business and no payroll and no jobs."

Congressman Sebelius concluded with these comments, which we heartily applaud: "Our American system of free enterprise rests firmly on the belief that you know what is best for yourself. It also assumes the individual will assume the responsibility to safeguard this freedom. Most young citizens I visit with buy that concept. It is time a lot more of us began selling it."

#### MILAN ARMY AMMUNITION PLANT GETS ARMY'S TOP AWARD FOR EXCELLENCE

### HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. JONES of Tennessee. Mr. Speaker, recently it was my pleasure to attend ceremonies presenting the Department of Army's most coveted "Sustained Craftsmanship Award" to the Harvey Aluminum Sales, Inc., operating contractor of the Milan Army Ammunition Plant, Milan, Tenn., a shell loading and storage facility under the command of Maj. F. T. Mullens.

Making the presentation, the first to be awarded, was Lt. Gen. J. M. Wright, comptroller, Department of Army, at ceremonies conducted at the plant on Tuesday, October 26, 1971. General Wright was accompanied to the plant by Brig. Gen. P. G. Olenchuk, commanding general of the 26 Plant Ammunition Procurement and Supply Agency—APSA—having direct control of the Milan, Tenn., facility. The award was the result of the Harvey Co.'s effective Zero Defects program, which General Wright commended highly. The general pointed out that the company won the Achievement Award in 1969 and the Craftsmanship Award in 1970. Quoting him further:

Having fought in three wars and been a customer of yours, I express my sincerest appreciation for your dedication and endless motivation in your work.

Receiving the distinguished award was plant manager F. C. Bryant, who literally grew up in the industry. Said Mr. Bryant:

Our employees wanted this award, for it represents the crowning honor to the impressive list of awards already earned.

He stated further:

You must remember that our plant has a most impressive record of meeting production schedules and shipping dates.

The list of honors for the plant includes the following:

The National Safety Council's Industry-wide Safety Record of 9,160,000 manhours without a lost-time injury. Quite an achievement for an explosives industry.

The Cogswell Industrial Security Award. Milan was the only Plant in the APSA Complex to receive the award and vied with more than 20,000 defense plants for the honor.

Annual recognition for the results of its Cost Reduction Program from 1964 through fiscal year 1971. A total savings of over \$13,-

225,000 has resulted from employee actions and suggestions.

S. P. Huntley, zero defects manager for the Harvey Co. stated:

The Sustained Craftsmanship Award was the big one, our people wanted it, we've got it, and our flag clearly shows that we're Number One.

The award is a fitting tribute to the west Tennessee employees of the plant, who compose more than 98 percent of the supervisory and production personnel. It is also a tribute to Mr. Leo Harvey, founder of the Harvey Co., who had great faith in west Tennesseans, and the continuing faith of J. Donald Rauth, current president and chief executive officer of the company. The company, an equal opportunity employer, has an employment total in excess of 3,000 with 30 percent of this total composed of minority group personnel. Mr. Bryant further pointed out:

We are what you might call an isolated industry in this agricultural area. Our employees have no long history of industrial know-how, the fact is, we're scarcely one generation removed from almost total economic dependence on agriculture.

I have always had a strong interest in the Milan plant and want to express personal congratulations to the officers and employees for their continuous record of outstanding performance in craftsmanship, efficiency, and safety.

#### WEST COAST OF FLORIDA BLIGHT

### HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. YOUNG of Florida. Mr. Speaker Florida's west coast is scenically set on miles of beautiful white sand beaches bordering the clear waters of the Gulf of Mexico. It is this beauty which has lured thousands of tourists to choose the gulf area as their permanent home. This picture, however, was destroyed last summer by an outbreak of the dread "red tide." This is a natural phenomenon which results from the rapid multiplication of rust-colored marine micro-organisms which stain the sea and release a toxin which is fatal to fish. It is not caused by any known act of man and so far is not controllable by man. It came and went solely as a result of the mysterious workings of nature. It did, however, leave its devastating mark on the area—miles and miles of beaches littered with millions of putrefying fish, the sand and water barely visible because of the density of their decaying carcasses. It took many days and nights of continuous labor to repair this damage and thousands of man-hours of labor at a final cost of over \$200,000 to the local governments involved.

To this section of Florida's west coast, the "red tide" is now only a horrible memory, but they are still struggling to recoup from the financial burden it placed upon them. For this reason, I am introducing today, with my two distin-

guished colleagues, Mr. HALEY and Mr. GIBBONS, a private relief bill which will guarantee payment of losses sustained by each city, county, and State agency involved in the cleanup of this terrible blight.

#### UNEMPLOYMENT IS UP IN THE NATION

### HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. O'NEILL. Mr. Speaker, the problem of unemployment in our Nation is a matter of great concern to every Member of Congress. This resistant strain of unemployment, which has inflicted the country, has hit white and blue-collar workers, executive, and laborer, scientist, and municipal employee.

I am placing in the RECORD the remarks of Mr. Albert J. Kelley, dean, school of management, Boston College and chairman of the Board of Economic Advisors, Commonwealth of Massachusetts, given before members of the New England delegation some weeks ago. Mr. Kelly directs his comments to a very particular problem facing the Northeast area, the highly skilled unemployed scientist and technician. It is pointed out by Mr. Kelly that not since the great depression has this country seen such a high percentage of highly educated professionals in the unemployed sector.

I request that all Members interested in finding a solution to the growing problem of technical unemployment read with care the astute comments contained in Mr. Kelley's statement.

The statement follows:

#### GOVERNMENT INCENTIVES FOR TECHNOLOGY TRANSITION AND INNOVATION

(By Albert J. Kelley)

#### BACKGROUND

Defense and space cutbacks during the last two years have had a unique effect upon the U.S. economy. While considerable attention has been given to unemployment and job aspects of these cutbacks, there are more subtle technological implications which impact the long-range economic health of the United States.

Manifestation of the deeper underlying technological problem is given by the large number of engineers and technical professionals who have been disemployed by these cutbacks. We have not seen as high a percentage of highly educated professionals in the unemployed sector since the Great Depression.

To date, solutions to defense cutbacks have been concentrated on personal and humanitarian factors, that is to get people back to work. Let us look for a minute at the underlying economic factors that currently face us.

The technology base in this country has been largely supported since World War II by the Defense Department and NASA. The projects they sponsored were important to the national interest; they were glamorous and it was indeed patriotic and financially lucrative for individuals and corporations to join in these endeavors. As a result, a very significant proportion of the quality and quantity of the science and technology community was attracted into DOD/NASA sponsored activities, whether working for the government, private corporations, or univer-



sities. This situation, of course, peaked markedly during the 1967/68 time period when the Viet Nam buildup compounded by the NASA Apollo program caused a large temporary bubble in demand for high technology products and services.

This dramatic buildup had two major effects. First, it pulled in a lot of engineers and scientists and trained them in the government way of doing business with its own procedures for management, technical specifications, procurement, and financial incentives. Second, by pulling in these large numbers of technical personnel, a vacuum was created in the civilian technology sector into which foreign competition and products moved and captured major market shares. As a result, foreign competitors are deeply entrenched in what would be "natural" conversion markets for many previously DOD/NASA oriented personnel and companies. For example, a "natural" area of conversion for the defense electronics industry would be in home radio, T.V., hi-fi, etc. This market is already heavily saturated by foreign companies largely Japanese.

The DOD/NASA approach, in fact our historic governmental approach, to technology has been on a project-by-project basis. That is, individual projects were circumscribed and specified by the sponsoring government agencies and competed for by private organizations. This was considered to be the free enterprise competitive way of doing business and, by and large, worked quite well since there was always a continuous stream of projects. Even though it was theoretically a winner-take-all system, there were sufficient projects to go around so that many companies were able to prosper in the DOD/NASA sector. Government sponsorship of technology was basically project-oriented rather than institution-oriented. Ideally, at least in theory, the military-space-industrial complex was openly competitive, the strong prevailed, the weak were eliminated. With reduced technology dependence on DOD/NASA, we may now have to reshape government support more along institutional rather than strictly project lines.

Many new high technology companies were started during the 1950's and 1960's, some with resounding financial and investment success. A major factor in the early success of these new technology enterprises was the advantage they had in starting-off immediately with government contracts. Very often, in fact in a very high percentage of these start-ups, the entrepreneur-managers started their new company with a contract in hand either from their old organization or from a government agency with whom they had developed rapport. As a result, the new technology companies were often able to get a year head start with guaranteed income while going through the different embryonic stage. The company started off in a familiar area of business with minimum risk, the entrepreneur's dream.

Many of these smaller companies have been hard hit by recent cutbacks particularly if they have assumed the role, as many have, of major subcontractor. In a cutback they are in double jeopardy since they receive not only their proportionate share of prime contract cutbacks but are further hit by the prime contractor keeping in-house a higher percentage of the contract work and putting less out to subcontract. Thus the "make or buy" decision in a decreasing market becomes increasingly easier for the prime contractor to the detriment of the subcontractor. Further, many prime contractors have delayed payments to subcontractors even though progress payments have been made by the Government.

High technology subcontractors were the first to feel the effects of defense and space cutbacks for these reasons. They are undoubtedly suffering the most, though heard the least, since they do not have the re-

sources and political sophistication of larger prime contractors. Many are now concerned that we are in danger of seriously undermining, if not eliminating, our subcontractor structure, a vital element in our industrial base for national security.

Since the DOD and NASA financial props have been pulled out from under the technology segment of our economy, there is a new awakening to the importance of technology in the private sector. We have always believed that technology was important to our international pride and prestige. More recently, we have come to realize that it is indeed important in our total economic posture and strength including international trade. Secretary of Commerce Stans' testimony to the House Science and Astronautics Committee of July 27, 1971 documents some of the interrelation between technology and international economics.

No easy solution to our current technology problems has emerged but the techniques employed to solve these problems have by their very nature been inefficient and, therefore, not too effective. For example, the problem has been attacked by Federal and State Governments as an unemployment situation, on an individual basis. While this is indeed humanitarian, it is relatively inefficient to approach the problem on a person-by-person basis particularly when there are so many disemployed. What is needed is not more training, not more unemployment assistance, but jobs. These are created by healthy segments of the economy manned by healthy corporations. However, the technology industry itself has not generally approached the problem in a sophisticated manner. This is probably due to inexperience in commercial business areas more than any other cause. The DOD/NASA supported technology organizations have often approached new market areas with solutions looking for problems. By experience many have operated in DOD/NASA—as a result they have become product rather than market oriented. This attitude has slowed conversion and in many instances turned away potential but unsophisticated customers for technology goods and services.

This paper is largely concerned with assistance and incentives which can be provided to organizations to convert their business and personnel *in situ*. The action which the Federal Government can take can be broken down into three basic areas:

- (1) Sponsored Technology Projects
- (2) Direct Assistance
- (3) Passive Incentives

#### GOVERNMENT ACTIVITIES RE INNOVATION

##### 1. Sponsored technology projects

Government sponsored technology projects take the form of a major project involving national goals. While the peaceful national technology project in the 1960's was landing on the moon, in the 1970's it could be something like environmental and pollution control (backed up by sufficient funds and personnel).

Alternatively, or in parallel, there could be several smaller technology projects which provide seed money or government sponsored project incentives to move the high technology community into specific areas such as medical technology, the environment, urban problems, etc. A method of accomplishing desired civilian R&D projects could be government sponsorship of R&D and prototype competitions, that is, the government sponsorship of civilian R&D projects such as DOD sponsors Defense R&D projects.

In any case, it is important that some technology projects in desired conversion areas be backed by the government to provide a continuum for the technology community and private corporations. In this way, they can make the transition to new technical areas and applications while, in

the interim, doing business the government way. As they move into new technology areas, they can acquaint themselves with new ways of doing business in the private sector and be on the look-out for civilian market applications of the projects they are executing under government contract. In other words, the government can provide transition assistance to ease the conversion of technology organizations into the private sector. There is, of course, a danger that government projects once started never stop and then these new technology market areas would continue under government subsidization rather than the government serving as a catalyst to assist the transfer.

##### II. Direct assistance

Under the hypothesis that it is more efficient to convert an operating organization than to convert the unemployed individual-by-individual, a *Corporate G.I. Bill* is proposed. A Corporate G.I. Bill would have many of the same features provided for individual veterans phasing out of the Armed Services. The problem for defense contractors is, in many ways, analogous to the individual veteran. The Corporate G.I. Bill would include loans or loan guarantees by the government to help finance the transition into the private sector, it would also provide education funds for re-orientation which could consist of on-the-job training or outside development courses. A subsidiary concept within the Corporate G.I. Bill is the proposal to subsidize approximately one-half of one year's salary for supplementary corporate personnel during the transition phase. Many companies have already cut to the bone to stay alive and do not have a sufficient cushion in personnel or financial resources to move into new business areas. The ability to hire additional personnel during the transition phase could help these companies break out of their current trap.

We should continue to search out the possibilities extant in already established programs and agencies, for example, the Small Business Administration. The SBA has several instruments already well established which, if fleshed out, could serve as valuable conversion vehicles. The SBIC program, if properly funded would become popular again and play an important role in the formation of new technology companies.

Many feel that the formation of new technology companies is the best way to effect conversion. Whether or not, they undoubtedly provide incentives for entrepreneurial minded technical personnel and are an avenue which should be vigorously supported. New business formation is one of the proven instruments for technology transfer. However, conditions are not the same as in the 50's and 60's. It is now more difficult and may require new or different government support.

We should increase the use and activity of the Title 501 concept within the Small Business Administration authority. The Title 501 Company is a state industrial development company which can receive matching funds from the Small Business Administration.

There are several avenues through which state and local governments could provide active assistance with or without federal support or subsidy. At the very least, the federal government could standardize or upgrade to the highest common denominator the various state programs already available.

Examples of state and local government assistance are:

- (a) Standardize and upgrade loan guarantees provided by state governments. For example, some states (e.g. Vermont) guarantee 100% loans for facilities and equipment for new companies or companies they desire to attract. Others provide none.
- (b) Provide consistency and loosen government regulations on industrial revenue bonds. These are tax exempt bonds supported by a state authority but issued by a

private corporation. These have met with great success in some states (e.g. Alabama, Massachusetts). However, IRS restrictions for tax recovery now limit these to 5 million dollars.

(c) Local Technical Assistance Programs (sometimes called conversion corporations) could be instituted with government support. These would provide business assistance and a loan bank similar to RFC to help corporations convert. Many high technology defense supported companies do not know how to move into new market areas. They don't even know what new types of people to hire if they had the resources. A local technical assistance program at the state or local level could provide market surveys and identify new product areas. It could help companies to locate new government contracts with agencies different from those they may have been working with in the past. It could include a Washington liaison office to help locate government contracts in emerging technology areas which are peculiarly suitable to a particular State or region. A Washington office could provide assistance to the corporations in its region such as an information service to help locate government contracts or lands. The federal government procurement scene is a maze and a puzzle to most small companies, even those who have been doing business with a particular agency for many years. A local technical assistance program could also provide other peripheral business services, consulting and advice to help small to medium size companies make the transition into the civilian sector.

### III. Passive incentives

The Federal Government can provide many passive incentives, primarily financial, to attract capital and therefore increased attention and resources to high technology areas. Examples are:

(a) Investment tax credit for research and development. This could include accelerated depreciation allowances for facilities and equipment supporting high technology development.

(b) Investment tax credit for high technology products made in the U.S. and sold overseas.

(c) Tax holidays (full or formula basis) for new emerging high technology companies for specified periods of time. This could include tax holidays for corporate divisions or whole corporations converting from defense to other business areas.

(d) Investment tax credits to encourage foreign licensing arrangements whereby a credit is given to the U.S. corporation which manufactures in the U.S. under a foreign license.

(e) Investment tax credit for upgrading or retraining personnel in a company through education to enable the company to move out of defense/space into new business.

(f) Reshaping of policies on Independent Research and Development whereby the independence is broadened not reduced (such as the Mansfield Amendment). IR&D policy could be recast to permit such research unrelated to defense but related to conversion.

(g) It has been suggested that a change in the patent protection period policies could encourage increased high technology cross fertilization. This could consist of reducing the patent protection period to some time period less than 17 years or providing the government with authority to buy out some patent rights where technical turnover would be enhanced.

In reviewing patent policy some procedure should be established whereby the government can grant exclusive licenses on certain ideas or products. While this is contrary to a concept of open competition and free enterprise, on the other hand, many

government patents lie fallow and untouched.

(h) The government, as a matter of policy, should review its antitrust attitudes with respect to joint corporate ventures for research and technical development. For example, while it has been argued by many renowned economists that the SST should have been built by private enterprise, no single company has the resources to go it alone. Under our antitrust policies, a consortium of private corporations, the only way it could be done without government support, would be immediately attacked by the government.

(i) In some way we must find mechanisms to reduce the pressure for short range corporate financial performance on the part of high technology companies. This is a fact of life in investment and stock market dealings. While investors formerly looked at annual earnings, now they look at quarterly earnings and even are searching for monthly financial information. The high technology corporation which needs time to develop new ideas and products unfortunately falls into the same pit as other companies when being analyzed by the investment community. Because of the increasingly short-range investor outlook, we have in many companies directly or indirectly suppressed technological developments. This has resulted in a preponderance of commercial product variations coupled with energetic marketing rather than true development or research.

### MAKING DEMOCRACY WORK

#### HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. CHAPPELL. Mr. Speaker, Alexander Wolcott once stated:

I am tired of hearing it said that democracy doesn't work. Of course it doesn't work. It isn't supposed to work. We are supposed to work it.

I am very proud that the students and faculty of Stetson University in DeLand, Fla., will engage in an innovative program to learn how democracy works. Stetson has invited representatives from 35 colleges across America to join with its students in a 4-day model U.S. Senate program in an effort to duplicate the legislative atmosphere of Washington. The students will participate in committee work, party caucuses, and full Senate debate on legislation now pending before the upper house of this Congress.

Stetson University and the citizens of the Fourth Congressional District will welcome Senators ROBERT BYRD, LAWTON CHILES, and EDWARD GURNEY as speakers during the 4-day program commencing November 11.

I am impressed that this model Senate program originated with, and is being planned and coordinated by, students. To those who decry the negative role of the college student in American society, I say, look to the students of Stetson University as indicative of the caliber of the vast majority of youth today. These students are determined to learn how they can make democracy work.

In undertaking this program, Stetson University is making a significant contribution to the Nation, the Congress, and the American way of life.

### THE INAUGURAL ADDRESS OF FORMER ASSISTANT SECRETARY OF THE TREASURY MURRAY L. WEIDENBAUM

#### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. FRENZEL. Mr. Speaker, the inaugural address of former Assistant Secretary of the Treasury, Murray L. Weidenbaum, on assuming the Mallinckrodt Distinguished University Professorship at Washington University in St. Louis, was published in the Washington Post on November 7, 1971.

This address by a respected academician gives some interesting insight into the workings of the Nixon administration. Especially interesting to me was Weidenbaum's affirmation that the administration never put him in the position of saying anything he did not believe in.

The address follows:

#### INAUGURAL ADDRESS

(By Murray L. Weidenbaum)

My initial inclination was to entitle this lecture "Two Years With the Enemy," in the spirit of Richard Dudman's recent book, *Forty Days With the Enemy*. As you may know, that distinguished correspondent of the St. Louis Post-Dispatch was referring to his experiences as a captive of the Cambodians.

However, I do not want to draw close parallels, particularly since my two years with the Nixon Administration were quite voluntary. In any event, upon reflection, I felt that an accurate title for this report on a leave of absence would be "Confessions of a Republican Academic."

As a starter, I should like to recall the very first college lecture that I gave after I joined the Nixon administration in 1969. At this Eastern college, I presented what I meant to be a very straightforward and low-key account of the extent to which college professors had been appointed to policy positions in the new Administration. I recited a long list of intellectuals, ranging from members of the Cabinet to key White House advisors, and extending through the subcommittee and operating agencies.

However, I was unprepared for and thrown by the very first question that was tossed at me during the question and answer period—"How can you stand it in that administration?" I believe that I responded in a flippant manner to the effect that I stopped beating my wife two weeks earlier. I think that I am somewhat better prepared now and I would like to offer a delayed response to that nasty but thought-provoking question.

The passage of time tends not only to heal wounds but, more treacherously, leads to our remembering more of the pleasant than the unpleasant. Hence, let me say at the outset that these were not two years of uninterrupted joy or success. Truly, rather, it was an experience, and some of the lessons are quite ambivalent.

For example, I came away with the strong belief in the need to change the way in which the Congress does its work. The often times excessive concern with detail and trivia is hardly conducive to high level decision-making. More fundamentally, the notion of one man-one vote needs to be truly implemented in the deliberations of the Congress itself, particularly at the crucial committee and



subcommittee levels, which tend to be so dominated by a few senior members.

Yet, simultaneously, I came away with indelible impressions of many men of integrity, instances of quiet courage, and an overall atmosphere of just plain hard work and dedication. I believe that it is pertinent to note that my main, although not sole, relationship with the Congress was unsuccessful; it was in connection with my responsibility for revenue sharing, a program that I was not able to see enacted during my tour of duty.

Similarly, I know that it is fashionable to lambaste the upper reaches of the Nixon administration. Now, certainly, the cast of characters does not exclusively consist of lovable or self-effacing men and women. However, I must bear witness to the fact that the dominant impressions that I bring back with me after more than two years of working with them, sometimes in very close relationships, are positive—an abiding loyalty, intelligence, industry, and dedication to the public interest (of course, as they see it).

To those of you who may be skeptical, I can only repeat the immortal words attributed to Henry IV, "Hang yourself, brave Crillon. We fought at Arques and you were not there."

Incidentally, conjuring up the image of fighting at Arques may be more than a matter of poetry. It was no secret in Washington that at times I strongly disagreed with some of the policies of the Administration. Maybe that in itself was more than enough reason to make it all worth while. I did have ample opportunity to present my views, to argue for the things that I believed in, in the policy councils of the Administration.

What I consider memorable about my experience in the Nixon administration is that I was never put in the position of having to say, in public or in private, anything I did not believe in. The other side of that coin is that I never, in public, attacked the policies of the administration. I must admit that sometimes that took a little self-restraint. But these two interrelated rules of conduct, I believe, enable you simultaneously to maintain your integrity and your effectiveness.

Perhaps, the biggest surprise was to find a juxtaposition of roles. In representing a supposedly conservative administration, often I found myself on the side of progress vis-à-vis the status quo. Certainly, that was our position in promoting welfare reform, revenue sharing, a cleaner environment, and stimulative budget deficits.

Let me cite a case in point, the concern about a cleaner environment. Economists—regardless of political persuasion—generally do not view the problem solely in terms of appealing to our sense of moral outrage. Rather, we tend to think of practical changes in our economic system that would result in the creation of less pollution. A favorite method is to make the very act of polluting more expensive than not polluting. The assumption we follow here is that most people and organizations pollute not because they are nasty and enjoy messing up the environment but, rather, they pollute because it is easier or cheaper or more profitable.

Well, the Nixon administration acted on that approach. We suggested a tax on the lead going into gasoline. This would have encouraged motorists to switch to non-leaded gasoline, which should have helped reduce a major pollution problem.

Believe me, the initial public reaction was an eye opener. Aside from the environmentalists in the administration, the friends of the environment generally sat on their hands. After all, they seemed to reason, what did the Nixon administration and particularly the green eyeshade types in the Treasury care about the environment?

But the industries that would have been affected by the tax quickly saw the point of our efforts. They launched a strong counter-

attack. Only then, belatedly, did some of the more open minded environmentalists realize that there must be something good in the Administration's approach. But by the time they saw the light and started to support us, it was too late and the proposed tax on leaded gas did not pass.

I want to share with you something that I learned about economists and economic policy, which may have wider application. Despite the sophistication of their mathematics and theoretical constructs, I have concluded that those with a rigid, all-purpose cure for our economic ailments have done us a great disservice. At times, they remind me of the old Steve Allen TV routine—"Here is the answer, now what is the question?"

Models can be useful pedagogical and analytical devices, but their practitioners can fall into the trap of assuming that the real world just has to conform to their model. "After all who has a better model?", is often the stock response of the cavalier model builder.

Perhaps unfortunately, the first two years of the Nixon administration tended to coincide with the hey day of the monetarist approach to national economic policy. In any event, some of the practitioners of the monetarist doctrine seemed to say that making necessary changes in the stock of money in the economy would suffice to attain the desired goals of economic policy, such as reducing inflation or increasing employment. Thankfully, at least I recall no claims for curing baldness or altering fertility.

It will take a considerable passage of time for me to forget the many occasions on which I heard true believers tell me, "The inflation just has to slow down. Look what's been happening to the money supply." And later, "The economy just has to turn up rapidly. Look what's been happening to the money supply." Wasn't it Gertrude Stein who said that the trouble with Americans is that we always try to simplify things instead of attempting to understand complexity?

Before concluding, I do need to dispose of two questions that I frequently get: "Would you have gone to Washington if you knew then what you know now?", and "Would you recommend that any of us take a post in the government?"

The first question is the easier to answer. Of course I'm glad that I went and had a chance to observe, participate in, and hopefully influence government policy-making. As to the second question, it is always harder to answer for someone else. I do hope that many of you get the opportunity for a government position and that you take it. Beyond this apologia pro vita mea, I can only recall for you a visit from one of Ralph Nader's "Raiders" shortly before I left the Treasury.

He came to tell me that, after seeing how we performed our duties, he was changing his mind about government service. He now thought that it was possible to try to do some good without compromising yourself. At some point in his career, he added, he'd like to work at the Treasury.

My friends, perhaps I can sum up this report by saying that maybe all I have learned from my recent stay in Washington is that Pogo may be right after all. I have met the enemy and he is us.

#### PRAYER AMENDMENT DEFEATED

**HON. JOHN R. RARICK**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. RARICK. Mr. Speaker, the 240-to-162 rollcall vote on the prayer amendment did not supply the two-thirds ma-

jority—268—of those present and voting to pass the constitutional amendment, but it did show the American people that there are more Members in Congress who believe in voluntary prayer for children in public schools than those who oppose it.

The spectacle that followed the announcement of the vote defeating the prayer amendment—Members jumping to their feet and applauding—was reminiscent of the recent display of disrespect following the defeat that the American people suffered in another deliberative body, the United Nations General Assembly, when Red China was seated and Nationalist China expelled.

This vote and the disgusting spectacle which followed should impress upon the minds of the people back home what is wrong with their governmental leaders who gleefully used the power of their office to deny little children the right to voluntary prayer as a part of their school activities.

While no photographers were allowed in the Chambers, as there were at the United Nations, the recorded vote will let the American people know the philosophy and caliber of men who represent them in Congress.

#### THE FEDERAL BUREAUCRACY

**HON. HAROLD R. COLLIER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. COLLIER. Mr. Speaker, one of my basic concerns during the 15 years that I have spent in this body has been the abuse of power by an arrogant bureaucracy, the continual increase of the bureaucracy's power, and the apparent indifference among many of my colleagues to the shift of power from the people's elected representatives to an unelected bureaucracy.

Hopefully the Supreme Court of the United States will soon have a majority that realizes that our Government is one of laws and not of men. Why should we not at the same time have administrative employees who will work in accordance with the Constitution and the laws passed by Congress?

One of the most thoroughgoing, devastating, and factual indictments of the Federal bureaucracy that I have ever read recently appeared in the newspapers published by Eugene C. Pulliam. In "Will the Federal Bureaucracy Destroy Individual Freedom in America?", the publisher of the Indianapolis Star and News and the Phoenix Republic and Gazette has issued a solemn warning that we in the Congress cannot afford to let pass unheeded.

The bureaucratic monstrosity that has become an almost sacrosanct elite began its long period of growth from a relatively modest establishment to its present gargantuan size in 1933, when the radical New Deal elements came to power under Franklin D. Roosevelt. World War II helped to stimulate its growth, but the real impetus came in 1961, when John F. Kennedy and another army of planners

began to bombard the Congress with a never-ending stream of legislative proposals.

Many of these proposals were stalled in legislative bottlenecks, but the most vicious campaign of hate ever directed against a presidential candidate rescued the planners. The defeat of BARRY M. GOLDWATER, whose millions of adherents wanted to have the bureaucracy reduced, streamlined, and brought under control, was accompanied by a gain of 36 Democrats in the House of Representatives. The Kennedy schemes that had been stalled became law during the administration of Lyndon B. Johnson, not because the new President had any greater ability to sway legislators, but simply because he had the votes that his predecessor lacked.

Two years later President Johnson's party lost 47 seats in the House and many of the spenders returned to the oblivion from which they had sprung, but the damage had already been done. Most of the financial problems that plague us today and make it difficult for President Richard M. Nixon to restore stability to the economy had their origins in the Congress that rubberstamped approval to numerous new programs. Each of these invasions into territory traditionally reserved to the States and local communities or to private enterprise required its billions of dollars, thousands of employees, and hundreds of regulations.

What is the remedy? The obvious one is to replace those in Congress who jump through hoops whenever the bureaucracy issues a demand for legislation that inevitably increases the power of the entrenched bureaucrats. Instead of creating new agencies and increasing the number of bureaucrats, who already multiply like rabbits, we ought to repeal a few laws, reduce the number of Federal offices, save a few billion dollars, and lessen the power of these arrogant bureaucrats.

Whichever party controls the executive branch should have the authority to hire and fire in all positions of consequence. While I would not go so far as one of Shakespeare's characters, who said, "The first thing we do, let's kill all the lawyers," I would fire the lawyers who write the complex and devious regulations that frustrate the intent of Congress.

It would also be a good idea to replace the public relations officials with employees whose duties would be strictly limited to the issuance of necessary information. A coordination of research activities would undoubtedly unearth a tremendous amount of duplication and make-work activity that does tremendous harm to legitimate and worthwhile research.

Much could be accomplished by ending the system of annual salary increases that furnishes momentum to the spiral of inflation, by weeding out employees who have struck against the Government, by reducing the amount of annual leave, by ending the abuse of sick leave, and by demanding the use of labor-saving devices.

Many people defend the excess jobs in the executive branch as a form of glorified relief. If such jobs actually constitute relief, then they should be limited

to one per family, however, I most emphatically reject this justification for make-work, especially in times of great prosperity.

Mr. Speaker, inasmuch as Mr. Pulliam's remarks deserve the widest possible audience, I am submitting them for the RECORD at the conclusion of my remarks:

#### WILL THE FEDERAL BUREAUCRACY DESTROY INDIVIDUAL FREEDOM IN AMERICA?

The most serious threat to freedom in America today—including freedom of the press—comes from a Federal bureaucracy which seems determined to gain control over every facet of American life.

This is not a partisan issue. As a matter of fact, there are now three great parties in America—the Democratic party, the Republican party and the Federal bureaucracy. Of the three, the Federal bureaucracy is the strongest and most powerful because it is the best organized and is protected from political reprisal by civil service.

When a new administration comes in, less than 10 percent of the bureaucrats go out; the other 90 per cent keep their jobs regardless of which party is in power.

The U.S. State Department is probably the most bureaucrat-infested agency in the entire government. A small coterie of career men who are protected and immune from discipline by civil service constantly harass and embarrass whoever is secretary of state. They did it to Dean Rusk and are doing it now to Secretary Rogers. Secretary John Foster Dulles had some very terrible experiences with this group. These State Department parasites don't want any secretary to succeed. They want to run the State Department in their image. They never want to get tough with any nation, whether friend or foe. They just want to be personally popular in all capitals of the world, no matter what their actions do to the prestige of our foreign policy. It's a hell of a way to run a State Department but that is the way it is being run now. If President Nixon is re-elected, he should ask Congress for the right to abolish civil service in the State Department and clean house from the first under secretary to the brocaded janitors.

Entrenched behind the safety of civil service tenure, the bureaucrats always proclaim that they are acting in the public interest and proceed to issue decree after decree, having the full force and effect of law, whereas not 20 per cent of the bureaucratic rules and regulations and orders are ever voted on by the Congress.

There are thousands of honest and dedicated men and women in the government civil service but their leaders and department heads make life unbearable for anyone who dares speak out against the arrogant plan for government by bureaucratic decree.

#### PRESIDENT STYMIED

The American people don't realize just how terrifically strong this bureaucracy is. At the present time there are 2,911,000 Federal employees; when President Nixon came to office, out of 4,000 and some employees in the Office of Economic Opportunity he could only change 16! Think of it. The President of the United States was absolutely overwhelmed, to the tune of 4,000 to 16.

Another instance of the arrogant determination of the bureaucracy developed recently in the Interior Department. The United States government has a treaty with the Navajo nation. The treaty is just as binding as any treaty we have with Canada or Mexico, yet the bureaucrats in the Interior Department paid no attention whatever to its stipulations. President Nixon promised the Indians he would do something about it. When he tried to do so this summer, the Bureau of Indian Affairs paid no more attention to the President of the United States than they had to the chief of the Navajo

Indians. The bureaucrats in the Bureau of Indian Affairs are determined to run all matters pertaining to Indians in this country—regardless of treaties, presidents or the welfare of the Indians themselves.

Bureaucrats seldom get mixed up in financial scandals. They are not interested in money; they are interested only in power, and the American people have permitted them to take over, often without legislation.

Robert Finch, one of President Nixon's closest friends, was literally driven out of the Department of Health, Education and Welfare because the career bureaucrats in HEW just weren't about to let anyone else run that department, which is one of the largest and most important and spends more money than any other department except Defense. And things haven't changed one iota since Finch left.

Just how far they will go in expressing contempt for the people to whom they are supposed to be responsible is suggested by protest demonstrations in defiance of the President staged by employees of this department.

Senator Barry Goldwater observes that "several hundred employees of the Department of HEW—none of whom was elected by the people who pay them—could hold a mass meeting to protest policy decisions reached by the White House and by the Secretary of HEW."

The bureaucracy dominates the Federal Trade Commission, the Food and Drug Administration and countless other agencies. Prof. Yale Brozen of the University of Chicago recently called attention to the fact that because of these regulatory bodies free enterprise in this country is only half alive. He cited as evidence government's control of the mail, of water supplies, schools, airlines, railroads, highways, banks, farms, utilities and insurance companies.

#### JOB DESTROYERS

Government regulation has driven the railroads to the point of near extinction, hampered the small businessman with a network of controls, created problems in our cities with ill-conceived programs which have caused a net loss of at least half-a-million units of low cost housing since the 1930s. Yet the same bureaucrats and regulators who have created these problems now say they are going to cure them—and that for this purpose they must have still more authority over our lives.

The regulators talk a great deal about unemployment, and the need for still more government power to cure it. Yet Prof. Brozen has shown at length that government wage regulation has caused unemployment, pricing youthful and other marginal workers out of the labor market. Federal wage minimums have caused a doubling of unemployment levels among minority youth since 1954—from 16.5 per cent to well over 30 per cent.

In their effort to control everything, the regulators are trying to dictate virtually every phase of the business process—from the content of peanut butter and breakfast cereals to the packaging of soap flakes and the advertising of tooth paste. The Federal Trade Commission has recently decided it has the right to halt "special" sales in stores and back its decrees with a \$5,000 fine.

In a similar move, attorneys for the Equal Employment Opportunity Commission have argued that businessmen cannot relocate if this would deprive minority workers of employment—claiming such relocation would violate the 1964 Civil Rights Act. Examination of the act shows it contains no such sweeping provision, and that this interpretation is purely something dreamed up by the bureaucrats to extend their own arbitrary power over business.

Members of Congress are helping the bureaucrats by holding hearings, spending government money by the millions to prove we



probably shouldn't be eating cranberries at the wrong time and that cyclamates might poison your neighbor's dog. Think of the time, effort and money that have been wasted on just those two things alone, which accomplished nothing whatever.

Perhaps the clearest example of the way in which the regulators achieve the opposite of what they say they are going to may be seen in the current controversy over pollution. In one case regulatory fever brought the closing of a plant in Northern California which was not in violation of pollution standards and whose termination meant the loss of 800 jobs. A similar story was written in Marietta, Ohio, where Federal pollution standards if enforced would require the closing of a key industrial plant and the loss of 625 jobs. In the most serious case of all, senseless regulation threatened the closing of a Connecticut plant where some 40 per cent of the nation's supply of penicillin is produced.

#### TIPPING THEIR HAND

The arrogance of the bureaucrats was blatantly emphasized when they proposed a special tax break for themselves. These bureaucrats already enjoy job pay increases more frequently than most Americans and they have all sorts of benefits and special privileges which put them in a class apart from and above the average citizen. The plan now being studied to give them special tax exemption is the last straw. Special exemptions from Federal taxes on the top \$3,000 of salaries paid to bureaucrats in the highest of three civil service classifications are proposed. These salaries range from \$28,000 to \$38,000 a year. A diminishing scale of tax breaks is provided for the lower classes. All bureaucrats will get a tax break if this plan is accepted, while we know of no other group of Americans who are going to receive any such tax breaks.

As their control over our economic life has grown, the bureaucrats and regulators have shown their intentions more and more openly. In a wide variety of cases they are advancing the idea of "social engineering"—the notion that government "experts" should take children away from their parents, break the ties of family life, and mold American youngsters into the image of the bureaucrats themselves. In the dispute over "busing," for example, we have seen Federal regulators disrupting the life of local communities, ordering children transported to schools far from their homes, overriding the wishes of parents and city officials.

The motive behind this is spelled out clearly by spokesmen who say "disadvantaged" children have to be taken away from the influence of their parents and placed increasingly under the influence of the bureaucratic experts. "It is important," says one spokesman, "to replace this family environment as much as possible by an educational environment—by starting school at an early age, and by having a school which begins very early in the day and ends very late."

Busing is opposed by 76 per cent of the American people, including black, white and yellow. It has become a national headache and a national scandal. This never would have happened had it not been for the zealots among the career people in HEW, who are determined to demonstrate their power.

How far the problem of bureaucracy and dictatorial control of American economic life can be carried is suggested by the case of Ralph Nader. Here is a man without any official authority or credentials of any kind, forcing American industry into submission, threatening Federal prosecution if industry doesn't agree with his plans, bullying his way toward being the supreme dictator of all industrial production in this country. I want to quote here from a speech made by Thomas R. Shepard Jr., publisher of Look Magazine, regarding Nader's program and objectives.

Mr. Shepard says, "I have heard many businessmen dismiss Ralph Nader and his associates as well-meaning fellows who sincerely want to help the American consumer by improving business methods. Forget it. Mr. Nader isn't interested at all in seeing American industry clean house. What he wants is the house—from cellar to attic. His goal is a top-to-bottom takeover of industry by the government, with Mr. Nader, himself, I would guess, in charge of the appropriate commission."

"Find it hard to believe? Then listen to this Associated Press report of a speech he made last September: 'Consumer advocate Ralph Nader has proposed that corporations that abuse the public interest should be transferred to public trusteeship and their officers sent to jail.'"

Among the proposals Nader favors are having "publicly elected" members imposed on corporation boards of directors to serve the "public interest" as defined by Nader, abolishing corporate trade secrets on the grounds that "a corporation doesn't have the right of privacy" and making all corporate tax returns public on the same grounds.

Still more incredible are Nader's proposals that corporate executives be suspended from their jobs through "sanctions" he wants to impose and that entire companies be driven out of business if they don't live up to what he calls a "social cost test."

#### NADER'S FINANCES

Who has appointed this man to play God over American business? Who has given him and the bureaucrats who are helping him the right to destroy the investment and effort of thousands of Americans who have entered into the voluntary associations of corporate endeavor? Who has commissioned them to dictate, suspend, or bankrupt organizations in which the resources and energies of countless American citizens have been invested?

Unbelievably enough, many of his assaults on our business system are financed by elements in the business community itself. He receives a good deal of money from foundations—including the prestigious Carnegie Foundation. He is also supported by the Philip M. Stern family fund, the Norman Fund, the Jerome Levy foundation, and Gordon Sherman of the Midas muffler company, among others.

Even so, Nader never would have gotten to first base with his crusades if he had not had the help of the bureaucrats.

Recently Professor C. Northcote Parkinson, noted for his numerous laws governing human behavior, predicted that, if the present trend toward government employment continues, everyone in Britain will be working for the government by the year 2195. Following this prediction by Dr. Parkinson the Morgan Guaranty Trust Company of New York prophesied that if this trend in America goes on, every American will be working for the government by the year 2000.

The significance of all this for the American press should be apparent. The collectivists and regulators like to say they are in favor of freedom of expression, and that the controls they have placed over our economic lives will not endanger other aspects of our liberty like the free press and freedom of speech.

The argument they use is that "human rights" can be separated from "property rights" and that economic controls do not mean political controls. The whole record of what has been happening in this country shows such an argument to be false. Those of us in the newspaper business have long argued, and correctly, that the rest of the nation cannot remain free unless the press is free.

By the same token, it is impossible to have a society and economy supervised in every detail by Washington regulators and at the same time expect the press to be free.

The mission of the American press always has been to keep this country free and never before has there been a time when the American press should give first priority, regardless of other considerations, to the job of keeping a free press functioning in this country. The networks are having a very serious battle with the bureaucracy. They cannot fight their own fight because they have one hand tied behind them by bureaucratic controls. We do have an obligation to fight their battle for them because the networks have the same basic right of free expression as we do. The right of free expression is the fundamental right of liberty and we should remember always that America is the greatest country only because America is free.

The bureaucrats have been able to bully and blackmail television into accepting all kinds of unfair regulations. They attempted the same thing with the press. They realize their goal cannot be accomplished until they have control of the press, and now they are using the FCC to do that very thing. They are also using the office of the Attorney General, frequently without his knowledge or consent, to send out threats, directives and regulations unsanctioned by Congress, but with the full force and effect of law nonetheless.

Take two or three of the most recent cases. In 1968 Congress, after two years of debate, passed Senator Carl Hayden's failing newspaper bill. President Nixon signed that bill. Yet two months ago, the same crowd in the Attorney General's office who were there when they made such a terrific fight against the bill and were holdover Civil Service employees—most of them Socialists at heart who believe in statism and state control—sent out letters to a group of 50 newspapers, demanding all kinds of reports and statements under threat of being hauled before the Senate and anti-trust division for violation of the anti-trust laws.

That law was passed by Congress. It hasn't been repealed. It hasn't been violated. And yet these bureaucratic lawyers in the Attorney General's office go right ahead and cause unmitigated annoyance and expense to the newspaper industry, their one object being to get the newspapers to agree to some form of government regulation. Well, thank God, most of the newspapers ignored the Justice Department.

#### FCC DECREES

Then the FCC gets into the act again by issuing a decree, without the consent of Congress, simply on its own volition, telling the networks they must devote so much time to this and so much time to that and so much time to public broadcasts which are put out by the NEA, hardly a source of unbiased information. And what do the television people do? They must comply or else. Now the FCC had no authority to make such a decision and thank God one judge told the FCC to go jump into the lake until it got authority from Congress to issue such a decree. But that didn't stop the bureaucrats. The Justice Department has jumped onto the agreement which was made by the New York Times and the Chicago Daily News wire services. The cost of the wire tolls was increased and the two companies decided to split a day and night wire in order to save money.

The irony of this situation is that in April of 1970 the Federal Communications Commission told the two wire services that they would have to do just exactly what they are doing if they wanted to use the services of the AT&T, and the Commission itself proposed that the two services share the wire with another user simply as an economical manner in which to serve their clients. And the New York Times and the Chicago Daily News entered into an agreement positively dictated and approved by the FCC.

Now along comes the Justice Department and says, "You can't do this. It is a violation of the anti-trust laws."

Let's take the case of tobacco. The FCC, without the consent of Congress—which it later obtained—told the television stations they could not advertise cigarettes. Yet the very same government which the FCC represents is spending \$660,000,000 a year to promote, encourage and carry on the sale of tobacco. This order of the FCC is clearly unconstitutional unless the United States government absolutely prohibits the growing and sale and manufacture of tobacco and its products.

From the other direction, the U.S. government is subsidizing programs over the Public Broadcasting Service network which are often slanted to the radical side. The nature of this bias came to light in an "educational" TV attack on the FBI which was cancelled from its regular broadcast slot after J. Edgar Hoover protested. The Corporation for Public Broadcasting will receive an estimated \$35 million from the taxpayers this year, some \$9.2 million going to PBS. Why should bureaucrats force the taxpayer to underwrite one-sided propaganda?

A related case involving abuse of the regulatory power of the Federal Communications Commission is the interpretation that has been given the so-called "fairness doctrine." A memorandum prepared by the Reuther brothers in 1961 urged that this doctrine, which is supposed to insure balanced programming, be used as a device for attacking conservative broadcasters, most of whom appear on a local and not a network basis. Over the past 10 years the "fairness doctrine" has repeatedly been invoked against broadcasters and station owners whose views are different from those of the collectivists, but has not been invoked against network figures whose views are more in keeping with the Reuther memorandum outlook.

#### PRESS IS NEXT

Two years ago a member of the Federal Communications Commission urged that this dictatorial formula be used against newspapers as well. In an August 1969 speech in Dallas, Tex., Kenneth Cox of the FCC said that "Congress could constitutionally apply counterparts of our equal time and rights of reply obligations to most newspapers, since they move in, or clearly affect, interstate commerce, and since the public interest in their providing their readers with both sides of important questions is clear."

Give these bureaucrats the right of regulation over the American press and you have lost America to bureaucratic statism.

This country was founded as a republic with a representative government, but has degenerated into a democracy run by organized minorities, the strongest of which is the Federal bureaucracy. Never in the history of man has a democracy survived more than 200 years, and ours will not survive unless we make it a representative government and abolish the power of the Federal bureaucrats.

Most democracies have been destroyed by centralized bureaucracies—or at least by the rule of organized minorities. The newspapers of this country owe it to America and to the world to make sure that representative government survives in this country—that freedom of the press and the right of free expression are never destroyed by a bureaucracy or any minority group. If we prove here that representative government can work, then freedom will spread to all corners of the world in time.

The United States spends billions of dollars every year to oppose Russia's determination to impose its autocratic rule of complete domination on other countries and to control individual freedom, industrial production, education and everything that approaches freedom of speech and freedom of expression. Here in America the bureaucrats are forcing the United States, step by step, to accept a system of government that will destroy free enterprise, local control of our

educational system and, most important of all, the right of free expression, the fundamental right of liberty. If the bureaucrats succeed, freedom as we know it in America will be lost—maybe forever.

## THE SURPRISING MOON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. TEAGUE of Texas. Mr. Speaker, in a recent editorial of *Aviation Week*, Robert Hotz reviews the achievements and contributions of the Apollo program and particularly the highly successful scientific investigation of the Moon on the Apollo 15 flight. Mr. Hotz decries the views of those who sneered at the benefits of the Apollo program in its early days. He cautions those who make decisions on the space shuttle not to discount its significance and value as was often done in the Apollo program. I commend this important editorial to my colleagues and to the general public.

#### THE SURPRISING MOON

For as long as man has been on this planet, he has gazed at the varying luminous shapes of the moon with intense curiosity, aware almost from the beginning that this heavenly body was linked somehow with his own destiny. For several hundred years man struggled to magnify the power of his eyes to study the surface of the moon in an attempt to discern something of its true nature. Finally, in July, 1969, man solved this problem by successfully transporting his own eyeballs to the lunar surface and beginning the genuine exploration of that body. Along with himself, man brought an ingenious array of scientific instrumentation to the moon, capable of measuring various physical phenomena and transmitting data back across a quarter million miles. In the two years since man fulfilled his age-old longing to go to the moon, he has learned some strange and wondrous things. The moon proved full of surprises.

Very few of the pre-Apollo theories about the moon have survived even the first few years of manned exploration. The vision of a cold, dead planet has given way to an amazing variety of geological activity detected and measured by the Apollo instrumentation. Perhaps the most astonishing and interesting discovery is the possibility that water exists in sizeable quantities in some form below the lunar surface. There is enough evidence pointing in this direction to merit an experiment aboard Apollo 17 to probe for confirmation.

Two Rice University scientists, Dr. John Freeman and Dr. H. K. Hills are "80 per cent certain" that water vapors are issuing through cracks in the lunar surface during periods of frequent small moonquakes. Confirmation of the existence of significant quantities of water or ice below the lunar surface would add a completely new dimension to the scope of lunar exploration.

But there have been many other surprising discoveries on the nature of the moon since Apollo 11. Far from being dead, the moon has considerable seismic activity in moonquakes of regular frequency and of a type that does not occur on earth. Heat has also been detected toward the core of the moon estimated as high as 800°F. The moon has a greater magnetic field than estimated. It is a mineral storehouse of tremendous magnitude with some elements in

combinations rarely or never found on earth.

Beneath its surface are both a rubble or honeycomb type of structure and massive concentrations of solid material. There is growing evidence that the moon at one time had volcanic activity and there are gases other than water vapor that vent to the surface during periods of large moonquakes. These may account for the orange colorations observed for more than 150 years by earthbound astronomers.

All of these major surprises have resulted from the first four manned explorations of the moon. In addition there is a sizable accumulation of other scientific data to be refined from the instrumentation still functioning on the moon and the nearly 400 lb. of lunar rocks and soil samples returned by the four Apollo crews. The moon has already proved to be a scientific bonanza regardless of what more material benefits may be realized eventually.

All of this must be a cause for considerable chagrin and embarrassment to that segment of the scientific community that led the sneering section during the early stages of the Apollo program when flight testing of operational hardware was of necessity its primary concern. Even though the history of aircraft development showed clearly that flight testing of hardware was necessary before a vehicle could perform either its military or commercial mission successfully, this faction of scientists clamored like a group of spoiled brats for scientific passengers and scientific activity before the operational integrity of the lunar transportation system was established. In fact, it was their snide and persistent clamor that helped the budgeteers snip the last three Apollo lunar missions from the program. The budgeteers, who are interested only in eliminating costs and care nothing for achievement, were more than ready to use the excuse provided by these yapping scientists that Apollo was really not a scientific program but just a gigantic stunt flight. Thus, according to their logic, once man had gone to the moon a few times there would be no further point or value in continuing the Apollo missions. With the bountiful scientific harvest of Apollo 15 and the opportunity to fly scientist-astronauts on Apollo 17 and beyond, the scientific community now finds itself running out of Apollo missions. Apollo 18, 19 and 20 have been scrapped to save money, despite the fact, now obvious, that they would offer the maximum opportunity for scientific lunar exploration.

We think this bit of scientific pettifoggery is worth noting because we see signs that it is being repeated as the development of the space shuttle moves forward. The scientists that sneered at Apollo are beginning to cast the same type of darts at the space shuttle. Thus, it is appropriate that they be reminded of how their unscientific and short-sighted behavior helped to curtail the real scientific potential of Apollo. Consequently, their growing criticism of the space shuttle should be thoroughly discounted in advance. Actually, the space shuttle will provide scientists with an unprecedented opportunity to extend their laboratories and themselves into the working environment of space. But the shuttle must go through the same rigorous engineering development and flight testing stage during which scientists are best left at home. We hope they will spend this inevitable period in interested silence and graciously await the opportunity that the space shuttle will ultimately offer them instead of trying to kill it for their own stupid, selfish reasons.

It is no longer the same old moon smiling down on us that it was before Apollo. It is a moon that is full of surprises. Having piqued his own curiosity with the initial discoveries there, it is certain that man can never again ignore its lure.



## THE PRAYER AMENDMENT

## HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. SCHWENGEL. Mr. Speaker, the Washington Post this morning spoke convincingly on behalf of the position I have taken on the so-called prayer amendment.

The editorial states the case against the amendment concisely and clearly.

It is my earnest hope that the House, in its wisdom, will defeat this dangerous attack on religious freedom in this country.

## THE PRAYER AMENDMENT

Sometime today, the House of Representatives will vote on a proposed constitutional amendment designed, according to its sponsors to put prayer back into the public schools. The vote will come at the end of a short debate—the House has allotted only one hour for discussion of this attempt to change the First Amendment—but at the end of a long campaign. Ever since the Supreme Court first spoke on this matter in 1962 there has been agitation throughout the country for such an amendment. It is agitation which, in our view, has been based on a misunderstanding both of what the Court did and of why this country's history and traditions compelled it so to rule. Thus, while we fully respect the sincerity and good intentions of those who have labored so long for this amendment, we hope the House will reject it firmly today.

As we noted last week, the prayer amendment has produced a remarkable division inside many of the nation's religious groups. A campaign by individual citizens and churches who believe prayer in the schools is needed to stop the moral deterioration of the nation was largely responsible for bringing this matter to the House floor on a discharge petition. On the other hand, the leaders of many of the country's religious organizations have been at the center of the campaign to defeat the proposal once it was set for a vote. As a result of this conflict, deep emotions are loose inside some denominations; we note, for instance, that the Southern Baptist conventions of North Carolina and Texas are on opposite sides of this fight. Such splits suggest the controversial nature of the amendment and the threat it holds of igniting religious strife. That, alone, is sufficient reason for the House to reject it today but there are other, more persuasive reasons.

Some of these reasons rest deep in America's history, springing from the fears that existed when a new nation was founded and a First Amendment was written. Others grow directly from the practical consequences that the adoption of this currently proposed constitutional amendment would bring. It is to these that we turn first.

The framers of the prayer amendment drafted it to overcome to some extent the Supreme Court decisions on Bible reading and prayer in the public schools, by making possible the daily recitation in the schools of nondenominational prayers. But it is on this point that a question of vagueness arises. The text of the amendment says:

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

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This language misses entirely the point of the Supreme Court decisions. The Court has never said an individual cannot participate in prayer—denominational as well as nondenominational—in a public building. What it has said, in 1962 and again in 1963, is that government officials, including teachers, cannot sponsor such a prayer when their sponsorship brings pressure to bear on individuals either to participate or to be branded as outsiders. Nothing in the proposed amendment deals with the question of sponsorship, so that conceivably the language may add nothing and may change nothing—though that plainly is not the intent of its sponsors. In other words, it deals with the real question involved in the prayer cases only by indirection and through vagueness.

The second question to be raised about this proposal is how a "nondenominational prayer" is to be defined. The principal proponent of the prayer amendment, Rep. Chalmers P. Wylie, recently addressed himself to this question in an exchange of correspondence with Rep. Sam Gibbons. Mr. Wylie wrote:

"... An example of an appropriate nondenominational prayer would be the New York State Regents' Prayer, which was composed by a Jewish rabbi, a Catholic priest, and a Protestant minister ...

"It is fair to say, also, that a prayer could be nondenominational in the context of the overall school program even if it would be regarded as sectarian if considered in isolation. It would seem to be legitimate for the appropriate authorities to permit the different religions represented in the school or other vicinity to take turns in offering a prayer of their respective religions ..."

Contrast the first part of that with the recent statement signed by the leaders of several national religious organizations, including the Baptists, Episcopalians, Methodists, Presbyterians and Jews. They said:

"The major faiths themselves have never been able to achieve consensus on a definition of prayer, much less a definition of 'nondenominational' prayer. ... 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."

A third question raised by the proposal is who would decide what prayer is to be used in the schools. Mr. Wylie says that "the composition or selection of the prayer would be the function of the local school authorities." We cannot help wondering what this would do to local school board elections in a community sharply divided along religious lines. Or what it would do to the federal courts which would have to decide whether a particular prayer was nondenominational any time a parent wanted to complain.

Overriding these drawbacks, however, is the philosophical argument against the proposed amendment. This is an argument based on the need for strict separation of church and state, for complete religious freedom without the slightest impingement by government. It is an argument we have made many times in many contexts and will not belabor again. It should suffice to say now that we believe the proposed amendment would alter the arrangement of our liberties which led Mr. Justice Jackson to write almost 30 years ago:

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us."

## THE THREAT TO OUR MILITARY SUPERIORITY

## HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. CRANE. Mr. Speaker, it has taken a long time for many Americans to become aware of the fact that our military superiority is no longer a real fact of life in international affairs. By June of 1971 the number of Soviet ICBM's are estimated to have increased sixfold over what it was in 1965. Adm. Thomas Moorer, Chairman of the Joint Chiefs of Staff, projects a Soviet ICBM force numbering 1,500 at that time, a force 50 percent larger than that possessed by the United States.

Numbers alone, however, do not tell the whole story. The 300 SS-9 missiles now deployed, a weapon which far overshadows our Minuteman ICBM, by themselves possess several times the destructive capability of our entire land- and sea-based missile force. Recently, Secretary of Defense Melvin Laird noted that the Soviets have started a "new—and apparently extensive—ICBM construction program." These new ICBM's will be at least as large if not larger than the SS-9's. Weapons of this size are not designed to destroy cities, but rather to be used as counterforce weapons; that is, used to knock out our Minuteman force and help preclude a U.S. response to a Soviet attack.

Writing in the Chicago Tribune, William Anderson reported of a talk given by Gen. Raymond G. Davis, assistant Commandant of the Marine Corps. Said General Davis:

It is my conviction that wars are begun by aggressors who consider their intended victims militarily weak. ... Power is a cause of war only when it is one-sided. Strength neutralizes strength. Effective defense is on strength.

General Davis reminded his audience that—

Just because Americans have grown weary of war other nations are not diminishing their power to make war ... those that pose the greatest threat are rapidly increasing their war making capacity.

Columnist Anderson points out that General Davis was "talking about Russia. Since 1965 the Russians have increased their missile capacity—some with 25-megaton warheads—from 220 to 1,500—ahead of the United States for the first time. The Soviet Navy should pass the American Navy in all numbers in 2 more years."

This is the perilous state of the national defense. Only those who fail to understand the gravity of the current situation would argue that the Nation is secure and that the current level of defense spending and research and development is adequate. It is inadequate, and unless dramatic changes are made our country's military superiority will become simply a memory of the past.

I share William Anderson's column from the Chicago Tribune of September 28, 1971, with my colleagues, and insert it in the RECORD at this time:

**THE THREAT TO OUR MILITARY SUPERIORITY**  
(By William Anderson)

SAN DIEGO.—This second largest California city has a national reputation for being superdefense minded. It may be because many military people retire in its near-perfect climate after initially sampling the weather at Navy and Marine installations.

There is also a myth that San Diego County is solid Republican, right-wing, and strongly in favor of World War III to keep the economy and the boats of the admirals running at full speed ahead.

But like so many other myths that obtain currency elsewhere in the nation, there is more fiction than fact to these tales told about this big military-industry complex. As one example, the latest registration figures for the county show a near tie between the number of Republicans and Democrats now registered to vote.

And the tone of the military leaders is to tell it the way it is.

**A MORE LIBERAL NAVY**

The Navy, making up a large part of this city, is in the midst of a more liberal way of life for the enlisted man—allowing beards, fairly long hair, and more shore leave with families.

The Marine Corps is keeping its tough-minded reputation with the slogan, "We need a few good men"—a logical recruiting device for an elite, small military group that has built a legend over nearly 200 years with pride and valor.

As expected, there is opposition to both military approaches—both in and out of the services. Even some Navy enlisted men don't like the "new Navy" and it is possible to find some younger Marine officers who would like to see a more relaxed corps.

But there is a sharing here of concern in the top ranks of both services over what is going to happen to the United States if it continues to slip in military strength. It is not a popular thing to talk about in public because it is now more fashionable to be in favor of the environment or quick withdrawals from Viet Nam.

However, some military leaders do discuss the strength of the United States, both here and on the college campuses around the nation, and one of them happens to be Gen. Raymond G. Davis, assistant commandant of the Marine Corps. Davis, a Medal of Honor winner, has appeared at schools around the country, and in some cases has been called a "war monger" or "murderer."

More recently he spoke at the annual meeting of the Marine combat correspondents convention here and presented a theory on the cause of wars.

**WHY WARS BEGIN**

"It is my firm conviction," he said, "that wars are begun by aggressors who consider their intended victims militarily weak. Hitler certainly wouldn't have started his drive thru Western Europe unless he thought the Allies were too impotent to stop him. The North Koreans would not have invaded the South if we had not portrayed weakness."

"Power is a cause of war only when it is one-sided. Strength neutralizes strength. Effective defense is based on strength."

"Just because Americans have grown weary of war other nations are not diminishing their power to make war . . . those that pose the greatest threat are rapidly increasing their war-making capacity."

Davis, of course, was talking about Russia. Since 1965 the Russians have increased their

missile capacity [some with 25 megaton warheads] from 220 to 1,500—ahead of the United States for the first time.

The Soviet navy should pass the American navy in all numbers in two more years—and plans are being made to increase the merchant fleet of that nation by about 10 times its current 1,700-ship total.

"In just the markets of the world," Davis said, "they can underbid us. They can carry more cargo, at a better rate, than we can. This alone could present a major challenge to our national economy because of our dependence on world trade."

Davis throws down the theories that it is wrong to work for a living—or that we are a police state, aggressive and imperialistic. He holds, however, that money and technical knowledge alone cannot shore America's defense, "without popular spiritual and moral support."

Hang in there, general, help may be on the way.

**NIXON GOES TO SUMMIT TO GAIN  
WORLD PEACE**

**HON. JOHN DELLENBACK**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. DELLENBACK. I call the attention of my colleagues to an editorial in the Portland, Oreg., Oregonian which concludes that:

Every President of the United States since World War I has sought without major success to break down the barriers to world understanding. President Nixon is nearer than any of them to achieving this long step for mankind.

The editorial makes the point in its introduction that:

The President's decision to be the first U.S. President to visit the Soviet Union, as well as the first to visit Communist China, certifies his inaugural pledge to substitute discussion and negotiation for confrontation among the powerful nations.

This thoughtful and thought-provoking editorial follows:

**NIXON GOES TO SUMMIT TO GAIN  
WORLD PEACE**

President Richard M. Nixon's decision to be the first U.S. President to visit the Soviet Union, as well as the first to visit Communist China, certifies his inaugural pledge to substitute discussion and negotiation for confrontation among the powerful nations. More importantly, his acceptance of the Russian invitation for a summit meeting with the heads of government and party in Moscow, set for late May next year, certifies that the President's tenacity in pursuing the goal of reducing tensions of the Cold War has made an impact on Soviet leaders.

In refutation of the caterwauling of anti-war Democrats who try to pin the hawk label on President Nixon, his program is and has been a peace program. Instant peace is not an attainable goal, but every move the Nixon Administration has made has been in the direction of ending conflicts in all parts of the world.

The President is ending American participation in the Indochina war. His intervention in the Middle East brought a cease-fire in the Arab-Israeli war and some degree of Soviet and Arab restraint in renewing it. He has completely altered U.S. policy toward Communist China by breaking the communi-

cations and travel barrier, accepting Peking's invitation to visit and supporting admission of Red China to the United Nations, but with retention of a seat for Taiwan. He has broken the Berlin deadlock and made progress toward a strategic arms limitation treaty with the Soviet Union.

In these and many other areas of conflict, President Nixon has become the leader this powerful nation needs in foreign affairs. Because of his dedication to negotiation of major world issues, because of the preparatory work that has been done, and because leaders of other nations recognize his sincerity, the time is ripening for meetings at the summit.

If the Strategic Arms Limitation Talks (SALT) can be concluded successfully before the May meeting date in Moscow, this will indeed be a historic conference. Even if there continue to be differences, however, the summit meetings in Peking and Moscow, rival capitals of the Communist world and ideological opponents in this era, could be tremendously important in furthering international understanding and preventing future wars.

Every President of the United States since World War I has sought without major success to break down the barriers to world understanding. President Nixon is nearer than any of them to achieving this long step for mankind.

**A PROBE OF NADER**

**HON. GEORGE A. GOODLING**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. GOODLING. Mr. Speaker, the news comes to us that Mr. Ralph Nader, the self-styled consumer champion, is going to conduct an investigation of Congress, feeling that this legislative body is an "underachiever."

For a long time I have wondered what are Mr. Nader's credentials for being both an expert and a judge on a wide variety of subjects. I am a director of the American Automobile Association, and just recently an article appeared in the AAA's October issue of its American Motorist publication. This article reverses things by making Mr. Nader the subject of the spotlight, an exercise he apparently does not relish; hence, I feel it is quite timely, and I submit it to the CONGRESSIONAL RECORD and commend it to the attention of my colleagues:

**AAA ROW NOW DEMANDS: A PROBE OF NADER**

Challenged by an arrogant and high-handed Ralph Nader, the American Automobile Association recently countered with the novel suggestion that if AAA was to be grilled by Nader, the AAA should in turn get a chance to inquire thoroughly into Nader's objectives, motives and goals.

Nader, however, refused to be interviewed by a trained staff of AAA newsmen, thus violating the logic by which he justifies his own investigations into big business and big government. After all, he has become Big Nader.

Nader has spread himself around like an oil slick, covering such areas of interest as auto safety, air safety, railway efficiency, land use policies, nursing home practices, monopolies, bank management, water pollution and the manufacture of hot dogs. He has accused the Air Force of flying too low near



nuclear plants, the fish canners of putting foreign objects in canned fish, the citrus folk of watering down their orange juice.

As the self-appointed defender of consumer interests, Nader has become a national, semi-public institution wielding enormous influence over the minds of millions of Americans. The public therefore deserves a look into Nader's own organization and methods.

How can one man be an authority in so many fields? What kind of control does he exert over the young men and women who form the task forces known as "Nader's Raiders"? What are their qualifications? How do they operate? How carefully do they check their facts?

Since he unmercifully exposes others in behalf of the public's right to know, Nader should be the first to agree to an inquiry into Ralph Nader Crusades. When we say inquiry, we mean something more than a superficial, Nader-oriented TV panel show or an audience-participation interview which covers many subjects but permits no continuous line of questioning on any.

Nader had a right to object when General Motors conducted an undercover investigation of him but there was nothing secret or offensive about the AAA proposal. If he simply objects to being investigated by a business firm, we have an alternative suggestion: an investigation—upon his approval, of course—by an appropriate committee of Congress, by a reputable and objective foundation or by a team of trained reporters given time to follow up their points of inquiry in depth.

The American public does need protection against unscrupulous business firms and negligent government. In some cases Nader has served as a useful gadfly. But honest firms and reliable government officials deserve protection, too, against the reckless shotgun blasts of publicity-seeking crusaders.

The public deserves an assessment of the quality of the information Ralph Nader furnishes and the methods by which he obtains it. Therefore, it is disturbing when the investigator, himself, refuses to be interviewed.

#### HIGHER EDUCATION ACT OF 1971

### HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. BAKER. Mr. Speaker, last Wednesday the House granted me an official

leave of absence, and it was my privilege and duty to attend the National Highway Safety Conference on behalf of my State of Tennessee.

On Thursday last, during the consideration of the Higher Education Act of 1971, the House debated and agreed to amendments to reaffirm the intent of Congress that busing should not be used to overcome racial imbalance in any school or school system.

I sincerely subscribe to the purpose of these amendments. I oppose the busing of our schoolchildren under such circumstances.

For the record, I would like to express my support for the Broomfield amendment to grant relief from court decrees prior to final appeal; the Green amendment to prohibit bureaucratic harassment of local school districts; and the Ashbrook antibusing amendment.

I hope these amendments will soon be the law of the land.

#### PESTICIDE LEGISLATION

### HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. DOW. Mr. Speaker, the current business before the House on pesticide legislation has raised the question of State activity in this area.

In my efforts to examine the full impact of the pesticide amendment, H.R. 10729, I have sought an analysis of the present level of State regulation restricting or banning pesticide use.

The only summary of State action on pesticides that I have found helpful was prepared by Dr. Rollin M. Dennistoun, administrative supervisor for the Minnesota Department of Agriculture. His report, which is up to date through the early part of 1971, has been most beneficial to me in evaluating the Pesticide Control Act amendments.

Since the House Agriculture Committee "intends for the Federal law to pre-

empt the States from restricting or licensing any 'general use' pesticide," I am sure that our colleagues will want to know the status of their State's particular pesticide regulations. The thrust of the Dennistoun report is a concentration on agricultural uses, rather than on home or industrial use. Since the report was written I am further informed that two States have changed their procedures. Minnesota has a new regulation for dealer licensing on restricted use pesticides, and Indiana has a new pesticide control law.

It is my hope that the State information will be helpful to Members who are evaluating the Dow substitute and the committee bill for its effect on their State, both now and at some time in the future. The summary follows:

#### SUMMARY OF MINNESOTA PESTICIDE QUESTIONNAIRE RELATING TO THE BANNING OR RESTRICTING THE USE OF PESTICIDES

The first basic question asked each state was: Has your state banned (meaning completely outlawed—without any qualifications) any pesticides? If the question was answered affirmatively, subsequent questions requested the state to indicate how the action was taken and to list the pesticide materials banned.

Five states replied affirmatively to the first basic question, and the information obtained is summarized as follows:

(1) Michigan—by administrative order has banned the use of Thallium Sulfate. (See Page 3)

(2) New Mexico—by legislation has banned the use of DDT and DDD (TDE). (See Page 3)

(3) New York—by regulation has banned the use of Bandane, BHC, DDD (TDE), DDT, Endrin, Mercury Compounds, Selenites and Selenates, Sodium fluoroacetate, Strobane and Toxaphene. (See Page 3)

(4) Texas—by administrative order has banned the use of Thallium Sulfate. (See Page 4)

(5) Vermont—by legislation has banned the use of DDT. (See Page 4)

The second basic question asked each state was: Has your state restricted the use of any pesticides? If the question was answered affirmatively, subsequent questions requested the state to indicate how the action was taken, to list the pesticide materials restricted and to state whether or not dealer or user permits are required.

The information received from each state in reply to the above questions is summarized by states on the following pages.

#### SUMMARY OF INFORMATION AS TO THE RESTRICTED USE OF PESTICIDES

| State      | Pesticide use restrictions |    | Restricted use pesticides |            |                      |     |     |          |        |            |         |        | Permits required |           |                  |               | Comments |                  |                 |        |    |        |    |      |    |
|------------|----------------------------|----|---------------------------|------------|----------------------|-----|-----|----------|--------|------------|---------|--------|------------------|-----------|------------------|---------------|----------|------------------|-----------------|--------|----|--------|----|------|----|
|            | By—                        |    | Legislation               | Regulation | Administrative order | DDT | DDD | Dieldrin | Endrin | Heptachlor | Lindane | Aldrin | Chlordane        | Toxaphene | Thallium sulfate | Compound 1080 |          | Phosphorus paste | Alkyl mercuries | Others |    | Dealer |    | User |    |
|            | Yes                        | No |                           |            |                      |     |     |          |        |            |         |        |                  |           |                  |               |          |                  |                 | Yes    | No | Yes    | No | Yes  | No |
| Alabama    |                            | X  |                           |            |                      |     |     |          |        |            |         |        |                  |           |                  |               |          |                  |                 |        |    |        |    |      |    |
| Alaska     |                            |    |                           |            |                      |     |     |          |        |            |         |        |                  |           |                  |               |          |                  |                 |        |    |        |    |      |    |
| Arizona    | X                          |    | X                         |            | X                    | X   |     |          |        |            |         |        |                  |           |                  |               |          |                  |                 | X      |    | X      |    |      |    |
| Arkansas   | X                          |    | X                         |            |                      |     |     |          |        |            |         |        |                  |           |                  |               |          |                  |                 | X*     |    |        | X  |      |    |
| California | X                          |    | X                         |            | X*                   | X*  | (*) | (*)      | (*)    |            |         |        | (*)              | X         | X                |               | X        |                  | X               |        | X  |        | X  |      |    |

Are considering.

Notification or minimum distance required for use of: volatile esters of 2,4-D and 2,4,5-T; oil soluble amines and diamines of 2,4-D and 2,4,5-T; invert 2,4-D and 2,4,5-T; and low volatile esters of 2,4-D and picloram (Tordon) near susceptible crops. \* Required for distributing 2,4-D, 2,4,5-T and similar products in containers of 1 gallon or more and/or user case lots.

\* Use permit for these materials has been required since 1964. For further information write the Department of Agriculture.

Are considering.

Notification or minimum distance required for use of: volatile esters of 2,4-D and 2,4,5-T; oil soluble amines and diamines of 2,4-D and 2,4,5-T; invert 2,4-D and 2,4,5-T; and low volatile esters of 2,4-D and picloram (Tordon) near susceptible crops. \* Required for distributing 2,4-D, 2,4,5-T and similar products in containers of 1 gallon or more and/or user case lots.

\* Use permit for these materials has been required since 1964. For further information write the Department of Agriculture.

## SUMMARY OF INFORMATION AS TO THE RESTRICTED USE OF PESTICIDES—Continued

| State          | Pesticide use restrictions |    |             |            |                      | Restricted use pesticides |     |          |        |            |         |        |           |           |                  | Permits required |                  |                 |     | Comments |      |     |    |   |
|----------------|----------------------------|----|-------------|------------|----------------------|---------------------------|-----|----------|--------|------------|---------|--------|-----------|-----------|------------------|------------------|------------------|-----------------|-----|----------|------|-----|----|---|
|                | By—                        |    |             |            |                      |                           |     |          |        |            |         |        |           |           |                  | Others           |                  | Dealer          |     |          | User |     |    |   |
|                | Yes                        | No | Legislation | Regulation | Administrative order | DDT                       | DDD | Dieldrin | Endrin | Heptachlor | Lindane | Aldrin | Chlordane | Toxaphene | Thallium sulfate | Compound 1080    | Phosphorus paste | Alkyl mercuries | Yes |          | No   | Yes | No |   |
| Colorado       | X                          |    | X           |            |                      |                           |     |          |        |            |         |        |           |           |                  | X*               |                  |                 |     |          |      |     |    | * For sale only to agencies of State or Federal Government. Restricted to recommended uses only.                        |
| Connecticut    | X                          |    | X           |            |                      | X                         | X   | X        | X      | X          |         | X      |           | X         |                  | X                |                  |                 | X   | X*       |      |     |    | * For aerial and aquatic pest control.  |
| Delaware       |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    | No such legislation pending.  |
| Florida        | X                          |    | X           | X          |                      | X                         | X   | X        | X      | X          | X       | X      | X         | X         |                  |                  |                  | X               | X*  |          | X    |     | X  | * Dealers must be licensed.   |
| Georgia        | X                          |    |             | X          | X                    |                           |     |          |        |            |         |        |           |           |                  | X                |                  |                 |     |          |      |     |    |   |
| Hawaii         |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    |   |
| Idaho          | X                          |    |             | X          |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     | X        | X*   |     |    | * Use of all chlorinated hydrocarbons by aerial applicators is restricted in one county.                                |
| Illinois       | X                          |    |             | X          |                      | X                         |     |          |        |            |         |        |           |           |                  |                  |                  |                 | X   |          | X    |     |    |   |
| Indiana        |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    |   |
| Iowa           | X                          |    |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    | Use of 2,4-D H.V. esters prohibited in all of 4 counties and in part of one county.                                     |
| Kansas         |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    | Will not register Lindane vaporizers.   |
| Kentucky       | X                          |    | X           |            | X                    | X                         |     |          |        |            |         |        |           |           |                  |                  |                  |                 | X   |          |      | X   |    | Fertilizer-pesticide mixtures for tobacco.  |
| Louisiana      | X                          |    |             | X          |                      | X                         | X   | X        | X      | X          |         | X      |           | X         |                  |                  |                  |                 | X   | X        | X    |     | X  | Hormone type 2,4-D and arsenical acid.  |
| Maine          | X                          |    |             |            |                      |                           |     |          |        |            | X       | X      | X         |           |                  |                  |                  |                 |     |          |      |     |    | *Also parathion, phosdrin, sodium arsenite and TEPP.  |
| Maryland       | X                          |    |             | X*         |                      | X                         | X   | X        | X      | X          | X       | X      | X         |           |                  | X                |                  | X               |     | X        |      | X   |    | Permits for dieldrin only. Other restricted materials prohibited for out-of-doors use.                                  |
| Massachusetts  | X                          |    |             | X          |                      | X                         | X   | X        | X      | X          | X       | X      | X         |           |                  |                  |                  |                 | X   | X        |      |     |    | (See page 1.)   |
| Michigan       | X                          |    |             | X          | X                    | X                         | X   | X        | X      | X          | X       | X      | X         |           |                  | X*               | X*               |                 | X   |          | X    | X   |    | *Restricted by structural pest control regulations.   |
| Minnesota      | X                          |    |             | X          |                      | X                         | X   | X        | X      | X          | X       | X      | X         |           |                  | X*               | X*               |                 | X   | X        | X    |     |    |   |
| Mississippi    |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    |   |
| Missouri       |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    |   |
| Montana        |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    |   |
| Nebraska       |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    |   |
| Nevada         |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    | Will not register products if USDA has not established a finite tolerance.  |
| New Hampshire  | X                          |    |             | X          |                      | X                         | X   | X        | X      | X          | X       | X      | X         | X         |                  |                  |                  |                 |     | X        | X    |     |    | Sodium arsenite.  |
| New Jersey     |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    | (See p. 1.)   |
| New Mexico     |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    | (See p. 1.) *Contact Department of Agriculture.   |
| New York       | X                          |    |             | X*         |                      | X                         | X   | X        | X      | X          | X       | X      | X         | X         |                  |                  |                  |                 | X   |          | X    | X   |    | *Not permitted for use around tobacco.  |
| North Carolina | X                          |    |             | X          | X*                   | X*                        | X*  | X*       | X*     | X*         | X*      | X*     | X*        | X         | X                |                  |                  |                 |     | X        | X    | X   |    |   |
| North Dakota   |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    |   |
| Ohio           | X                          |    | X           | X          |                      | X                         | X   |          |        |            | X       | X      |           |           |                  |                  |                  | X               | X   | X        |      | X   |    | New pesticide use and application law and regulations effective Mar. 1, 1971.   |
| Oklahoma       |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    | Have proposal up for restriction of some pesticides and permit requirements.  |
| Oregon         |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    | Action pending.   |
| Pennsylvania   |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    |   |
| Rhode Island   | X                          |    | X           |            |                      | X                         | X   | X        | X      | X          | X       | X      | X         | X         |                  |                  |                  |                 |     |          | X    |     |    | Written authorization required to purchase and use restricted insecticides.   |
| South Carolina | X                          |    |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    | All restricted same as USDA.  |
| South Dakota   |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    |   |
| Tennessee      |                            |    |             |            |                      | X                         | X   | X        |        | X          | X       | X      | X         | X         | X                | X                | X                |                 | X   |          |      | X   |    | All restricted same as USDA and also arsenic compounds and 2,4,5-T.   |
| Texas          |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    | (See p. 1.)   |
| Utah           | X                          |    |             | X          |                      |                           |     | X*       |        | X*         |         |        |           |           |                  | X                | X                | X               |     | X        |      | X   |    | *Restricted use on hay and forage crops only.   |
| Vermont        | X                          |    |             |            |                      |                           |     |          |        |            |         |        |           |           |                  | X                | X                | X               |     | X        |      | X   |    | (See p. 1.)   |
| Virginia       | X                          |    |             | X          |                      | X                         | X   | X        | X      | X          | X       | X      | X         | X         | X                | X                | X                | X               |     | X        |      | X   |    | Labels may include only the permitted uses.   |
| Washington     | X                          |    |             | X          |                      | X                         | X   | X        | X      | X          | X       | X      | X         | X         | X                | X                | X                | X               |     | X        |      | X   |    | Pesticide dealers must be licensed. Certain restricted pesticides can be sold only to users with permits.               |
| West Virginia  |                            | X  |             |            |                      |                           |     |          |        |            |         |        |           |           |                  |                  |                  |                 |     |          |      |     |    |   |
| Wisconsin      | X                          |    | X           | X          |                      | X                         | X   | X        | X      | X          | X       | X      | X         | X         |                  |                  |                  | X               |     | X        | X*   |     |    | *Permit required for all uses except those published by the Department. Department publishes no uses for DDT or endrin. |
| Wyoming        | X                          |    |             | X          |                      |                           |     |          |        |            | X       |        |           |           |                  |                  |                  |                 | X   |          |      | X   |    | All restricted same as USDA and also 2,4,5-T and sodium arsenite.   |
| Puerto Rico    | X                          |    |             | X          | X                    | X                         | X   | X        | X      | X          | X       | X      |           |           | X                | X                | X                | X               |     | X        |      | X   |    | *Federal position. Some provinces have placed further restrictions on the listed compounds.                             |
| Canada         | X*                         |    |             |            |                      | X                         | X   | X        | X      | X          | X       | X      | X         | X         |                  |                  |                  |                 | X   | X        |      |     |    |   |

## PETROLEUM'S ROLE IN THE AMERICAN DREAM

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES  
Tuesday, October 26, 1971

Mr. PICKLE. Mr. Speaker, Richard Gonzalez is a well-known economist and former professor at the University of Texas and a noted petroleum expert. In a recent speech before the Governor's Conference on Meeting Energy Needs, Dr. Gonzalez gave his analysis of the problems facing the petroleum industry. Much of this statement is in accord with earlier statements I have made on the effect of the pending energy shortage. The statement follows:

## A GREATER PROSPERITY AND EASIER LIFE REALIZED THROUGH PRODUCTS OF OIL INDUSTRY

For 200 years the American dream has been to create greater prosperity and an easier life for each succeeding generation. The material welfare that we now enjoy with a shorter work-week and less manual labor than ever before—demonstrates the success of our forefathers in making that dream a reality.

Concentration on material goods and services has brought problems as well as benefits. In major metropolitan areas, where 70 percent of our population now resides, life has become more hectic and less pleasant than we would like. Our determination to reduce poverty further makes it clear that we want more of the advantages of a highly productive industrial society. However, our improvement in income and wealth now allows us to think about and want something else as well. What most of us want is better pro-

gress, with progress defined to include a better, healthier environment and regard for protection of natural beauty so that we may have an opportunity to enjoy readily an escape back to nature in the leisure time made possible by industry.

The dismal view that a satisfactory environment requires a reduction in population, in industrial production and in use of the mineral energy that makes us more productive and comfortable is wrong. The myth about the "good old days" will not bear critical examination. Backbreaking work from sunup to sundown for the bare subsistence characteristic of the life of most mankind in the past is not what we want now or for the future. On the contrary, the current revolution in economic expectations rests on the belief that life can be made better promptly for all mankind.

We have the resources, the intelligence, and the ability to realize better progress in terms of both economic welfare and the



quality of the environment. Fortunately, with rising productivity we can afford to spend more money on reducing the undesirable side effects of industrialization and urban concentration without reducing our material welfare or giving up our great cities with their variety of cultural advantages.

#### PETROLEUM AND ECONOMICS PROGRESS

The extraordinary economic progress of this century has been based on the products of the petroleum industry—oil and natural gas. In agriculture, in industry, and in transportation, liquid fuels have brought about revolutionary changes. The gains in productivity are illustrated by our ability to produce more food than ever before with a small fraction of the workers required in the days before tractors and other new farm machinery. In the home, oil, gas, and electricity provide heat, cooling, light, and the power for many household appliances that make life healthier as well as more comfortable.

In the past 50 years, oil and gas have provided practically all of the additional energy used in the U.S. These fuels now supply three-fourths of the vast quantities of energy that we use each year. For 1970, our consumption of mineral fuels consisted of 230 billion gallons of petroleum products, nearly 220 billion therms of dry natural gas, and 1,050 billion pounds of coal. Average consumption per capita exceeded 1,000 gallons of liquid fuels, 1,000 therms of dry gas, and 5,000 pounds of coal. Of all the energy we used last year, liquid fuels supplied 43.4 percent, gas 32.5 percent, coal 20 percent, hydroelectric power 3.8 percent, and nuclear power only 0.3 percent.

Our economy now produces goods and services valued at more than a trillion dollars a year. Our total consumption of energy is equivalent to more than 500 billion gallons of oil. Those numbers mean that a gallon of oil—or its equivalent of about 140 cubic feet of gas or 12 pounds of coal—provides the power required for and associated with \$2 of gross national product. They also mean that with the technology available now and for the rest of this century, rising income per capita for an increasing population will depend on increasing supplies of energy.

#### FUTURE PETROLEUM REQUIREMENTS

Looking ahead for the next 20 years relevant to decisions that must be made now about new investments affecting future energy consumption and production, it appears that plans should be made on the basis of energy requirements continuing to increase at a rate of about 4 percent a year, doubling in about 20 years. Such expansion will be necessary in order to increase productivity by 3 percent per year and real output by 4 percent if living standards are to continue doubling each generation for a population rising one percent per year.

Part of the growth in energy demand will be met by nuclear power, coal, and fuels extracted from shales and synthesized from coal. At best, however, the environmental problems incident to these forms of fuel and the time required to improve processes and make huge new investments limit their potential growth over the next 20 years. Therefore, the nation will need much larger supplies of liquid fuels and of gas.

Gas is a very attractive fuel, clean burning and with little risk of pollution. If sufficient supplies were available, the demand would continue to grow at a very rapid rate, at least 6 percent to 8 percent per year . . . however, such expansion is unlikely even if expensive liquefied natural gas is imported and if expensive gas is manufactured from coal.

How much natural gas will be available will be influenced to a great extent by how much oil national policies encourage from

internal sources, including Alaska. The joint nature of exploration for and development of oil and gas has kept the relation of new gas to new oil in the range of 6-7 mcf per barrel. At this rate, gas supplies will continue to fall short of current domestic use if only 3 billion barrels of new oil are developed annually in the U.S. With development of 4 billion barrels of new oil per year, new U.S. gas supplies would probably increase enough to allow for some further expansion in use of natural gas.

#### PETROLEUM SUPPLY PROSPECTS

U.S. production of crude oil and natural gas liquids now averages about 4.3 billion barrels a year, about 77 percent of the consumption of 5.7 billion barrels. Known U.S. reserves, including 10 billion barrels on the North Slope of Alaska not available to meet demands until transportation facilities are approved and completed, total less than 50 billion barrels. Production of oil as well as gas is currently near the limits of capacity. Consequently, additional domestic supplies depend on producing more oil in Alaska and on finding and developing new reserves at a faster rate in the lower 48 states.

About 23 percent of U.S. supplies are now derived from foreign sources, principally from overseas areas. The cost of this oil has risen sharply within the past year as a result of higher taxes imposed by the exporting countries. It will continue to increase at least 5 percent a year through 1975 under existing contracts. After 1975, the cost of foreign oil can be expected to escalate still further. The very rapid growth of foreign demands plus the obstacles to large investments required to expand production sharply caused by threats of nationalization without adequate compensation for the value of reserves may limit available supplies of foreign oil to less than potential demand. Therefore, the U.S. is faced with the prospect that its own rate of development of energy resources at home may determine the adequacy of its energy supplies for desired economic progress as well as the price paid for foreign oil.

While the rate of development of U.S. oil and gas resources has fallen behind consumption during the past decade, this adverse development has been caused by economic and political forces and does not result from a shortage of potential domestic resources remaining to be developed. In the opinion of geological experts, the U.S. can find and develop more oil and gas in the future than it has in the past. Therefore, the adequacy of domestic supplies will depend on stimulating investment enough for development of new reserves to allow for a further substantial increase in production in keeping with rising demands.

Experience in the period 1946-57 showed that rising real prices for oil and gas encouraged rapid expansion in exploration and drilling and resulted in a marked gain in oil and gas reserves and productive capacity. By contrast, declining real prices thereafter contributed to a sharp decrease in exploration and drilling and brought about the present tight supply situation. In the normal course of economic events, this situation would bring about higher prices to stimulate additional investment and supply until the needs of consumers for oil and gas could be met with ease. Economic forces are not entirely free to work, however, and are only part of the picture. Political forces and environmental problems complicate the task of assuring adequate petroleum supplies.

#### PETROLEUM SUPPLY PROBLEMS

The problems that may cause this nation to find itself short of oil and gas at times during the next decade arise from governmental policies and actions. The principal problems are that federal regulation of the price of gas and oil has discouraged new investments and that environmental regula-

tions will adversely affect the supply and cost of new oil and gas.

Investors have been discouraged from expanding outlays for new oil and gas in the U.S. by the following developments:

1) Regulation of the price of natural gas by the Federal Power Commission at artificially low levels in relation to rising costs and to additional demands created for gas by air pollution regulations.

2) Declining real prices for crude oil under federal "surveillance" of prices under oil import controls adopted for reasons of national security and intended to encourage rather than discourage development of increased domestic capacity.

3) Liberalization of oil imports under continuing political pressures from consuming areas without regard for the consequences on supplies of attractively priced domestic natural gas, for the risks incident to dependence on insecure overseas oil, and for national security.

4) The recommendation of a Cabinet Task Force, fortunately not adopted, that oil import controls be changed in a manner designed to cut the price of crude oil by 30 cents in 1970 and up to 80 cents by 1975.

5) The Tax Reform Act which cut percentage depletion and raised taxes by an amount equal to 5 percent of the gross value of oil and gas, thereby creating fears about further cuts which may be made later. This added risk could have been avoided if the cuts had applied only to production from wells drilled after the Tax Reform Act was adopted.

Environmental regulations have also had an effect on the supply of oil and gas, and will continue to influence costs as well as supply. The most promising areas for development of large new domestic supplies of petroleum at reasonable costs are on the Continental Shelf and in Alaska, where the environmental problems encountered have served to delay drilling and construction of transportation facilities.

Operating in deep waters and in Alaska presents difficult problems. The problems can be solved, however, provided that environmental regulations are reasonable and not unduly expensive. They must be solved reasonably and promptly because without supplies from these areas the U.S. is likely to face serious shortages of both oil and gas. The record of effective control of oil and gas wells with little pollution under difficult circumstances has been good, contrary to the public impression created by the emphasis in the press on a few accidental spills. Out of 14,000 offshore oil wells drilled, less than two out of 1,000 have blown out, and only a handful have caused enough trouble to attract public attention. Pipelines also have an excellent record, with very few breaks and extremely low losses, even in areas subject to earthquakes.

Pollution caused by discharge of oil from tankers is another problem about which the public is not adequately informed. The report on the Study of Critical Environmental Problems sponsored by Massachusetts Institute of Technology, entitled "Man's Impact on the Global Environment," notes that the tankers with 80 percent of the capacity of the world's fleet using a simple technique known as "Load on Top" are responsible for only 30,000 of the 520,000 metric tons of oil discharged into oceans annually. If all other tankers were required to use this technique, tanker oil discharges could be reduced by more than 90 percent. This problem is not one of technology but of enforceable international agreements.

Refineries, docks, and storage plants are necessary facilities to process crude oil and deliver refined products to consumers. The prevailing attitude toward these facilities has become that they are things we cannot do without but wish they could be located where no one would be bothered in any way by

their operation! Perhaps the criterion will become that each geographic area must take care of all the facilities required to meet its own demands. In that case, the East Coast, accounting for 40 percent of U.S. consumption of petroleum products, will have to expand refining capacity sharply, as the major portion of its refined products now come from the Gulf Coast and foreign refineries.

Pollution problems cannot be solved on either a national or global basis by exporting them from one area to another. The environmental costs are properly the responsibility of the consumers involved. These consumers must be informed as to the immediate and long-range costs arising from environmental regulations in order that they may decide how much they are willing to pay for improvements. Without such information, we may all find out too late that the cost of marginal improvements exceeds their benefits.

#### BETTER PROGRESS FOR THE FUTURE

The level of concern about our environment appears to be directly related to average levels of income. At the lower end of the scale, the greatest beneficial improvement in environment is in economic terms of better jobs and rising living standards. Families with high incomes find economic problems less important and can afford to pay more for a good environment. The national problem is to achieve improvement of the environment for the general public without interfering with our social goals of reducing poverty and raising levels of income for the vast majority of our people.

Gov. Mandel (of Maryland) has expressed the purpose of this conference well in focusing attention on "the problems we all face in ascertaining that we can meet the economic growth goals of our citizens for adequate fuel and energy at reasonable cost in the coming decades while improving the quality of our environment." My analysis of the situation with respect to petroleum leads to the conclusion that we can have increasing supplies of domestic oil and gas for economic growth and national security consistent with a better physical environment. To achieve this desirable objective we must approach the future with understanding that our multiple goals should all be taken into account simultaneously so that we do not lose perspective of the general public interest by undue emphasis on only one goal.

#### STOKELY-VAN CAMP AND THE BOTULISM SCARE: THE CRISIS THAT WAS NOT

**HON. WILLIAM G. BRAY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. BRAY. Mr. Speaker, for the third time this year a major food company has had the dread and highly toxic poison of botulism linked to its name. The charge was false, but the damage that has been done to the company—over 100 years old and one of the best-known and most respected names in food processing in the United States—is incalculable.

As the following story from the November 8, 1971, National Observer shows, it seems a good deal of this has been totally unnecessary. To be sure, consumers have a right to protection from poorly prepared foods that could be lethal. But at the same time—and all too often overlooked—is the equal right of the companies concerned to have their good names and reputations considered, as

well. As the story points out, since 1920, 750 billion cans or jars of food have been turned out; there have been only 40 botulism incidents, and four deaths, in all that tremendous volume. I believe this says a great deal for the canning industry that these false alarms will badly damage. This is vastly unfair to an industry that has bent over backwards, and then some, to look out for consumer welfare.

[From the National Observer (Ind.) Nov. 13, 1971]

#### THIS TIME, A BOTULISM SCARE WINDS UP AS A COSTLY FALSE ALARM

A CAN OF BEANS, SUSPECTED OF DEADLY TAINT, IS FINALLY, CLEARED, BUT A MAJOR CANNER FEARS FOR ITS GOOD NAME

(By August Gribbin)

The news flashed first from Tallahassee, Fla.:

Botulism—a rare, lethal poison that had become a household word in recent months after some persons died from eating food tainted with it—seemed to have contaminated yet another respected food processor's product.

Stokely-Van Camp, Inc., the company that first canned pork and beans 110 years ago and makes the "thirst quencher" Gatorade, became the third major food manufacturer this year to have botulism linked to its name.

The Florida Agriculture Department had initiated an alert, warning consumers that tests indicated botulinum poison in the blood of a 4-year-old boy who had eaten Stokely green beans. Hours later, the U.S. Food and Drug Administration (FDA) issued "an urgent warning" against the product and announced that the company was recalling it.

Concern spread through the food-processing industry. The FDA, the Center for Disease Control (CDC) in Atlanta, and various state agencies readied for emergency.

But there wasn't any botulism in the Stokely beans. In fact, there never had been firm evidence that any of the beans were tainted. Ultimately, the FDA was forced to admit it was a false alarm and that Stokely-Van Camp was the victim.

What went wrong?

Though Stokely executives at company headquarters here eschewed "Monday-morning quarterbacking," one lamented: "It's this climate of consumer hysteria. Things have gone so far that a panicky housewife can catapult the nation into a phony crisis."

And a costly crisis that could happen again tomorrow. In addition to the company's expenses in emergency measures such as recalling suspected green beans, Stokely may have suffered incalculable undeserved loss of reputation and public confidence. And even as segments of the food industry press for tighter Federal regulations to restore confidence in their products, the risk remains: The consumer-warning system's ability to react to food-poison suspicions may never preclude possibility of false alarms like the one that started in northern Florida.

On Wednesday, Oct. 27, Capt. William C. Cleveland, Jr., 27, a Marine flight instructor at the Pensacola Naval Air Station, and his 4-year-old son forked down some Stokely Finest French Style Sliced Green Beans. The captain complained the beans were bad. Tasted "like sauerkraut," he told his wife.

At that, Mrs. Cleveland recalled she had heard the can "hiss" when she opened it. In itself the sound could mean little. But she also thought the can might have been swollen or distorted. Together, these signs could indicate the presence of botulism or some other food poison. The captain and his son hustled to Sauffley Dispensary on the Pensacola base.

Both were feeling fine, but they wanted to be sure. It can take more than 18 hours for the first symptoms of botulism to appear. And then it can be fatal. Besides, fast treatment for food poisoning is recommended.

So the attending Navy physician phoned the Center for Disease Control in Atlanta and spoke to Dr. Eugene Gangarosa, a bacteriologist. He recommended that the Navy doctor induce vomiting then administer a purgative to the suspected victims. Dr. Gangarosa also asked that samples of the suspect beans and of the patients' blood be rushed to the center in Atlanta. That night he notified the FDA of the incident.

At noon Thursday the first blood samples arrived in Atlanta for testing. At about that time Captain Cleveland and his son, feeling fine, left the dispensary where they had been under observation.

Tests for the presence of botulism are intricate and time-consuming. They involve making serums from the suspect materials and injecting the serums into mice. The injections must be given to a number of mice, including some protected by botulinum antitoxin and others that are not protected. The tests often are made in sequence. Normally there's a waiting period after injections, and autopsies often are necessary. The process can take many hours.

Because of the time required to prepare the suspect beans, tests on them couldn't begin until Friday at noon. But on Thursday, the Center for Disease Control began tests using the patients' blood. The father's blood checked out fine. Ultimately the tests on the beans showed they were totally free of botulism too.

Thursday evening, however, one of two mice injected with the child's blood serum died. The other was ailing. Dr. Gangarosa called Pensacola for more blood to test. He also passed the news to the FDA, whose agents had spent Thursday checking the Pensacola Commissary for swollen or suspicious-looking cans of the green beans. They had found none.

By Friday morning the child's blood had killed a second mouse. Dr. Gangarosa told the Navy physician and recommended antitoxin for the youngster.

This time, officials in Atlanta told the FDA it had obtained "tentatively positive" findings that the child had been poisoned by botulinum toxin. Through its regional office in Atlanta, the FDA notified the Florida Agriculture Department. The FDA then told Stokely-Van Camp what had happened and asked for the recall. The agency also notified the National Canners Association, a research and public-relations group for the industry in Washington, D.C. Up until then, there had been no public announcement of botulism suspected in the Stokely beans.

Says George Rose, a veterinarian and bureau chief in the Agriculture Department's inspection division: "We got the word from FDA at 10:30 a.m. Friday. We checked the facts. We knew that the suspect beans were publicly available in stores, and they were in homes. We decided we could not afford to take chances with people's health."

So Florida issued its warning against Stokely-Van Camp's green beans coded SB72/E213 D. The botulism scare was on.

Stokely officials say they were certain at the time that there had been some mistake. The beans had been packed on Aug. 1, 1970. If anything had been wrong with them it would have become apparent much sooner, they said.

Another mouse had died by Saturday, however, and autopsies on the mice proved Stokely right. There was no botulism. Specialists in Atlanta say the mice might have been killed by the residue of medicines left in the lad's blood following treatment for a cold the week before.

The recall continued through Sunday. On Monday the FDA stopped the recall, ex-



operated Stokely, and praised the company for its co-operation.

Still, company and canning-association officials were miffed. "We can't tell how much this incident will cost us," explains David McVey, a Stokely vice president. "Out-of-hand expenses for travel, telegrams, and overtime amounted to about \$25,000. From Friday through Monday the top executives of this company and many others did nothing but work on the recall—day and night. But in the long run the insult to our product could cost us millions."

Adds Vigen Babayan, vice president in charge of research, development, and quality control: "It's like a libel trial. Adverse statements about the victim get maximum publicity for days. Then, when the statements are shown up as lies, nobody hears about it. People tend to remember only the dirt."

Officials of both Stokely-Van Camp and of the canners' association say that if they had been notified of the botulism scare sooner, they could have rushed microbiologists to the scene and provided helpful data. They say they might have helped establish more quickly whether there was a real emergency.

After several food-contamination incidents in recent months, particularly the death of a Manhattan banker from botulism and the discovery of botulism in Campbell's chicken-vegetable soup, the canning industry has been searching for ways to re-establish public confidence in its products.

In fact, four days before the green-beans affair, the association, which represents 550 companies producing 90 per cent of the nation's canned food, had asked the FDA to impose new and tougher requirements on all food-processing companies. No one could remember an industry asking for more regulation.

The association asked that the Government require every canner to register with the FDA and to mark its products with codes indicating who processed the product and when. Companies like Stokely, which now do this, do it voluntarily.

The association also suggested the FDA demand that certain processing records be filed with the Government. It wants mandatory training programs and certification for company supervisors. Significantly, it wants the Government to demand that companies report to the FDA all discoveries of spoilage in shipped products. That's not legally required at present.

The canners hope their willingness to accept increased monitoring and regulation will demonstrate their sincerity. Since 1920 the industry has turned out 750 billion containers of food. There have been just 40 botulism incidents and 4 deaths from all of them.

The canners declare they're not content with that record. Even so, they insist the consumer is 100 times more likely to be hit by lightning than to become ill with botulism from their products.

## BUSH DEFENDS TWO-CHINA POLICY

**HON. WILLIAM A. STEIGER**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the chief U.S. spokesman at the United Nations, George Bush, wrote a thoughtful article which appeared in the Sunday Star yesterday.

This article represents an unusual step for Ambassador Bush to take but one which I believe is useful and helpful in pointing out the problems contained in

the analysis of a former U.S. official, Charles Yost.

I urge my colleagues to read this piece:

**BUSH REPLIES TO YOST: IN DEFENSE OF THE TWO-CHINAS POLICY**

(By George Bush)

Recent comments of my predecessor at the United Nations, Ambassador Charles W. Yost, regarding the outcome of the U.N. vote on the China admission question need rebuttal. Although I am normally reluctant to engage in this sort of debate.

The ambassador has offered his analysis of the vote and a number of arguments as to why the United States was on the losing side of the issue. I cannot agree with many of his reasons and I am unable to draw the same conclusions as to the results.

The ambassador asserts that the reaction of the Nixon administration and others to the ouster of the Republic of China tasted of sour grapes. While conceding that a feeling of disappointment over the expulsion was a "natural" reaction and to be expected, he accuses the supporters of the Nationalist Chinese seat in the United Nations of overreacting to its elimination. In a word, the ambassador seems to be saying that it wasn't worth all the fuss.

The United Nations was formed out of the ashes of World War II as a forum for the peaceful settlement of international disputes. Today there are more than twice as many nations holding membership in the organization as there were when it was established over two decades ago. The more nations that recognize its validity and join its ranks, the greater are its chances of accomplishing its goals. It was precisely this proposition that moved President Nixon to seek more normal relations with the People's Republic of China and to encourage its admission to the United Nations.

Ambassador Yost's intimation that the President's decision to go to Peking, and Dr. Kissinger's timing of his second visit to that country were a signal to the U.N. membership to deliver the final blow to Taiwan's hopes, is incredible. The President reiterated his policy with respect to his visit to the People's Republic of China in July, August and again in September. At the same time our policy with respect to Taiwan's membership in the United Nations has been consistent from the outset. The U.N. issue and Dr. Kissinger's trip were totally unrelated and represented the continued implementation of our overall policy. The trip was planned when we had every reason to believe that the U.N. vote would take place well afterwards. The coincidence was probably as difficult for the People's Republic of China as it was for us.

In short, our cards were played in the open through every step in the evolution of this issue. In fact, the case can be made that Dr. Kissinger's presence in Peking at the time of the U.N. debate can more easily be interpreted as confirmation of, rather than challenge to, the consistency of our policy with respect to the China issue.

The United States did everything it possibly could do to convince the members of the United Nations of our earnest desire to see the Taiwan seat retained in the General Assembly. Our position was fully consistent with the desire for all peoples of the world to be represented in the United Nations.

I simply can't agree with the three arguments advanced by Ambassador Yost as to why America's friends voted against us on the China question. His first was that United States resistance to the admission of the People's Republic of China for 20 years precluded a favorable vote on our dual-representation formula. This nation had opposed the admission of Communist China not because we preferred her people to be represented by the Taiwan government but due to other historic imperatives well known to all.

The fact that circumstances and conditions have changed vis a vis China, and the United States now supports its admission to the UN, is, in our view, unrelated to the question of whether the Taiwan government should retain its seat. The crux of the issue in last week's vote was that these two questions should be separate.

His second argument that dual-representation would not have brought the People's Republic into the U.N. because Peking considered it an implicit recognition of the legitimacy of the Taiwan government, again shows a misunderstanding of the American position. The President was fully aware of the possibility that the People's Republic of China might not have entered the United Nations had Taiwan been allowed to remain, and was fully prepared to deal with that question when it arose: *But neither the President nor I felt at any time that that was a legitimate basis to vote for the expulsion of the Nationalist Chinese.* We made every effort to make that point clear to the membership.

We felt that Peking should be invited into the U.N.—but on the U.N.'s terms, not Peking's terms. If we are to condone the expulsion of a small member-nation to make room for a large non-member nation, we immediately expose the U.N. to the possibility of diplomatic blackmail. For example, it is now not inconceivable that a major nation will condition its future participation in the U.N. on the expulsion of some less significant adversary nation. That would be a disaster.

The third, and according to Ambassador Yost, the most important reason for the ouster of Taiwan, is simply that, since the U.S. was re-establishing relations with Peking, we could not expect other nations to vote in favor of an issue anathema to the Communist Chinese. They too would now be interested in bettering relations with the PRC.

The inconsistency of this argument is self-evident. The United States while re-establishing its relations with Chinese government, not only voted for the retention of the Nationalist Chinese but worked actively to gain support for it among other nations as well. This we felt demonstrated (1) that we were serious and (2) that others might well be able to do the same thing—if these two positions are not inconsistent for us, why must they be inconsistent for our friends? The United States was not asking any government to do something that we ourselves were unwilling to do.

Ambassador Yost and I share the same view that the United Nations is a beneficial instrument of world peace and that it should be preserved and supported. Where we obviously disagree is in the significance of expelling a member-nation. Mr. Yost apparently feels (1) that the expulsion of a smaller nation is not of great importance if it facilitates the admission of a larger nation, and (2) that in the instance of the Taiwan government, the expulsion was justified by the facts in the case. I believe he is wrong on both counts, and that this will soon become apparent to all.

CENTRE 6, HARVARD 0

**HON. ROMANO L. MAZZOLI**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. MAZZOLI. Mr. Speaker, but for the regrettable and untimely death of my good friend and esteemed colleague, John C. Watts, I am sure that it would be he who would exercise the great

privilege of calling the attention of the House of Representatives to an event long cherished in the memories of Kentuckians.

I speak of the achievements on the afternoon of October 29, 1921, of a stalwart band of athletes from tiny Centre College, located in Danville, Ky., a scant 20 miles from John Watts' birthplace and lifelong home.

On that Saturday afternoon 50 years ago, little Centre College humbled mighty Harvard on the football field at Cambridge, Mass. The stars of that memorable upset victory are many and legendary. They include such names as Alvin "Bo" McMillin, James "Red" Roberts, and, of course, the great coach, Charles "Uncle Charley" Moran.

As a Kentuckian, it is with great pride that I include the following account of Centre College's 6-to-0 triumph over Harvard in the *RECORD*. This article, written by Mr. Larry Boeck, appeared in Louisville's *Courier-Journal & Times* magazine of October 24, 1971. It is entitled "Centre 6, Harvard 0":

CENTRE 6, HARVARD 0  
(By Larry Boeck)

The stars of the team—perhaps the most famous squad in Kentucky gridiron history—were known almost as much for their respective skills at shooting dice and pool as they were for playing football. One, a back, had been a potential juvenile delinquent, a neighborhood gang member in then rugged Fort Worth, Tex. Another, an end and blocking-back, was a country boy from isolated Somerset, Ky. And the coach, a onetime major-league baseball umpire, doubled as team cobbler, tailor, trainer and groundskeeper.

That this trio, and this team, captivated sophisticated, proper Bostonians was, perhaps, a reflection of that anything-goes decade known as "The Roaring Twenties."

The star back was shrewd Alvin "Bo" McMillin, not only an artful runner but also so adroit at crap shooting that fellow gamblers eventually insisted he shake the cubes in a water glass, hurl them over a stretched string and bank them against a wall.

Then there was playful James "Red" Roberts, the bullish defensive end and blocking-back who tucked \$100 bills between his ears while shooting pool at \$5 per game in a Danville billiards emporium.

The dedicated coach was Charles "Uncle Charley" Moran, who once told a reporter watching him repairing cleats on game shoes: "Know who bought these shoes? Me. I ain't going to wear 'em, but they'll carry me places, I'm thinking." As, indeed, they did.

These men spearheaded the 1921 Centre College football team that was to repeat its 1920 invasion of the Boston suburb of Cambridge, Mass., for a return game with Harvard. The Centre Praying Colonels' wide-open offensive heroics in a losing 31-14 cause the season before had captured the fancy of New England gridiron enthusiasts. Centre prepared for the game at Danville, Ky., on a dusty field carved out of unused pasture land and accommodating perhaps 1,000 spectators, or so.

Meanwhile, the urbane gentlemen of Harvard, with a stadium seating 50,000, awaited the return of the rustics from Kentucky in a hospitable, friendly but perhaps condescending mood. After all, next after the Centre game, they were to play arch-rival Princeton. They planned for the Praying Colonels from Kentucky to provide them with a solid scrimmage, with injured first-stringers getting a chance to mend and rest in preparation for that important Ivy League

contest. Prospects were that the colorful Colonels, in view of their valiant effort of the previous season, would fill the stadium. The event, therefore, would be a financial as well as artistic athletic success.

Thus was set the stage for what is widely regarded as the most monumental—or, at least, most romantic—upset in the annals of intercollegiate football. This week, then, assumes special significance as the golden anniversary of that surprise. For on Oct. 29, 1921—in the era of the racoon coat and the prohibition hip flask—Centre College, a tiny yet picturesque school cuddled cozily in the rural Bluegrass of Kentucky, confounded an academically and athletically mighty Harvard, striking down the cultural and economic giant of metropolitan Boston, by 6-0.

True enough, many Boston writers and fans respected Centre. They were enthralled, in fact, by the emergence of the hitherto unheard-of school, buried in the Kentucky hinterlands, as a football adversary worthy of consideration. But, perhaps, of not much more. For while there was a color and a dash about the Colonels, Boston—although not Harvard—may have been a bit patronizing about it all.

Just days before the game, for instance, the Boston Transcript said: "... the game with the Kentuckians hardly will be more than an incident for Harvard, as during the next fortnight every effort will be put on preparing the team for the Princeton contest Nov. 5. ... Harvard looks for a brilliant aerial display and formations of an open order from the Kentucky 'Colonels,' but hardly the punishing assaults that Penn State provided."

The Boston Herald recorded: "... Harvard expects a hard game from Centre but does not believe the Colonels will furnish anything like the opposition generated by the whirlwind Penn State team." Harvard and Penn State had struggled to a 21-21 tie the week before the Centre invasion of Cambridge. It was a body-bruising game that left at least five Harvard starters in such a battered physical condition that Harvard Coach Bob Fisher had decided to rest them against Centre—barring an unforeseen emergency—and get them ready for Princeton.

That was a mistake in football logic. But, in retrospect, it is understandable, for this was not the football age we know: of scouting sleuthing that has attained James Bond or Central Intelligence Agency perfection, of revealing game movies, of speedy communication of bits of information that, when put into the mosaic of the whole, allow coaches to make almost computerized decisions (indeed, present-day teams, especially the professionals, are using computers).

To understand what happened in that upset and paved the way for it, it's necessary to know something of the Centre College dynasty that was constructed immediately after World War I and continued through 1924, at least. Louisvillian John Y. Brown Sr., in his book "Legend of the Praying Colonels," tells how Robert L. "Chief" Myers, the Centre coach who put together the team that Moran developed, recruited the talent that was to make the Colonels a legend.

Myers, coach at Northside High School in Fort Worth, "discovered" McMillin literally in the grasp of police, recounts attorney Brown, a onetime "scrub" on Centre's team. Sherman Minton, Myers's friend who later became a United States senator and then a justice on the Supreme Court, and Myers went to a baseball game one summer afternoon. At the entrance, they heard a commotion, looked around, and saw two policemen holding a 13-year-old youngster struggling to get loose. Myers asked the policemen what had happened.

"We caught the boy attempting to slip in," said one of the officers.

Myers mulled things over. "I'll buy him a ticket," the coach told the police, "if you'll turn him over to me."

They agreed. The youngster was Bo McMillin, a kid from across the tracks in Fort Worth where he was a member of a juvenile gang. Myers took an interest in Bo and talked him into playing high-school football for him. Eventually, when Myers went to Centre College, he took along Bo, as well as future All-American center and kicker James "Red" Weaver, Matty Bell, later in life to become one of the nation's great football coaches at Southern Methodist University, Bob Mathias and Thad McDonald.

Unfortunately, McMillin, Weaver and McDonald were half-credits short of academic eligibility to enter Centre. Undaunted, Myers arranged for the young men to enter Somerset High School to make up the credits. To cover their expenses, he set up a "pressing club" with 30 men in town each agreeing to have one suit a month pressed by the boys. At \$1 per suit, this netted the players \$30 per month—enough to defray living expenses. A story is told that McMillin scorched the seat of the pants of one black suit and, to cover up, applied shoe polish to it. When the owner wore the suit, the seat of the pants fell out while he was at work.

McMillin had better luck at Danville. The home of Centre College then was an important railroading terminal. And when railroaders cashed their paychecks, McMillin was certain to be in town for the inevitable crap games. He was a consistent winner—a combination of exquisite skill and, no doubt, fabulous luck. Attorney Brown, a classmate and friend of Bo, recalls, "Bo broke every gambler in the Bluegrass shooting craps."

Meanwhile, cut-up Roberts, with the \$100 tucked under his ears and another \$100 tossed on the floor in a corner as a gag (although he kept a wary eye on it), was doing well at playing pool for \$5 a game.

When "Uncle Charley" Moran took over the team, he worked around the clock. And at a school which had an enrollment of around only 200, he produced three All-Americans in McMillin, Roberts and Weaver. At the same time, he was his own equipment manager, something that stunned a former Harvard star who had gone to Danville to scout the Colonels before their first meeting with Harvard.

"When I arrived at Centre College," the scout recalled, "as is now customary in the scouting game, I started to look up the head coach to introduce myself and to announce my mission. Going into the gymnasium, I asked one of the students where I would find Coach Moran. He told me in a small room at the end of the hall. Arriving there, I noticed a man nailing cleats on some football shoes, and looking for the world like a cobbler; I asked him where I could find Moran. Keeping busy, the man answered, 'Talking to him.' It took me about a minute to recover, get my bearings, and recover my speech. Finally, I made myself known. Moran greeted me cordially, apologized for his cobbler attire, and explained how different things were at Centre than Harvard. Incidentally, he asked my further indulgence while he repaired a couple of uniforms."

Despite the lack of an impressive staff, a scanning of the records for previous seasons would have indicated to Boston fans that Centre, in reality, was no country-bumpkin football team. Two seasons before, for example, in 1919, it had tamed a mighty West Virginia by 14-6 in compiling a 9-0 record. And in 1920 the Praying Colonels were 8-2, the only defeats having been inflicted by Harvard 31-14 and Georgia Tech 24-0, that in a game in which McMillin was knocked out and lost to the team.

In 1921, Centre had prepared for Harvard by defeating Clemson 14-0, Virginia Polytechnic Institute 14-0, St. Xavier of Cincinnati 28-6 and Transylvania by an unbelievable 98-0.

Then came the train ride to Boston amid a gay, carnival atmosphere. Festooning the



train were signs which read: "Oct. 23, 1920: Harvard 31 Centre 14. Let's Reverse the Score Oct. 29" ... "The Prayin', Fightin' Colonels From Danville to Boston" ... "Centre Fights! Down Harvard!"

When the Twentieth-Century Limited pulled into Boston, a crowd of 1,000 greeted the visitors. Among them was a Kentuckian studying law in Boston, A. B. "Happy" Chandler. "I had gotten to know Coach Moran while I was at Transylvania," Chandler recalled, "and so I scouted Harvard for him when the Crimson beat Georgia 10-7 and then tied Penn State 21-21." (Harvard also had defeated Boston University 10-0, Middlebury 16-0, Holy Cross 3-0 and Indiana 19-0.)

Boston's greeting was reported in a newspaper: "The same hospitality and enthusiasm that was accorded old Centre last October still is in evidence. All Boston seems to be pulling for the Danville boys. A ticket broker of long standing announced this afternoon that the demand for seats far exceeded the call for pasteboards to the Yale and Princeton contests."

There was little indication of anxiety or tension among the Colonels in the big city. Or, at least, it didn't show as they attended a performance of the Ziegfeld Follies. The coaching staffs of both schools, and other officials from Harvard and Centre, dined together at the Belmont Springs Country Club. Harvard, meanwhile, was a battered team and still planned to rest many of the injured regulars. But R. Keith Kane, captain of that Harvard team and now a New York attorney and executive, doesn't recall that the Crimson players were complacent.

"The 1921 season was a very, very trying one," said Kane. "The schedule actually was too severe and the number of injuries we had was appalling. The Princeton game of the following week was, of course, in our minds. It was, on our schedule, the second game of importance to us, Yale being the big rivalry. Yet, from the previous season's game against Centre, we realized Bo McMillin was a big threat, and so was Red Roberts. What surprised us, however, and completely befuddled us, was the 'Penitentiary Shift' Centre used in lining up for offensive plays."

In that shift, the Colonels reminded observers of prisoners marching, the linemen trailing one another and also the backs. Sometimes the end became the center.

"The shift allowed Centre to take advantage of the terrific blocking of Roberts," said Kane. "He played end, blocking back, tackle or center!"

And McMillin was "terrific," said Kane.

Bo's 32-yard run resulted in the first defeat for Harvard in five years—since 1916, when Yale had triumphed over the Crimson. And the ubiquitous Roberts was very much in evidence during Bo's scamper.

The upset made for dramatic sportswriting. One paper reported:

"Those literary gents who have been writing football romances for prep schoolboys for 20 years, have not seen or imagined a thing. Let them try this one on their typewriter: Centre College 6, Harvard 0. Give Captain 'Bo' McMillin credit for the touchdown."

"Once in a long time something happens in real life which completely outdoes the wildest imagination of fiction or the movies. Harvard's great horseshoe stadium jammed with 50,000 spectators saw such a scene enacted when Centre College triumphed over Harvard."

The Boston Globe story said of the winning run: "McMillin had been smothered in most of his previous attempts to gain, but this time he came through. His play was through the Harvard left wing and Roberts was ahead of him. Red spilled at least three men and was looking for more action when McMillin, seeing the chance, reversed and then was off

to his left and straight for the corner of the field."

After the game—in which Harvard finally used all but three regulars—Huntington R. Hardwick of the Globe credited Centre blocking for the victory. He wrote:

"The clean-cut manner in which they (the Colonels) took out Harvard men was a revelation. Red Roberts was particularly noticeable in this role. He is a character on the field. On one-half the plays, he loafed fearfully, frequently never touching a soul and apparently watching with indifference what was going on; then suddenly he would change into a raging interloper and sweep his opponent completely off his feet, or defensively charge in and smash a Crimson back behind the line of scrimmage. End on the offense, tackle on the defense, punting and even carrying the ball on line plunges, he most conclusively proved his versatility and power. If Roberts would 'stick to his knitting' throughout the entire game what a marvelous player he would be!"

Centre, after that historic victory, and a warm welcome back home at Danville, remained undefeated the remainder of the season to end with a 10-0 record including a 55-0 triumph over Kentucky. (The Colonels lost a post-season game on Jan. 2, 1922, by 22-14 to Texas A. & M. at Dallas.) Harvard meanwhile, lost that game to Princeton, 10-3, the following week but beat Brown and Yale.

The Colonels continued powerful through 1924. By then, however, the dice-shooter and the pool-player were gone and Coach Moran had departed to coach elsewhere. And, gradually, Centre College eased out of the major-college football picture.

The Centre upset over Harvard, nonetheless, lives on—and probably will be reshaped as long as intercollegiate football is played.

## CUBAN POLITICAL PRISONERS

### HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. PEPPER. Mr. Speaker, I wish to bring to the attention of my colleagues a series of articles which appeared in the Miami News earlier this month and brought to my attention by reporter Hilda Inclan.

As you will see, these articles tell the story of atrocities, brutality and murder committed by the Cuban Communist government against its political prisoners.

The details these articles reveal have never been made public before and they disclose most vividly the continuing cruelty and ruthlessness of the Castro Communist regime.

I have written to Secretary-General Thant at the U.N. to bring this situation to the attention of all U.N. members and to these conditions about which decent men everywhere are vitally concerned. I believe we should also have the benefit of the following articles:

#### MASSACRE ENDED CUBA JAIL TERM

(By Hilda Inclan)

A sugar mill worker who would have walked out of a Cuban political prison in December will not be able to do so.

Jose Oriol Acosta Garcia is dead. He was shot to death by Cuban soldiers Aug. 5, inside Prison Camp Number 4, Manacas, Las Villas Province.

He was unarmed. He had been given a 10-

year sentence for alleged anti-Castro activity. His sentence would have been up Dec. 31.

Cuban soldiers began shooting against Acosta and his comrades in the Manacas jail when the prisoners tried to intercede in favor of a few others being transferred from the Santa Clara jail.

After Acosta fell to the ground, dead, the other prisoners picked up stones and threw them at the soldiers.

Other political prisoners were wounded as a result. Rafael Ibanez Turino was hit in the mouth; Elie Viamonte Espin, in the neck; Enrique Borges Rodriguez was beaten all over.

Cuban Prime Minister Fidel Castro and his government-run news media have kept a tight silence on the Manacas jail incident. But letters smuggled out by various prisoners in that jail are already reaching their relatives in Miami.

Enraged Cuban exiles here, most of whom have an acquaintance—if not a relative or close friend—inside Cuba's political prisons are already referring to the incident as "the Manacas massacre."

The News is publishing a letter smuggled out by a Manacas prisoner, describing what happened Aug. 5.

The letter was addressed to Humberto Medrano, former executive director of Prensa Libre, a popular daily newspaper in Havana's pre-Castro days. Medrano is today a car salesman and a Diario Las Americas guest columnist who's been publicizing the prisoners' plight for many years.

At least three letters from other Manacas prisoners addressed to their relatives here have been located in the Miami area. They say essentially the same thing.

Acosta was a worker in the Sugar Mill Constancia in Las Villas Province. During the mill's idle time, he taxied passengers from the mill to nearby Cienfuegos.

He was arrested by Castro authorities January 1, 1962. The Revolutionary Court of Las Villas Province gave him a 10-year sentence.

His wife, Martha Perez Garcia, and his sons Jose, 14; Tomas, 11; Alberto, 9, still live at the Constancia sugar mill.

They were already anticipating spending New Year's Eve with Acosta this year. Their excitement has now been drowned in sorrow.

#### TRANSLATED LETTER TELLS OF BLOODTHIRSTY ENEMY IN CUBA PRISON

CONCENTRATION CAMP 4,

Manacas, Las Villas, August 9, 1971.

Mr. HUMBERTO MEDRANO,  
Miami

DEAR FRIEND: How many things have happened in this Concentration Camp of Manacas since the last letter I sent you! What a bloodthirsty enemy we've got! How much blood has been shed and for pure pleasure!

Today this penitentiary is in mourning. Once more, the homicidal bullet's lead has vented its fury on this mass of defenseless men.

It was August 5, 1971. It must have been three in the afternoon when a prison van stopped in front of the interior door of our "alambradas." (The word means "wire mesh." Prisoners refer to that jail in those terms because of the great amount of barbed wire on top of the fences surrounding it.)

Tens of militiamen stood behind and around the van, escorting it. Instinctively or mechanically all of the prisoners started closing in. Without knowing why, a tremendous fear, an inexplicable anguish tortured our throats.

At last the van stops, enveloped in great mystery. The penitentiary director who was coming in front of the van, gets in it and from below, we can hear a loud argument going on. Then he comes down and with an arrogant gesture walks into the garrison headquarters.

That is when the people in the van start yelling to tell us that they were refusing to get out of the van because they had been taken by force from their partners who were staging a hunger strike in the prison of Santa Clara. They ask us also not to get involved in anything since the director has told them that he is ready to do anything and assume all responsibility.

At that time, we see more than 400 soldiers coming in through the main door, carrying the most modern weapons and getting ready to charge against us.

They position themselves behind various available parapets, leaving us uncovered, but with our dignity very high. A group of soldiers goes into the van and tries to get the prisoners out, pushing them and hitting them with the butts of their guns.

Upon seeing such an injustice, we wanted to intercede, but the cowardice of the director and the other officers reached the heights of ordering their men to shoot against us.

Upon the first discharge, Jose Oriol Acosta Garcia fell to the ground with a wound on his head. Far from frightening us, this had the effect of enraging us to such a point that we gathered every stone that was handy and blindly, we charged against the enemy troops.

The murderous bullets hit the ground upon which we crawl until we finally reach the point where the director and the officers are standing. There was a hand-to-hand combat, but the bullets were not as threatening any more since the soldiers didn't want to hit their chiefs.

Then upon seeing that most of us had gone by the point dominated by his machine guns and fearing a carnage of incalculable proportions, the "brave" director asks us yelling that we help him stop the combat.

When he saw that we weren't listening, he ran among his own men asking them to stop the fire. This was the same man that moments before had said he would assume "all responsibility" for what happened.

Finally, after about half an hour of unequal fighting in which fists were smashed against sharp bayonets and in which murderous bullets wounded our defenseless flesh, we see the van leaving again with its glass windows broken and its sides dented. Four comrades that they hadn't been able to take out were taken away in it.

The final result was: one dead comrade, Jose Oriol Acosta Garcia and several men wounded like Elie Viamonte Espin, Ibanez Turino and Enrique Borges Rodriguez. This last one, who was seriously beaten, can count on his body 18 bullet wounds, scars, which he carries with pride, from his anti-Communist fight.

Now then who is the assassin of Jose Oriol Acosta? Who is responsible for such a massacre? Those who gave the orders to shoot, that is, the officers Orestes Moya, chief of prisons in this Province; Abraham Claro Cruz, director of this jail; the lieutenants Almanza Lulo, Adalberto Rodriguez, who in addition to giving the orders, happily discharged their caliber US 1 guns?

Or are the guilty ones, on the other hand, the Julian Herreras, the Sacarias Sequeiras, the Granelas, the Saldivas, the fantasmas and tens and tens more that cowardly discharged their rifles and machine guns to massacre with impunity a defenseless multitude whose only weapons were their dignity as political prisoners and their firm decision to triumph? To us, all of them have the same degree of responsibility.

Everybody here shot at us, from the chief of the kitchen and construction to the male nurses who first make the wounds that their fine hands will heal later.

Tell the world then, that between Auschwitz and Manacas, between the Nazi concentration camps and those of Fidel Castro, there is no difference:

That the 20th Century continues produc-

ing monsters, mocking shamelessly the forces of democracy.

That this small group of men will continue opposing communism even if the Fulbrights will argue in favor of relations with Cuba and even if Nixon will back China's entrance into the United Nations.

#### "TIGER CAGE" PRISONS REVEALED

(By Hilda Inclan)

Thousands of persons locked in tiny, airless cells in Communist Cuba, wasting away, waiting to die. . . .

Their only "crimes," in many cases: Their political inclinations.

This is the gist of letters smuggled into this country from prisoners in those jails; from prisoners in the 1971 version of the infamous "Tiger Cages" of the Vietnam War, where thousands of prisoners of war were herded together like animals.

They are men and women from all walks of life; sugar cane cutters, blue-collar workers, peasants, clerks, doctors, teachers, technicians, newspapermen.

The Miami News today is publishing from one of these prisoners a letter that reveals details never before made public in English. He is in the Boniato jail.

Prisoners in this jail, in Oriente Province, have been kept incommunicado for two years. Their entire dinner fits in a small can of condensed milk.

Plagued by scurvy and other diseases, they are denied medical attention. The windows in their tiny 5' by 10' cells are securely boarded up with steel plates. They are allowed no sunshine or exercise. Their bathroom is a hole in the floor.

Two persons are in each cell.

"It seems impossible that what we are telling is actually happening here," the Boniato prisoner wrote. "Only you, those that were here, the Frenchmen that were prisoners of the Communist in Indochina, the North Americans taken prisoner in Korea; only they know that we are not lying."

Pictures of German concentration camps after World War II shook the world. But no pictures can be taken of Cuba's camps.

In Boniato, no outsiders can enter.

In another prison camp—in Manacas—conditions are slightly better. Isolation is not as complete.

Still, a sugar mill worker who would have been freed in December was murdered Aug. 5.

He fell to the ground, a gunshot wound in his head, a victim of the rage of the Prison Camp Director.

He was shot during a flurry that occurred when prisoners from another jail were being transferred to Manacas. Other prisoners were wounded.

In Boniato, three other political prisoners were killed by guards during an alleged escape attempt.

The letter, and others, being smuggled out by the prisoners at great personal risk, are the only way they have of communicating their plight to the outside world.

The method of smuggling the letters out cannot be told.

Some of the prisoners in Boniato, Manacas and other jails have been there virtually since Fidel Castro came into power in 1959.

All are accused of anti-Castro activity and opinions.

They all share the same cells, the same fate.

Estimates as to the number of prisoners run as high as 100,000. No one seems to know for sure exactly how many jails there are.

#### BONIATO: TIGER CAGE PRISONS REVEALED

(By Hilda Inclan)

"The terror and the physical tortures of these years have been too much. . . . Many of us have reached a crisis point and gone mad. 'Fernando Lopez del Toro hung himself.'"

These are excerpts from one of many letters being smuggled out at great risk by men inside Castro's political prisons.

The News today is reproducing a letter written by a prisoner inside the worst of all Cuban jails, the Boniato Prison in Oriente Province.

Men in that jail have been kept incommunicado for two years, living in 5' by 10' "tiger cages," two men to a cage. A hole in a corner on the floor is their bathroom. They get no sunshine or exercise.

These men are known as the "tapiados." Their cell windows have been "tapiadas" or boarded up with steel plates to insure no sunshine gets in.

The letter being reproduced today was written by a prisoner lying on the floor to get whatever light sneaks in beneath the doorway. He couldn't find paper so he scribbled on the white space around the nameplate of Havana's main government-run daily, Gramma.

He addressed his letter to a friend of his, a former political prisoner, now in freedom.

The names of both men are being withheld to protect the one still in prison from possible reprisal from Cuban authorities.

"The living conditions described in the letter are authentic," Dr. Jaime Suchlicky said today. He is associate director of the Latin American Institute of the Center for Advanced International studies, University of Miami.

#### TRANSLATION: "WE ARE SUBJECT TO EXTERMINATION"

"Tiger Cages" of Cuba, Boniato Prison, June 10, 1971. My dear brother . . . !

This letter is not an outcry, it isn't a call for help. We know that we are alone. We know about the apathy of international bodies, of the press of the free world, that which appears to be so dynamic in denouncing injustices but doesn't say one word about what is going on in the prisons of Cuba. What do they want, that we send them photographs? The communist jails are not the jails of democratic countries. Nobody can enter here. This is the only piece of paper that I have been able to get to write to you. The physical integrity of many prisoners will be risked to try to get these lines out to you.

Our situation is very difficult. These are the "Tiger Cages" of Cuba. All of the political prisoners of Boniato are being subjected to the most brutal and inhumane plan of physical extermination that America has heard of in all its history.

We've already been here for two years incommunicado in cells with windows and doors hermetically walled up with steel plates. The total lack of light has made many of us almost blind. I am writing this letter lying down on the floor, using the very soft light that comes in through the small space underneath the bottom of the door. . . .

The cells are five feet wide and ten feet long. That's the way political prisoners here live, two for each cell, without getting out of their cells for years. As a bathroom we have a hole in one corner and a faucet that never has any water. Our excrement and our urine accumulate constantly in fetid puddles. We lack any articles of personal hygiene. Our food doesn't reach 900 calories per day. Everything served is carefully weighed. One lunch fits inside an empty can of condensed milk; one dinner, the same; that is our plate, one of those cans. Our breakfast: hot water with sugar and one ounce and a half of bread.

#### LOOK LIKE PRISONERS IN CONCENTRATION CAMP

Our diet is composed solely of corn flour and boiled noodles and white rice, all of it served with tiny spoons. The absence of proteins and other foods is total. There are men here whose weight has gone down to 70 pounds. I must weigh 115 pounds. The last time they came over to weigh us with a portable scale my weight was 120 pounds. I have lost 35 pounds. My thighs measure



15 inches, my biceps 10. My legs, 11, my waist, 26. All of us look like the prisoners in the concentration camps at the end of the Second World War. Those photographs shocked the world. But here, no pictures can be taken.

Our fate is that of every prisoner of the communists that will not accept their "rehabilitation" plan: physical extinction and biological experimentation is our destiny.

There is no medical assistance. All of us are sick. Scurvy is creating havoc here. Our bodies are full of some dark pustules, our gums are swollen, our teeth are loose, bloody. Hemorrhages through the nose follow every sneezing spell. Our ankles, in many of us, are a hodgepodge of varicose veins. It's been more than ten years already, and you've been more than ten in communist jails.

Skin illnesses, ulcerations of all mucous tissues, mouths full of sores, constant diarrhea. It seems impossible that some of the men here be alive. They are ghosts. The government promised in this type of imprisonment to "punish" us for our decision not to go into the "rehabilitation" plan, and to reduce us to rags. They have already accomplished that. A.—We are already rags. Physically, we will never again be men. Many of us will die here.

We are being subjected, scientifically, to a plan of mental and physical liquidation directed by Czech, Cuban Communist and Russian doctors. They experiment biologically with us, observe us constantly, and subject us to diverse stimuli.

Many of us have reached a crisis point and gone mad. There's been several suicide attempts. The terror and the physical tortures of these years have been too much.

Fernando Lopez del Toro hung himself. We are under the constant threat that the people in the garrison may come over and beat us savagely; the constant pressures, the total isolation. For two years, our families have known absolutely nothing about us. The government denies to them our real situation. That is why I'm telling you, our situation is very difficult.

But we expect nothing from Democracy or from the Latin American governments that have ignored us and turned their backs on our sacrifice.

To denounce this situation to the world is useless. We have become disillusioned about the reception given these letters. It seems impossible to the outside world that what we are telling them is actually happening here. Only you, those that were here, the Frenchmen that were prisoners of the Communists in Indochina, the Northamericans taken prisoner in Korea; only they know that we are not lying.

We are here, in the "Tiger cages of Cuba," dying for Democracy, defending the principles of the free nations. But it is sad to fight defending freedom and justice and be forgotten by the free and just men of the world!

Long Live Free Cuba!  
Long Live Democracy!  
Down with communism!  
Your brother,  
A.  
Tiger Cages of Cuba  
Political Prison of Boniato, Oriente, Cuba.

#### MAN'S INHUMANITY TO MAN— HOW LONG?

**HON. WILLIAM J. SCHERLE**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

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

How long?

#### TESTIMONY ON ECONOMIC STABILIZATION

**HON. WILLIAM F. RYAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. RYAN. Mr. Speaker, during this period of economic stabilization, I would like to point out that there are millions of hard-working, industrious people who are not able to earn nearly enough to attain an acceptable standard of living. Hence, I have introduced H.R. 11406—along with House Concurrent Resolutions 414, 423, and 434 with cosponsors—to exempt low-paid workers from Government restrictions on wage increases until their wages reach the point where they are no longer substandard.

I am pleased that the House Banking and Currency Committee recognized the need for exempting the wages of the working poor by adopting the language of my bill when it was offered as an amendment to the Economic Stabilization Act by our distinguished colleague from Maryland (Mr. MITCHELL) during the markup session on November 4.

David Livingston, executive vice president of Distributive Workers of America, Alliance for Labor Action, and president of District 65, DWA-ALA, testified before the House Committee on Banking and Currency on November 5, 1971. He presented a very persuasive case for exempting substandard wage earners, not only pointing to past precedent during World War II and the Korean war, but also pointing to present statistics which show that in New York City alone 25 percent of the work force earns less than \$100 per week. As David Livingston said so well, to place controls on the earnings of the working poor and near poor—would be to condemn them to permanent poverty.

His cogent testimony follows:

TESTIMONY OF DAVID LIVINGSTON

I appreciate the opportunity to appear before this distinguished Committee to testify concerning economic stabilization legislation. The Committee has already heard testimony directing attention to fundamental inequities in the current program, especially the absence of any controls on profits, interest rates and dividends. Also we are certain that the Committee has already observed that there are hundreds of thousands of volunteers, employers, who are eager to enforce the wage control aspects of economic stabilization. Price control is another matter.

Our special concern, however, is the threatened application of wage controls to the working poor and near poor, to those who just don't make a living. Unless there is an exemption from wage controls for such people, a national disaster impends. Already 6% of the working population are without jobs

according to the Bureau of Labor Statistics figures. The Bureau will tell you that this percentage does not take into account certain groups. Our estimate is that the actual number of unemployed in the country is somewhere between eight and nine percent—close to eight million workers.

In September of this year, the Manpower Administration of the U.S. Department of Labor published a report indicating that the number of major labor areas in the categories of substantial unemployment had climbed to 64—the highest total since October 1961. Likewise the Government has published figures showing that the absolute number of persons below the poverty line increased last year for the first time in the twelve years that the statistics have been maintained. The number of persons in this category exceed twenty-five million. This bleak picture is likely to continue since the job producing aspects of the current economic plan is only a hope to provide approximately half a million new jobs. This is the background in which many workers are striving to hold on to their jobs and provide for their families. This is the situation in which the working poor are battling to stay out of the ranks of the unemployed and off the welfare rolls. They are fighting to improve their jobs and their earnings—to win wage increases, to keep up with rising living costs and to improve their standard of living—if only a little.

I speak today on behalf of our members in Metropolitan New York and also for thousands in the States of Florida, South Carolina, North Carolina, Georgia, Virginia, Tennessee, Arizona, Connecticut, Missouri, California, Illinois, Pennsylvania, Ohio, Texas. Our observation is that the overwhelming majority of the working poor and the near poor are white Americans, although Blacks and other minorities appear in the working poor out of proportion to their share of the population.

In New York City alone, approximately 25% of the work force earns less than \$100 per week and throughout the Country, the numbers run into many millions. Among non-union workers, about 75% of the work force, the number whose earnings are substandard is even greater. Their earnings do not permit them to keep their families in safety and health, to educate their children and to supply the bare necessities of life.

The Bureau of Labor Statistics publishes three budgets for a family of 4—an employed husband at age 38, a wife, an 8 year old girl and a 13 year old boy. One of the budgets is called the high budget, the second is called an intermediate budget and the third is called a lower budget for a 4 person family.

In the spring of 1970, the lower budget for urban United States was \$6,960. For New York and North Eastern New Jersey—\$7,183. By now these figures would have to be adjusted upward by approximately 8% or 9% to take into account increases in the cost of living since the Spring of 1970. Lest anyone think this budget is "frilly", it allots \$2,091 a year for food. We would like to find the housewife who could feed her husband, herself and two growing children on \$40 a week considering what is happening to food prices. It is perhaps significant that the higher budget for the same size family allotted \$3,551 for food.

To place controls on the earnings of workers below these wage levels would be to condemn them to permanent poverty. We are accompanied this morning by some workers who earn salaries from \$91 to \$101 per week. Before the freeze, they were scheduled by contract to receive automatic increases of \$7 to \$10 per week. In addition, they were scheduled for a cost of living increase of \$5 per week. Thus over all they were slated for about a 12% increase—much greater than the highest allowable rate reported under

consideration. With these increases, these workers will still be only making about \$5800 a year, well below the minimum budget. It is not inflationary to permit these workers the increases coming to them. So long as a worker is at such wage levels, so long as he is of the working poor or near poor, he should be exempt from any regulation until his earnings are no longer sub-standard—until he is no longer poor or near poor.

This is, of course, not the first time that the United States has dealt with economic stabilization. It occurred during World War II and during the Korean War. In both cases, legislation did not leave to the President alone the power to control wages. Even during the time of greatest peril, the Congress retained its authority over the economic life of our country. In both cases, the legislation permitted wage increases to workers whose earnings were sub-standard or who were suffering from a gross inequity. The Congress did not limit increases to the legal minimums established by statute and defined sub-standards at levels well above the statutory minimums.

During World War II, regulations specifically exempted from any control, even from the necessity of seeking approval, any wage increases to workers whose earnings were at or below 50¢ per hour. At that time, the Federal Minimum Wage was 30¢ an hour. Thus the automatically approvable rate was 66% above the legal minimum. Now the legal minimum is \$1.60 per hour and the rate in New York State is \$1.85. Using the same approach would lead to exempting from regulation any worker (union or non-union) whose earnings were about \$3 to \$3.50 per hour.

In brief, we urge that this Committee recommend legislation to the Congress that there be no freeze or controls applied against workers who do not make a living—that they should be specifically exempt from limitations on their earnings. Our members and many, many workers like us, union and non-union, appeal to the Congress and to this Committee. We urge that you do not permit regulations to be adopted that control whether our members eat or do not, whether they educate their children or do not, whether they can hold their heads high or do not. Our members' earnings are low, but they are on the way to a decent living. Slowly, painfully through collective bargaining, they are gradually approaching the point where perhaps they will not need supplementary relief and where their families, their children can have a small share of the good things of life. Until our members make a living, we urge that wage increases to them not be limited or controlled. We urge statutory exemption of those whose earnings are sub-standard. We seek your help, the help of Congress—so that the working poor and near poor not be confined to permanent poverty.

#### PRAYER AMENDMENT

#### HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES  
Monday, November 8, 1971

Mr. PRICE of Texas. Mr. Speaker, I have introduced legislation which would allow prayer in our schools—I have pushed for it and supported it all the way because of my firm belief in the right of the people to offer prayers to God in our public institutions.

There have been certain objections raised regarding the prayer amendment that is now up for consideration, some of the opposition being expressed by

those who are simply against prayer, while most, I am sure, has come from well-intentioned persons and organizations who question certain wording and phraseology as contained in the resolution. I do not quarrel with those who, for example, might wish to insert the term "voluntary" or "extemporaneous" or remove the term "nondenominational" from the language of the resolution, if this would alleviate fears that the resolution as presently written in some way narrows the meaning of the first amendment freedom of worship.

However, whether we are for or against this resolution, two things seem abundantly clear. First, through the vehicle of the discharge position we have at last brought to the House floor for debate, an issue which has been uppermost in the minds of our people for years. It is by this debate that we shall be able to consider all the pros and cons and to decide once and for all, the direction to be taken regarding prayer in public buildings. And second, and even more important, we are exercising one of the great strengths of our Constitution in turning this matter over to the people of the various States for their final decision. For it is by the process of ratification by three-fourths of the States that the people will be able to speak directly and to decide the fate of the prayer amendment. Only recently we witnessed a similar action in lowering the voting age to 18 in all elections—in this case, there was a groundswell of popular support for extending the right to vote to a new sector of the population, and our constitutional process of ratification provided for an orderly way to dispose of the confusion and contradiction that had surrounded this issue.

Mr. Speaker, in summary it is my firm conviction that every citizen has the right to pray whatever he pleases, wherever he pleases, and whenever he pleases, so long as his activities do not constitute an unreasonable infringement upon the rights of others not to participate. Furthermore, I oppose any procedure whereby government, at any level, may interpret, modify, require, or prohibit this individual right to prayer. While I am not wedded to any particular bill, I strongly support a prayer amendment which will broaden the right to pray beyond the purview of any governmental agency or instrument.

#### CANNIKIN CONSEQUENCES STILL TO COME

#### HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES  
Monday, November 8, 1971

Mr. DOW. Mr. Speaker, my friend and constituent, David Sive, who led the attorneys on Saturday seeking to stay the Cannikin megaton test at Amchitka, has made available to us some of the very telling data on which appeal to the Supreme Court was made. This consists of affidavits of expert witnesses, largely scientific. They point out that serious consequences of the Cannikin test may yet occur. For example, contents of

the water table at Amchitka becoming contaminated in the chimney above the blast cavern, may introduce dangerous concentrations into the sea.

The papers supplied by Mr. Sive and appended here include first an affidavit by a legal associate of Mr. Sive, James A. Burke. This is Mr. Burke's precis of papers by several scientific experts which contest claims of relative safety asserted by the environmental impact statement of the Atomic Energy Commission.

In addition, I append three other affidavits by recognized scientific authorities, which challenge the safety of the Cannikin test. These three affidavits are ones by M. Nafi Toksöz, Robert Muller, and David Evans—the latter preceded by an affidavit of Mr. James A. Burke in lieu of a signature by Mr. Evans, which it was not practical to obtain. The several documents appear below:

[U.S. Court of Appeals for the District of Columbia, Civil Action No. 71-1732]

#### AFFIDAVIT BY JAMES A. BURKE

The Committee for Nuclear Responsibility, Inc., et al., Plaintiffs-Appellants versus Glenn T. Seaborg, et al., Defendants-Appellees.

James A. Burke, being duly sworn, deposes and says:

1. I am associated with the firm of Winer, Neuburger & Sive who, along with Harold P. Green, Esq., Suite 1000, The Watergate Six Hundred, 600 New Hampshire Avenue, N.W., Washington, D.C. are attorneys for the plaintiffs in this action.

2. Mr. Sive and I, alone, have read the four documents which the U.S. District Court made available to plaintiffs' attorneys, but which were not released to the public. These documents are:

(a) Pages 1 through 6 of a seven-page statement with two attached maps or diagrams, by J. W. Hadley, which statement is part of 1b of Annex B to the Larson Affidavit (Gov. Ex. 18), (hereinafter referred to as the "Hadley Memo");

(2) A ten-page paper by Dr. W. G. Van Dorn, dated December 15, 1970, and entitled "Probability of Tsunami Generation and Connection with Cannikin", which paper is part of 1b of Annex B to the Larson Affidavit (Gov. Ex. 18), (hereinafter referred to as the "Van Dorn Memo");

(c) A statement by Mr. M. L. Merritt consisting of four pages, entitled "The Ground Water Problem at Amchitka", which statement is part of 1b of Annex B to the Larson Affidavit (Gov. Ex. 18) (hereinafter referred to as the "Merritt Memo");

(d) That portion of page 2 beginning with the paragraph entitled "Earthquake Generation", and carrying through the last four words on page 6, item 3A, of the Train Affidavit (Gov. Ex. 11), (hereinafter referred to as the "Train Memo").

3. Deponent believes that it might aid this Court in considering the significance of these documents and their relationship to both the Environmental Impact Statement and to the claims of the plaintiffs in this action if your Deponent were to indicate what he considers to be some of the more significant aspects of this relationship.

4. In the Impact Statement, the Atomic Energy Commission (hereinafter referred to as the "Commission") states that, based on the experience gained at the Nevada Test Site and in the previous detonation of Milrow at Amchitka, "It is expected that the only observable effect from Cannikin will, again, be a cluster of small aftershocks in the vicinity of the explosion site." (See pages 54-55).

In the Train Memo, whose subject matter is "Potential Environmental Hazards Associated with Cannikin", it is stated that ex-



trapolation from the Nevada Test experience is uncertain at best due to the differing geologic structure of the Amchitka area, and that Milrow itself can provide "no sure basis" for prognostication as to Cannikin (page 4, paragraph one).

The Milrow experience may not be applicable not only because that detonation took place eight Km. away from the proposed Cannikin detonation (see Toksoz Affidavit), but also because there may be a threshold value of strain that must be exceeded prior to the initiation of a large earthquake, such as in the recent earthquakes in Chile and Alaska (Page 4, Train Memo) In other words, the energy released by the one-megaton Milrow detonation may not have been sufficient to initiate a large earthquake, whereas the five-megaton Cannikin may well be.

As is stated in the same paragraph in the Train Memo, once one "lock point" is broken, sufficient energy may be released to break other lock points; if the stored strain energy is large, the triggered earthquake can be of much greater magnitude than the triggering event, as though the first lock point where the first domino of a row of dominoes leading to a major earthquake. Neither this process of triggering an earthquake, nor the possibility of triggering a major earthquake that this process presents, is at all discussed in the Environmental Impact Statement.

The Train Memo continues, noting that the major fault in the general region of Amchitka is thought to be some forty Km. beneath the test site, and "the strain field will certainly be altered at this depth by the underground explosion". This, it is submitted, is not a "negligible" chance of triggering a major earthquake, and it is certainly not "a cluster of small aftershocks".

Prefatory to the above discussion in the Train Memo, it is stated that it has been said that there is "... no cause for apprehension with regard to the Cannikin test. Unfortunately, this is not the case".

5. On page 2 of the Train Memo, it is stated in paragraph one that if fractional forces are overcome through raising the underground fluid pressures, an earthquake may result. This is also the first of the three "well-documented ways of triggering an earthquake" discussed in paragraph three on the same page, and also discussed in the last paragraph of the Train Memo. This process, as well as the above-mentioned domino theory, is also set forth on page 3 of the Hadley Memo.

This increase in underground fluid pressure is the same mechanism for triggering a major earthquake that is postulated in the affidavit of David Evans, submitted by plaintiffs to the District Court. It is not at all discussed in the Environmental Impact Statement, and it clearly increases the likelihood of a major earthquake.

Page 3 of the Train Memo refers to an earthquake being caused in Koyna, India, by means of this mechanism. As is stated in the Train Memo, the Koyna area is not normally seismic. Therefore, as is stated in the Evans affidavit, there is no reason to believe that an earthquake would have been imminent at the site. This is contrary to the suppositions made on page 54 of the Environmental Impact Statement.

6. It is also stated on page 3 of the Train Memo that the creation of a large cavity by the detonation of Cannikin will cause permanent changes in the strain field of the Amchitka region. The effects of this are not presented or discussed in the Impact Statement.

On the same page, it is also noted that no accurate prediction of the seismic results of the Cannikin detonation is possible, because detailed geology is largely unknown at any given location. The extent of this ignorance is not indicated in the discussion of the geological studies at page 19 of the Impact Statement.

7. With reference to the lack of discussion in the Impact Statement of responsible, opposing scientific opinion, the following comments in the Hadley Memo should be noted:

"Qualified scientific opinion is in good agreement that the possibility of triggering a large earthquake by Cannikin is remote, but real. . . . Variation of technical opinion from this position is minor". (Page 6)

This "real" possibility of a large earthquake and the differing "technical opinion" are not presented or discussed in the Impact Statement.

The Hadley Memo goes on to note that: "The advice of scientists as to whether or not the seismic hazards of Cannikin are acceptable has been somewhat more diverse. . . ." (Page 6)

8. One would not surmise this diversity of advice from a reading of the Impact Statement. There is no indication that such diversity exists, much less a discussion of the opposing points of view. (See page 54, Impact Statement.) With reference to the lack of presentation of responsible opposing scientific opinion, the statement made by Dr. Van Dorn in paragraph 2 of the first page of his document entitled "The Possibility of Tsunami Generation in Connection with Cannikin" ("Van Dorn Paper") should be noted. Dr. Van Dorn states that he is as deeply concerned with the safety aspects of the underground nuclear explosion at Amchitka as the well-qualified geophysicists in the Train Memo. While attorneys for plaintiffs in this action have not been permitted to see the above-mentioned Train Memo, the next paragraph of the Van Dorn paper indicates that these "well-qualified geophysicists" believe that the risks are great.

There is no indication in the Impact Statement of any "well-qualified" opinion expressing the existence of substantial risk.

9. Subsequent to the discussion at page 4 of the Irwin Memo of the possibility of triggering a major earthquake, it is stated that the "real danger" from the triggering lies in the generation of a tidal wave or tsunami. The Memo goes on to note that it is not possible to assess quantitatively the probability of such generation at this time.

However, it appears from these documents that the risk is certainly greater than the "negligible risk" discussed at pages 57-59 of the Impact Statement. On page 5 of his paper, Dr. Van Dorn refers to the one-three megaton potential energy of the earthquake which fostered the last major tidal wave in the Alaskan area, and continues by noting that "similar volumetric displacements" were all that were needed to create the huge tsunamis of 1946, 1957 and 1960. This one-three megaton potential energy is only one-fifth to one-half of the energy of the proposed Cannikin detonation.

In discussing the impact of these tsunamis, Dr. Van Dorn notes that tsunamis generated in the Aleutians by earthquakes have had damaging effects at great distance. The 1946 tsunami that was so damaging in Hawaii was felt as far away as Peru. (The recent earthquake in Chile generated a tsunami that caused loss of life as far distant as Japan. Wave heights actually increase at greater distances, notes Dr. Van Dorn.)

At the beginning of his paper, Dr. Van Dorn observes that in view of these hazards, he has made a number of recommendations for improving public safety, only a few of which have been adopted. He ends his paper by saying that further studies are highly desirable.

It does not appear that the risk of a tsunami is as negligible as is stated in the Impact Statement, and it is clear that the environmental damage which may be created by such a tsunami can be immense. Such damage has not been discussed or evaluated in the Impact Statement.

10. On pages 18 through 22 of the Impact

Statement, the Atomic Energy Commission claims that the radioactive by-products of the Cannikin detonation will be incorporated into and trapped in the rock melt or will be absorbed onto the sources of rock material. On pages 22 and 50 of the Impact Statement, it is claimed that the chimney above the cavity will be filled with broken and partially recomacted rock after the collapse, and that this collapse and subsidence does not provide open paths for the escape of radioactivity through the chimney rubble.

However, on page 5 of the Train Memo, it is noted that the chimney will be permeable and that radionuclides will be mixed throughout.

Dr. Merritt, in his paper entitled "Ground Water Problems at Amchitka", the Merritt Memo, also states on page 2 that "Nevertheless, the worrisome suggestion is made that there may be mixing back up the chimney". This chimney, as stated above, is highly permeable and intersects zones of permeable rock between the surface and the detonation cavity. It is in reference to this that Dr. Merritt states on pages 1 to 2:

"On the other hand, it must also be admitted, and this is the basis for the Counsel on Environmental Quality's comments on Cannikin, the rubble chimney constitutes a highly permeable vertical short circuit of the groundwater system, and that the hydrological measurements indicate zones of fairly permeable rock higher in the section."

11. Dr. Merritt then continues, on page 3 of his Memo, to consider what impact these facts will have on the containment problem: "Nevertheless, if tritiated water did mix up even in part, what then? If this zone is continuous out to and up to the sea, and if its permeability is all or largely due to fracture porosity . . . then tritiated water would reach the sea very rapidly."

12. It should be noted at this point that on pages 23 to 24 of the Impact Statement, the Commission postulates three possible mechanisms and time scales for which radioactive by-products of the detonation might migrate to the surface. The third mechanism, on page 24, involves the "very unlikely" assumption that the water within the cavity chimney system becomes mixed. The documents disclosed to plaintiffs' attorneys, as well as the submitted affidavits of Dr. Robert M. Mueller and David Evans, indicate that this not only is a "very unlikely" assumption, but the most probable occurrence. This assumption states the Commission, combined with another "unlikely" assumption, would cause contaminated water to reach the sea "in about two or three years after the cavity was filled—or some three years after the explosion." However, on page 5 of the Train Memo, it is noted that, contrary to the assumption of the Commission, the USGS estimates one to two years for the migration of water in the chimney to the sea, with this migration being anticipated, not "very unlikely."

13. In paragraph 3 of page 24 of the Impact Statement, the most extremely negative prospect mentioned by the Commission, it is stated that this migration "would introduce tritiated water into the ocean with an initial concentration about 1,200 times that of the RCG for water." The USGS Report, cited in the Train Memo states that the contaminated water would reach the ocean with a concentration "in excess of 10,000 to 100,000 times" the permissible concentration for water. This is 100 times greater than the Commission indicates is possible under the most adverse conditions, and the Commission was aware of this at the time they published the Impact Statement.

14. A further example of the lack of candor of the Impact Statement involves the statement on page 25 that even if this extreme case were to exist (1,200 RCG), "oceanographers have estimated that there would

be an effective dilution factor of about 100,000 within a few hours." They neglect to mention the context of that statement, which is indicated in the last paragraph of page 5 of the Train Memo, where it is stated that even if the dilution is as great as 100,000, concentrations well above background levels will appear in the food chain, resulting in fish being caught and sold containing radioactive concentrations higher than the RCG (Recommended Concentration Guideline).

There is no discussion of this factor anywhere in the Environmental Impact Statement.

15. It should be noted at this point that the USGS, in one of the documents made public on Monday, entitled "Effects Evaluation Report—Cannikin Event", stated in reference to a water migration time scale considerably faster than the "worst" example postulated by the Commission in the Impact Statement, that

"It should be emphasized that the foregoing analysis is heavily weighted in favor of the worst case. However, it is difficult to conceive of conditions which might improve the outlook significantly."

16. The documents discussed above in this Affidavit strongly corroborate the responsible opposing scientific opinions set forth in the affidavits of David M. Evans, Dr. Robert Mueller and Dr. M. Nafi Toksöz, submitted by plaintiffs in this action. Although the affidavit is directed only to the four documents revealed solely to the attorneys or plaintiffs, and not to those documents made public by the District Court, it should be emphasized here that the public documents also corroborate the above-mentioned affidavits, although less dramatically. (For example, on page 18 of the Effects Evaluation document, it is stated that the collapse of the cavity after the Greeley event did not occur for a period of nine months, although that detonation took place in the same type of rock as encountered at Amchitka. The significance of any delay in the collapse of the cavity and subsequent cooling of the said cavity is discussed in detail in the affidavit of Dr. Mueller. Basically, a failure to collapse results in sustained high temperatures within the cavity which greatly enhance the dissolution of radionuclides in water and facilitates their escape to the surface.)

The legal significance of the failure of the Commission to include the opposing scientific opinions discussed in their own documents, as well as in the affidavits submitted by plaintiffs in this action, is discussed in plaintiffs' brief on their current appeal.

#### AFFIDAVIT BY NAFI TOKSÖZ

[U.S. District Court for the District of Columbia, Civil Action No. 1346-71]

The Committee for Nuclear Responsibility, Inc., et al., Plaintiffs, against Glenn T. Seaborg, et al., Defendants.

M. Nafi Toksöz, being duly sworn, deposes and says:

1. I am presently a professor of geophysics at the Massachusetts Institute of Technology, and have held this position since 1965. My primary area of specialization is in the fields of geophysics and seismology, in which area I have published about fifty papers in various scientific journals. Six of these papers have been directly concerned with seismic wave generation by nuclear explosions. My educational background includes a Bachelor of Science degree from the Colorado School of Mines, and an M.S. and Ph.D. in Geophysics from the California Institute of Technology.

2. I began studying the relationship between underground nuclear detonations and tectonic strain release in 1962, and since that time I have analyzed the characteristics of approximately twenty-two underground nuclear explosions detonated in this country. I

am familiar with the seismicity and general tectonics of the Aleutians and the Amchitka area.

3. For purposes of clarification, the release of tectonic strain is normally defined as an earthquake when it occurs suddenly, and in the case of nuclear explosions, we have reason to judge that this release occurs concurrently with the explosion, induced by the explosion, so that one might consider it an explosion plus an earthquake occurring simultaneously. Explosions have the capability of releasing varying degrees of tectonic strain energy. This essentially means that the explosion triggers an earthquake with after-shocks of varying degrees of energy, and the intensity of the earthquake and after-shocks is determined by the geologic properties of the medium and the tectonic stress characteristics. The latter is related to general tectonic framework and the plate tectonics.

4. The Environmental Impact Statement for Cannikin states at page 3 that, "... an explosion at Amchitka will not trigger a large earthquake (defined as one releasing as much or more seismic energy as the explosion itself) unless the occurrence of such an event is imminent, very near to the test site." The above quotation implies that no major earthquake will be triggered by the detonation of Cannikin unless such an earthquake would have happened in the immediate future irrespective of the detonation. However, tectonic stresses in an area may remain the same for a very long time without being released as an earthquake unless this stress field is disturbed. In other words, while it is true that a major earthquake would not be triggered by Cannikin if there were no existing tectonic stresses, it does not necessarily follow that these stresses would be released as an earthquake without the triggering force of the Cannikin detonation.

Examples of this type of phenomenon are numerous: the Rocky Mountain Arsenal and Denver earthquakes; the recent earthquakes in Koyna, India, and Kremasta, Greece, considered to be caused by the filling of reservoirs; and, of course, the after-shock activity and tectonic strain release associated with underground nuclear explosions in Nevada.

5. It is to be noted that the above quotation from page 3 of the Environmental Impact Statement was directed to large earthquakes, defined as ones releasing as much or more seismic energy as the explosion itself. The Impact Statement notes that the possibility of such an occurrence is "very unlikely" (page 3). While the probability of such a large earthquake being triggered by Cannikin is not great, it is certainly not inconsiderable and the use of the words "very unlikely" overly minimizes the danger of such an event occurring.

The Pile Driver and Hardhat detonations in Nevada both caused a release of tectonic strain energy ten times greater than the seismic surface wave energy of the explosions. While these detonations took place in a harder medium than that which surrounds the proposed Cannikin detonation, they indicate the extent to which a given underground nuclear detonation may trigger earthquakes of considerably greater energy than the seismic energy of the explosion. There have also been several explosions that were detonated in Nevada in tuff or rhyolite, geological materials similar to Amchitka volcanics. Among these explosions, Greeley released 3.4 times as much seismic surface wave energy due to tectonic release as due to the explosion. In other words, the earthquake associated with the Greeley explosion had 3.4 times as much surface wave energy as did the seismic surface waves generated by the explosion itself. With this scaling, Cannikin could release as much or more tectonic strain energy as the explosion-generated seismic energy in the surface wave spectral range.

On page 55, the last sentence of the first paragraph of the Environmental Statement

states that, "This type of event differs from the premature triggering of a large natural earthquake (having more seismic energy than the explosion itself) which has never been observed from an underground nuclear test." However, on the basis of the Nevada experience, it is clearly possible to have an earthquake with larger energy than the explosion itself in a medium similar to that of Amchitka Island. To provide an idea of what this means with reference to Cannikin, the estimated surface wave magnitude of Cannikin would be approximately equal to that of the Los Angeles earthquake of 9 February 1971. If we apply our factor of 3.4 obtained from the Greeley detonation, we are talking about a possible earthquake with 3.4 times more energy than the Los Angeles earthquake.

6. Throughout the Environmental Statement, the experience gained from the Milrow detonation is relied upon in predictions of the seismic aftereffects and environmental impact of Cannikin (see, e.g., pages 32-34, 55). On page 55 of the Environmental Statement, it is stated that, "It is expected that the only observable effect from Cannikin will, again, be a cluster of small after-shocks in the vicinity of the explosion site."

In addition to the unreliability of attempting to extrapolate from a 1-megaton detonation to one of 5 megatons, the Milrow detonation occurred approximately 8 kilometers from the Cannikin site and, even at this distance, the tectonic release characteristics and seismic effects may differ significantly. This is primarily due to the existence of geologic and stress variations in the earth's crust from one place to another.

To give several relevant examples, two shots were detonated less than 1 kilometer (2,000 feet) to the north and east of Baneberry (see page 17, Environmental Statement). Despite these detonations in the immediate vicinity, large-scale venting occurred upon the detonation of Baneberry because the A.E.C. was unaware that the geologic substructure at the Baneberry site was water-saturated. Thus, two detonations in the immediate vicinity of Baneberry were insufficient to provide the data necessary for a safe detonation. It should be noted that Cannikin is over eight times more distant from the Milrow test site.

With reference to the above-mentioned Greeley detonation, the site for that explosion was approximately 5 kilometers from another test site, that of Boxcar. Greeley released over three times as much tectonic strain energy as the explosion surface wave energy, while Boxcar released less than one-half. Detonations were in volcanics, the size was approximately the same, and there is nothing that would differentiate these explosions as to yield, over-all location, and general characteristics. Yet the tectonic strain energy and release characteristics were altogether different. If from this experience we extrapolate to Amchitka, I do not think there is any assurance that Cannikin will have the same tectonic strain release characteristics as Milrow. As the estimate of environmental damage due to seismic activity has been projected from the data gained from Milrow experience, and since, as mentioned above, this data is limited both in extent and relevance, it is vital that the effects of a significantly differing tectonic strain release pattern be considered.

7. As was shown by the studies conducted in Nevada, the fault length and after-shock area of explosion-induced seismic waves generally depends on the size (yield) of the explosion. (F. A. McKeown and D. D. Dickey, "Fault Displacements and Motion Related to Nuclear Explosions," Bulletin of the Seismological Society of America, Vol. 59, pp. 2253-2269 (1969).) From the experience of the explosions in Nevada, it is reasonable to predict faulting with maximum linear dimensions of between 10 and 35 kilometers as a result of the Cannikin event. This means that the faulting could extend well beyond



the limits of the Island and into the sea floor. The displacements across these faults, the exact length and the exact location cannot be predicted beforehand. However, most of the faulting that has been mapped in Amchitka Island runs more or less perpendicular to the structure of the Island. Since the Island is approximately 3 to 7 kilometers wide, the resultant faulting that is to be expected from Cannikin would clearly extend well beyond the land boundaries of Amchitka. While the effects of these faults cannot be evaluated with certainty, they raise problems relating to containment which have not been evaluated in the Environmental Impact Statement.

In addition, the Atomic Energy Commission, in its Environmental Impact Statement, on page 19, says that "In order to assure adequate containment of radioactivity, it is necessary to provide . . . adequate distance from faults . . ." However, there could be faults undetected by the surface geological mapping (note reference to suspected faults, pp. 19-20, Environmental Impact Statement), and there is no assurance that such faults do not exist. There is also no assurance that faulting at or near the detonation point may not take place due to subsequent natural earthquakes.

8. The Aleutians are one of the most active seismic areas of the earth. Large numbers of earthquakes of different magnitudes occur in most parts of the island chain. As a result of these, it is reasonable to assume that tectonic stresses are being accumulated and released by these earthquakes in the general area. The Atomic Energy Commission, in the Environmental Impact Statement, recognizes that, "That Aleutian Island chain is a region of intense seismic activity. In a typical year, several earthquakes of magnitude 6 or greater occur . . . with a great number of small quakes."

However, in the absence of reliable techniques of measuring stresses in situ, it is not possible to determine the stress characteristics of the general region where Cannikin will be detonated. Stresses due to the Cannikin explosion (which could be as much as 20 bars at a distance of 25 kilometers from the explosion point) would interact and modify the existing stress patterns in the general area. Even if this did not result in immediate occurrences of major earthquakes it could still alter the future seismicity of the region, the effects of which are not discussed in the Environmental Impact Statement.

Because of the above-mentioned active seismic nature of the general area, there is always the likelihood of intermediate and large earthquakes in the general region of Cannikin. The ground displacements and faulting associated with these natural earthquakes could interfere at any time during a period of years with the containment of radioactive products produced by the Cannikin explosion, creating faults which could provide migration paths for the radionuclides to the ocean. The problems relating to containment caused by the admitted occurrence of frequent natural earthquakes in the Amchitka area, earthquakes unrelated to the occurrence of the detonation itself, were not at all considered by the Atomic Energy Commission in the Environmental Impact Statement. Since such earthquakes, with the accompanying faults, occur frequently in the Aleutians, this element has a direct bearing on the likelihood of successful containment and the time scales estimated in the Impact Statement for the migration of radionuclides to the surface.

[U.S. District Court for the District of Columbia, Civil Action No. 1346-71]  
AFFIDAVIT BY ROBERT MUELLER

The Committee for Nuclear Responsibility, Inc., et al., Plaintiffs, against Glenn T. Seaborg, et al., Defendants.

Robert Mueller, being duly sworn, deposes and says:

1. I am presently a Senior Scientist at the Goddard Space Flight Center in Greenbelt, Maryland, a research center for the National Aeronautics and Space Administration. My primary fields of research at Goddard are planetology and geochemistry, with emphasis on physical chemistry as applied to natural systems.

2. Prior to my work with NASA, I taught and did research in the areas of petrology and mineral chemistry at the University of California and the University of Chicago. My Ph. D. in geology was received from the University of Chicago.

3. During the past decade, deponent has published more than 50 papers in various professional journals, among them *The American Journal of Science*, *Journal of Geology*, *Science*, *Geochemica et Cosmochemica Acta*, *The Journal Encyclopedia of Earth Sciences* and *The Encyclopedia of Chemistry*.

4. I have read the final Environmental Statement written by the Atomic Energy Commission for project Cannikin, and believe that there exist serious omissions and incorrect assumptions made relative to the geochemical aspects of the containment of the underground detonation. (See pages 18 to 25 of the Environmental Statement.)

5. The basic principles of physical chemistry would seem to contradict the Environmental Statement's assumption that "Most of the radioactive material associated with the detonation will be incorporated into and trapped in rock melt, or will be adsorbed onto the surfaces of rock material. Most material will therefore be essentially retained in the bottom of the explosion zone." (p. 22).

6. In addition to the vagueness of terms such as "material" and "essentially," the geochemistry of the thermodynamic aspects of the stability and solubility of minerals and constituents does not appear to have been seriously considered. The bald statements that adsorption will take place and that radioactive isotopes will combine with the gaseous compounds and condense to form a glass-like material inside the cavity (pp. 18-19) are made with no attempt to justify such a conclusion. There is no support for this contention in the literature referred to by the A.E.C. in the Environmental Statement; indeed, no references are made in their 10-page bibliography to any pertinent articles in the field. This is unsettling at best, since there would appear to be an excellent chance that containment will not occur in the manner contemplated by the Environmental Statement.

7. In a chemical sense, containment has two aspects: (1) the degree of mobilization of the radionuclides in the sense of their dissolution from the rock or melt into the aqueous fluid and (2) the transport of this radionuclide-containing fluid away from the detonation site. While the second aspect, the transportation away from the site, is poorly treated, the first aspect of the problem involving dissolution of the radionuclides is virtually ignored in the Environmental Statement.

8. There are two principal mechanisms which have to be considered in relation to the aspect of the containment problem mentioned above: (1) dissolution of all the elements of the crystal, and (2) exchange of the radionuclides in the rock minerals and the aqueous fluid.

The first mechanism involves the dissolution of all the components of feldspar mineral which are the major constituents of the Amchitka rocks. The components are potassium, sodium, alumina, silica, oxygen, also calcium. In dissolution of the minerals, all these components go into the solution in the aqueous phase. This dissolution is enhanced by high temperatures and pressures such as will prevail at the point of detonation.

Adsorption on rock surfaces is significant only at low temperatures (room temperature

or lower). At high temperatures (800° C), equilibrium is rapidly achieved between the water phase and the body of the rock. At such temperatures, all rock constituents including the radioactive material will go into solution in the water phase. This tendency to dissolve increases with temperatures and water pressure (Morrey & Hesselgesser, *Econ. Geol.* 46, 821, 1951; Ellis & Mahon, *Geochimica Acta*, 28, 1323, 1964—and others) and will occur both for glass and for crystalline rocks. Thus the mechanism of adsorption it totally erroneous applied here (p. 22, Environmental Statement) and only the term solubility should be used. The quantity of radionuclides adsorbed by rock surfaces will be negligible compared to those dissolved within the phases. At 800° C. or greater (basalt melts at 110° C), the glass predicted at Pages 18-19 of the Environmental Statement is rapidly converted to crystals and equilibrium with respect to solubilities is achieved on a time scale of hours to months in most silicate systems in the presence of water. It must be kept in mind that if glass does not form and the melt crystallizes, most constituents will be less soluble in the crystals than in the glass. If glass forms initially and then devitrifies this material (including the radionuclides) will be rejected into the water phase. (Nobel, Smith and Peck, *Geochimica et Cosmochemica Acta*, 31, 215, 1967. There is a voluminous body of literature in experimental physical chemistry and geochemistry on the solubility of radionuclides such as potassium and cesium in heated aqueous solutions such as will prevail at the test site. In addition to those works already mentioned above are such examples as Orville, 1963; Garrels and Howard, 1959; Gruner, 1944; Hemley, 1959; Morey and Chen, 1955; O'Neill, 1948; Wyart and Jabatier, 1956, and numerous others.)

9. The second mechanism is operative in saline waters such as are postulated to be present at the point of detonation by the A.E.C. at page 22, para. 1, of the Environmental Impact Statement. This mechanism involves the exchange of radionuclides in the rock, glass or melt with the aqueous solution. As saline solutions come in contact with the rock or melt, typical radionuclides such as potassium and cesium will exchange. In the exchange, potassium or cesium ions move out of the mineral rocks and pass into the surrounding saline solutions. Sodium ions in the solutions pass into the crystal minerals of the rock and the potassium and cesium go into solution.

This exchange reaction results in net displacements of radionuclides from the minerals into the surrounding solutions. The radionuclides are thus made available for transport out of the systems or away from the site of detonation.

10. The mechanism of exchange is well documented in the scientific literature. The pertinent experiments have been conducted over a broad range of temperatures and pressures which completely bracket conditions which will prevail after the detonation. For example, the works of J. W. Gruner, 1944, "Hydrothermal alteration of feldspar in acid solution between 300 and 400° C"; *Econ. Geology*, vol. 39, pp. 578-589, and T. F. O'Neill, 1948, "The hydrothermal alteration of feldspars at 250-400° C"; *Econ. Geology*, vol. 43, pp. 167-180; found that natural alkali feldspar react with aqueous alkali salt solutions.

11. Other references and documental experiments that bear on this problem are that of R. M. Garrels, and Peter Howard, 1959, "Reactions of feldspar and mica with water at low temperature and pressure"; *Nat. Conference on Clays and Clay Minerals*, 6th, Proc., pp. 66-68; J. J. Hemley, 1955, "Some mineralogical equilibria in the system K<sub>2</sub>O-Al<sub>2</sub>O<sub>3</sub>-SiO<sub>2</sub>-H<sub>2</sub>O"; *Am. Jour. Sci.*, vol. 257, pp. 241-270; G. W. Morey, and W. T. Chen (1955). "The action of hot water on some feldspars"; *Am. Mineralogist*, v. 40, pp. 996-1000; Jean

Wyart and G. Sabatier 1956a, "Mobilités des ions alcalins at alcalino-terreux dans les feldspaths," *So. Franc. Mineralogie Bull.*, vol. 79, p. 444-448; 1955, "Transformations mutuelles des feldspars alcalins; reproduction du microcline et de l'albite," *Soc. Franc. Mineralogie Bull.*, vol. 79, p. 574-581. Two references 56A and 56B. One of the most recent documents is the comprehensive work of Philip M. Orville entitled, *Alkali Ion Exchange Between Vapor and Feldspar Phases*.

12. The experiments to which I refer here are parts of the great body of scientific literature and have withstood the severe critical scrutiny of the scientific community. The experiments described are so difficult and far-reaching that they would be extremely difficult for the A.E.C. to duplicate in the allotted time. Also, these experiments represent the highest order of experimental work since they involve the obtainment of chemical equilibrium values. They are thus set apart in quality from the experiments cited by the A.E.C.

The importance of equilibrium vs. non-equilibrium experiments is that equilibrium experiments provide a baseline for evaluating phenomenon which occur under a variety of conditions other than those of the experiment. They thus have a high degree of predictive value because equilibrium implies that their experiment can be repeated under the same physical conditions. This does not mean that their predictive value is confined to equilibrium conditions; they provide the direction in which all systems trend spontaneously.

In the experiments cited by A.E.C., the time scale is short and equilibrium was not established, consequently they have small predictive value for situations different from those of the experiment. For example, as a certain quality of radionuclide is leached in 16 hours in a leaching experiment, it is difficult or impossible to predict the quantity which will be leached in 16 days or 16 months. The latter time scales are of greater significance in the case of CANNIKIN than the short time scales cited in the A.E.C. experiments. At that, the leaching experiments fail to support the A.E.C., but actually show substantial leaching of radionuclides.

13. Although the mechanisms of dissolution and of exchange of the radionuclide components are effective at the relatively low temperature of 200° C, these mechanisms are greatly enhanced as the temperature increases. For example, if typical sodium chloride saline solution is in contact with a feldspar crystal, an increase in temperature will require that more potassium move out of the crystal into the saline solutions. This effect is particularly marked between 500° and 900° C. (Orville [1963]) Since the temperatures which will prevail at the point of detonation are those of molten basalt which is approximately 1100° C, it can be seen that temperatures will be ambiently high for a substantial movement of radionuclides such as those of potassium and cesium into the associated saline solutions. Reference: Eugster (1955), the exchange of cesium and potassium between H<sub>2</sub>O vapor and feldspar crystals.

14. The chief failing of the Environmental Impact Statement is that it fails even to mention any of the many references to this great body of literature, nor does it describe equivalent experiments by the A.E.C. The field of geochemistry is virtually ignored, and there is a great void in the discussion of containment in the Environmental Impact Statement. This body of knowledge is vitally important to the problem of containment, not only because it brackets the temperatures and pressures which will prevail after detonation, but also because of the feldspar minerals in major components of the basaltic rocks present at the test site.

The cited equilibrium experiments are also

important in fixing the time scales under the exchange, and chemical dissolutions can occur. Time scales carefully determined through experiments, refute the A.E.C.'s contention that the radionuclides will be trapped in the rock or melt (p. 22, Environmental Impact Statement). For example, in the work of Orville (1963), it was found that equilibrium was usually obtained in less than 300 hours. It should be noted first, that this time scale is long relative to the time scale of leaching experiments cited by the A.E.C. This means that the experiments were relatively much more difficult than the leaching experiments. However, it should be noted that the time scale of 300 hours or less is short when compared to the probable time scale of cooling of the molten rocks at detonation point. In other words, although the A.E.C.'s experiments cannot tell, then, what will happen during the time scale of cooling the equilibrium experiments, some of the referenced literature can tell us this very precisely.

15. In the matter of adsorption which is invoked by the A.E.C. to trap the radionuclides in the vicinity of the detonation (see p. 22, Environmental Impact Statement), it is interesting that adsorption phenomenon are never taken into account in the equilibrium experiments cited. The reason that adsorption is not considered in evaluating those experiments is that there is no evidence that it is operative to any sufficient degree. There just is not enough adsorption at temperatures above 200° C to show up. In fact, the phenomenon at adsorption is not significant in the A.E.C.'s own leaching experiments. Furthermore, adsorption is a mechanism which is never deemed significant in high temperature silicate experiments.

16. The high temperatures necessarily incurred as a result of the detonation of a nuclear warhead underground also mitigate against the formation of "a glass-like material inside the cavity" (pp. 18-19, Environmental Impact Statement).

Briefly stated, the formation of glass demonstrates rapid cooling. Cannikin is to be exploded at a greater depth and will be larger than any previous blast; both features contribute to a slower rate of cooling, assuming communication with the surface is restricted. Thus no glass may form, or if it does form initially it may devitrify in a short time, perhaps in hours or days. If, on the other hand, rapid cooling does occur in such a deep hot cavity, the A.E.C. is faced with explaining how this happens. Almost certainly rapid cooling of such a large mass would require fluid transfer to move the heat since conduction is too slow. But this again implies rapid movement of fluids through the rock and probably exchange with the surface. This is especially significant since the fluids (water solutions) accomplishing this heat transfer would have heavy radioactive content due to the dissolution and exchange mechanisms described above. See paragraphs 7-9, 13, *supra*.

17. It should be emphasized again that, although the A.E.C. insists that the radionuclides will be trapped inside of the rock, or glass, or on the surfaces of the rock and glass fragments, the cited experiments, including the A.E.C. leaching experiments, show just the opposite. They show, in fact, that when other saline or non-saline aqueous solutions are in contact with silicate rocks or glass on a time scale of the order of 300 hours or less, chemical equilibrium exchange of radionuclides takes place between the aqueous solutions and the deep interiors of the mineral crystal, such as feldspar and other phases, making those constituents available to the aqueous phase for subsequent transport away from the detonation site. Reference: American Journal of Science—May 1968—K. L. Currie, *On the Solubility of Albite in Supercritical Water in the Range 400 to 600° C and 750 to 3500 Bars*, and experiments and articles cited above.

18. While this brief outline of some of the most basic questions and problems is necessarily limited and incomplete, it may serve to emphasize the extent to which the Atomic Energy Commission has failed to discuss even the most obvious variables in the problem of containment. An unlikely conclusion is stated in the Environmental Statement with no evidence or documentation presented in support of it, while the great weight of scientific opinion has reached differing conclusions as a result of extensive and carefully controlled equilibrium experiments. These experiments indicate that rather than remaining trapped, radionuclides will either be dissolved directly in the water or, through the mechanism of exchange, be removed from the interior of the crystals or glass (if any) and pass into the water solution. This is especially significant, since migration of radionuclides to the surface is greatly enhanced when they are in water solution.

[U.S. District Court for the District of Columbia, Civil Action No. 1346-71]

AFFIDAVIT BY ROBERT MUELLER

The Committee for Nuclear Responsibility, Inc., et al., Plaintiffs, against Glenn T. Seaborg, et al., Defendants.

Robert Mueller, being duly sworn, deposes and says:

1. That deponent's background and qualifications are set forth in paragraphs 1-3 of deponents' annexed Affidavit of this same date.

2. This Affidavit is in reply to the Affidavit of Gary H. Higgins dated October 13, 1971, and received by plaintiffs in this action on October 23, 1971.

3. In response to Dr. Higgins' statement that he does not believe deponents' contentions have appeared in any scientific or other publications (paragraph 2), deponent respectfully refers this Court to the annexed Affidavit in particular, to paragraphs 3, 8, 10, 11, 13 and 17 thereof. Deponent believes that he need not make separate reference to his prior Affidavit of August 25, 1971, as the content of that Affidavit has been incorporated almost in toto in the annexed Affidavit for the convenience of this Court.

4. With reference to paragraphs 4 through 8, Dr. Higgins' Affidavit, I believe it is necessary to clarify for the Court the significance of the estimated time scales involved. Dr. Higgins is quite correct when he states that the temperature of the cavity will eventually cool to a temperature in the vicinity of 250° C. The crucial question is when this will happen and what will take place before it happens.

5. Immediately after detonation, the cavity will contain a vapor with a temperature in the one million-degree range. This temperature will cool through the mechanism of radiation fairly rapidly until it reaches the 2000-3000° C range. The cooling then becomes progressively slower as the temperature lowers approaching equilibrium.

6. In paragraph 8 of his Affidavit, Dr. Higgins states that, "Temperatures of 250° C rather than 800° C are probably representative of actual cavity conditions a few hours after the explosion." However, in paragraphs 4 and 5 of his Affidavit, Dr. Higgins states that lowering the temperature to this range is dependent upon the collapse of the cavity and the filling of the cavity with cold rock from above. The time when this collapse will occur is quite uncertain, and could well be a matter of days. On page 50 of the Environmental Impact Statement for Cannikin, the Atomic Energy Commission states, "Eventually, after a period which cannot be predicted exactly but which may be a day or so the unsupported rock arch above the cavity will collapse, . . ."

7. A day is an immense amount of time if considered relative to the question of whether radionuclides will go into water solution through the mechanisms of either dis-



solution or exchange (see my annexed Affidavit, paragraphs 8 and 9). As stated above, temperature reduction from 2000° C to 1000° C range will take a significant amount of time, and will almost certainly remain above the 1100° C point throughout a period such as the day postulated by the Atomic Energy Commission. If the cavity collapse is delayed beyond this period, as the Atomic Energy Commission indicates is certainly possible, the temperature will remain in the 750° C to 1000° C range for a matter of days. This decline in temperature could be accelerated by the admission of a large volume of water to the cavity, but such an event would facilitate and enhance the processes of dissolution and exchange referred to in the annexed Affidavit.

8. The chemical reaction to effect the exchange of potassium and cesium with the sodium in the water solution or water vapor will take place in a fraction of a second at the very high temperatures which will be present in the cavity after the detonation. The time required for this chemical reaction will gradually increase into seconds as the temperature of the cavity drops and cools. However, in the 1000° to 2000° C range, which will be present in the cavity prior to collapse, the mechanisms of exchange and dissolution of radioisotopes into water solution will occur in a matter of seconds. The vapor itself, which the Atomic Energy Commission claims will fill the cavity immediately after detonation, will consist of a vaporization of the water that had been in the rocks. Many of the radioactive ions will remain in the water that condenses from this vapor.

9. Thus it can be seen that the mechanisms of dissolution and exchange can and will take place for a considerable length of time before the cavity has collapsed and the temperature cooled to the 250° C postulated by Dr. Higgins. However, it should be pointed out that even at 250° C, the same mechanisms of dissolution and exchange will still take place. The significance of this drop of temperature is that the chemical reactions will take a considerably longer length of time to occur than was the case prior to such a drop in temperature. A reaction that was a matter of minutes or seconds at the extremely high temperatures prior to collapse will still occur at the lower equilibrium temperatures indicated by Dr. Higgins, but the chemical reactions would then be effected on a time scale on the order of a month or months, depending upon the temperatures prevailing and the nature of the solutions. As some of the radionuclides involved in the above-mentioned mechanisms of dissolution and exchange have half-lives which may be measured in terms of decades rather than months, the fact that these chemical reactions may take a month or months to take place at the lower ambient temperatures mentioned in Dr. Higgins' Affidavit certainly does not preclude their possible migration and escape.

10. With reference to paragraphs 8 and 9 of the Higgins Affidavit, Dr. Higgins states at the beginning of paragraph 8 that my belief that adsorption on rock surfaces will be very slight is based on the conclusion that cavity temperatures will remain high. In this, Dr. Higgins is partially correct. I do believe that cavity temperatures will remain high, certainly high enough to completely inhibit the mechanism of adsorption which does not take place to any significant degree at temperatures above room temperature. As stated in the annexed Affidavit at paragraph 15, the mechanism of adsorption was not only not considered significant in the experiments cited throughout the annexed Affidavit, but was also not considered significant in the Atomic Energy Commission's own leaching experiments. A cavity temperature of 250° C, such as postulated by Dr. Higgins in his Affidavit, would pro-

hibit all but a negligible and insignificant amount of adsorption.

11. In addition, the mechanism of adsorption, while dependent upon cooling to room temperature levels, also requires pervasive penetration of the porous spaces of the rock by fluid. This process requires prolonged and intimate contact by the fluid with the grains in the rock. The Atomic Energy Commission's theory of adsorption is thus dependent upon an extremely slow diffusion of the water solution involved, a slow filtering through porous rock, a process whose time scale is measured in terms of years. Such a process is not at all consistent with the cracks and fissures which the Atomic Energy Commission admits will exist around the cavity after detonation (see, e.g., page 22, Environmental Impact Statement). A water solution enhancing the migration of radionuclides will not achieve the prolonged and intimate contact necessary for adsorption if such cracks and fissures are available for it to move through. These same cracks and fissures also permit the escape of the water solution long before temperatures in and around the cavity have an opportunity to cool to a range permitting any significant degree of adsorption.

12. With reference to paragraph 11 of Dr. Higgins' Affidavit, deponent respectfully refers this Court to the clear delineation of the adverse effects on containment set forth in the annexed Affidavit, as well as in the present one.

#### CERTIFICATE OF SERVICE

I certify that on the 28th day of October, 1971, I hand delivered a copy of the annexed Affidavits of Dr. Robert Mueller to: Thomas McKevitt, Esq., Department of Justice, 9th Street and Constitution Avenue, who is attorney for the Defendants in this action.

JAMES A. BURKE.

[U.S. District Court for the District of Columbia, Civil Action No. 1346-71]

#### AFFIDAVIT BY JAMES A. BURKE

The Committee for Nuclear Responsibility, Inc., et al., Plaintiffs, against Glenn T. Seaborg, et al., Defendants.

James A. Burke, being duly sworn, deposes and says:

1. That he is associated with the firm of Winer, Neuburger & Sive who, along with Harold P. Greene, Esq., Suite 1000, The Watergate Six Hundred, 600 New Hampshire Avenue, N.W., Washington, D.C. are attorneys for the plaintiffs in this action.

2. The annexed affidavit of David M. Evans is being submitted to this Court at this time without his signature. Mr. Evans is presently at the Colorado School of Mines in Boulder, Colorado. This affidavit was prepared from extensive notes left with your deponent by Mr. Evans, with changes from the form of his draft having been made solely for the sake of presentation to this Court in affidavit form. A copy of this affidavit was read slowly and carefully to Mr. Evans over the telephone and Mr. Evans then proposed and dictated any and all changes in wording and content that he felt were desirable. The affidavit now being presented to this Court incorporates all of the above-mentioned changes in wording and content desired by Mr. Evans. The affidavit in its present form was then again read in its entirety to Mr. Evans over the telephone, and Mr. Evans has authorized its presentation to this Court in its present form.

3. The original of this affidavit is, at this moment, in the process of being hand-delivered by air messenger to Mr. Evans to obtain his notarized signature. It will then be returned by air messenger to the attorneys for plaintiffs in this action, immediately thereafter to be delivered to this Court.

4. Your deponent believes that, in view of the intense time pressures now existent in

the present action, it is both necessary and desirable to avoid, if possible, any further delay which would be occasioned by waiting until we have received a signed and notarized copy of the original affidavit. Deponent is therefore submitting the affidavit of Mr. Evans to this Court in its present form and attests that a subsequent identical copy with the notarized signature of Mr. Evans subscribed will be before this Court as soon as your deponent receives it upon its return from Colorado.

[U.S. District Court for the District of Columbia, Civil Action No. 1346-71]

The Committee for Nuclear Responsibility, Inc., et al., Plaintiffs, against Glenn T. Seaborg, et al., Defendants.

#### AFFIDAVIT BY DAVID M. EVANS

David M. Evans, being duly sworn, deposes and says:

1. Deponent is a Certified Professional Geologist with thirty-five years of experience in locating the situs and tracing the movement of underground fluids throughout the United States, Canada and Mexico. Your deponent received a degree in Geological Engineering in 1936 from the Colorado School of Mines.

2. Deponent is the author of numerous geological papers published by, among others, the Geological Society of America, the American Geological Institute, the Colorado School of Mines, the Rocky Mountain Association of Geologists, and the American Association for the Advancement of Science.

Deponent is also a member of the American Institute of Professional Geologists, the American Association of Petroleum Geologists, the Rocky Mountain Association of Geologists (past president), the Wyoming Geological Association, and the American Association for the Advancement of Science, as well as being listed in *American Men of Science*.

3. It has been demonstrated that earthquakes can be triggered by raising subsurface groundwater fluid pressure. This subsurface fluid pressure may be raised through varying mechanisms. Damaging earthquakes, for example, have been triggered by raising underground fluid pressures through the filling of reservoirs, as in Kremasta, Greece, in 1966, and Koyna, India, in 1967. The Baldwin Hills Dam disaster in Los Angeles was caused by pumping into a nearby oil field. Your deponent demonstrated in 1965 that it was rising underground fluid pressures caused by pumping into a deep well which was causing the series of about 750 earthquakes which had occurred throughout the Denver area since 1962.

4. In view of the proven ability of increased subsurface fluid pressure to cause earthquakes, your deponent disagrees with the quotation on page 54 of the Environmental Impact Statement which states that, "An explosion will not trigger a large earthquake (defined as one releasing as much or more seismic energy than the explosion itself) unless the event is detonated near such a fault on which an earthquake of this magnitude is imminent." A significant rise in underground fluid pressure may cause an earthquake where none was imminent prior to such a rise in pressure (see, for example, Koyna and Kremasta, paragraph 3 above). This phenomenon comes about through the operation of the Hubbert-Rubey pore pressure effect; that is, as underground fluid pressure is raised, the frictional resistance between blocks of rock approaches zero.

"The rock medium surrounding Cannikin is fully water-saturated . . ." (page 18, Environmental Impact Statement), and this volcanic geologic substructure is replete with "faults", "fissures", "cracks" and "crevices" (pp. 19-24, Environmental Impact Statement).

In Denver, raising the fluid pressure 500

pounds per square inch triggered crustal movement recorded as earthquakes. The underground detonation of Cannikin is projected to create a cavity containing rock vapor at a pressure of 15,000,000 pounds per square inch (Dr. James E. Carothers, Lawrence Radiation Laboratories, "Hearings on Amchitka Nuclear Tests, Anchorage, Alaska, CONGRESSIONAL RECORD, June 4, 1971, p. 18095. After the Milrow event of 1 megaton, water geysers were seen 4,300 feet from ground zero along streams and lakes, and along the shore of the island (Ballance and Dudley, "Hydrologic Effects of the Milrow Event," U.S.G.S. 474-71; page 51, Environmental Impact Statement). These geysers were the result of underground fluid pressure created by the 1-megaton Milrow event.

5. The Aleutian Island chain is a region of intense seismic activity (see, e.g., page 52, Environmental Impact Statement) with the geologic substructure of the Amchitka area under significant tectonic stress due to the constant ground movement in the area. The operation of the above-mentioned Hubbert-Rubey pore pressure effect (see paragraph 3, *supra*) as a result of the immense underground fluid pressures created by the 15,000,000 psi within the cavity created by the Cannikin detonation could very well trigger crustal movement beneath Amchitka resulting in an earthquake of significantly larger magnitude than the explosion. An earthquake caused in this manner need not have been imminent immediately prior to the detonation. The above-mentioned earthquakes in Denver and Koyna, India, took place in very stable areas, where there is no reason to suspect that an earthquake would take place due to natural causes.

It should be noted at this point that your deponent is differentiating between a discussion of "triggered" earthquakes involving the instantaneous release of tectonic strain energy occurring simultaneously with the detonation, and the lack of discussion of a drastic rise in underground fluid pressure causing crustal movement and resulting in a large (magnitude 7.4-plus) earthquake after the event.

6. The Atomic Energy Commission, in the Environmental Impact Statement, states that they believe the risk of a damaging tsunami (popularly referred to as "tidal wave") is negligible. However, this prognosis is based upon a belief that "The principal mechanism of wave generation is uplift or subsidence of the sea floor directly involved in earthquake source motion" (page 57, Environmental Impact Statement). Since the Atomic Energy Commission apparently believes that this type of motion is unlikely to occur to any great extent, they follow this assumption to its logical conclusion, namely, that the possibility of a damaging tsunami is negligible.

However, in a report on marine geophysical aspects of the Milrow event, it is stated that "...large tsunamis may be generated by slumping of unstable sediment or by movement along faults, and because both of these events might be triggered by a nuclear test..." (vonHuene and Carr, "Summary of Marine Geophysical Studies for the Milrow Event," *Geologic and Hydrologic Effects of the Milrow Event, Amchitka Island, Aleutian Islands, Alaska*, U.S.G.S. 474-71, page 66). The above mentioned report also sets forth evidence of sediment on the Aleutian Terrace and Trench which might become involved in large submarine slumping and resultant tsunamis after the detonation. References throughout the Environmental Impact Statement to such events as "rockfalls and earthslides" (page 2), "vertical displacement of the flat marine terrace" (page 51) and "sea floor displacement" (page 51), indicate that the slumping of such unstable sediment is quite likely.

8. In 1946, the worst tsunami on record to strike the Hawaiian Islands occurred fol-

lowing an earthquake in the Aleutian Islands of magnitude 7.4. It is considered that this earthquake involved movement on a thrust fault which broke the ocean floor, thus creating an extremely damaging tsunami. Von Huene and Carr, at page 70 of the report, mentioned above in paragraph 7, state that a seismic profile indicates the possibility of such thrust faults in the Aleutian Terrace or Trench offshore from Amchitka.

Since the Milrow event triggered fault movement (U.S.G.S. 474-71, *supra*) and movement along faults is predicted to take place upon the detonation of Cannikin (page 51, Environmental Impact Statement), and since movement along faults emerging into the Aleutian Trench and offshore from Amchitka has been established by seismic profiles and lineations in aerial photographs following Milrow (U.S.G.S. 474-71, *supra*), I believe there is a definite possibility that crustal movement triggered by the enormous fluid pressure rise caused by the Cannikin detonation will involve movement along these thrust faults. The result of such movement could be a damaging tsunami such as the 1946 event triggered by an earthquake of magnitude 7.4.

9. In view of the above considerations, your deponent is convinced that the degree of probability that a tsunami will follow and be caused by the detonation of Cannikin is greater than is indicated in the Environmental Impact Statement, and that there should be discussion in the Impact Statement of the above features as they relate to tsunamis.

10. In considering the transport and migration of radionuclides in groundwater from the cavity to the surface and, in particular, to the ocean, the Environmental Impact Statement states on page 24, paragraph 3: "A third mechanism involves the very unlikely assumption that the water within the cavity-chimney system becomes completely mixed, coupled with a second unlikely assumption indicate contaminated water occurs only through a system of interconnecting fractures. Estimates using these assumptions indicate contaminated water would reach the sea in about two or three years after the cavity was filled—or some three years after the explosion."

The time scales estimated in the above quotation necessarily assume some particular size in the fractures leading away from the post-detonation cavity. The above estimate of two to three years for radionuclide-contaminated water to reach the sea is not only not "very unlikely", it may be an extremely conservative estimate. There is no method which enables prediction of the size of the fractures that will be available for the migration of the radionuclides to the surface. The volcanic geological substructure surrounding the proposed detonation chamber for Cannikin contains many fissures and cracks (see paragraph 4 above). The existence of known and suspected faults near the proposed detonation site has been referred to above (see paragraph 8 above) and is discussed with reference to the migration of radionuclides in Essington, Fenske, and Nork, *Radioactivity in Water, Project Milrow*, p. 3 NVO-1220-135, March, 1970: "These lineations may point out locations in the ocean floor where groundwater preferentially discharges from the island." They suggest that, with reference to the migration of radionuclides in groundwater through these faults and fractures, further work be done "to better estimate the location of radioactive materials, p. 17

The Hubbert-Rubey pore pressure effect mentioned above in paragraph 4 presents the possibility of the opening of fracture systems along which contaminated groundwater could move rapidly into the ocean. The significance of the above-noted geysers and lineation (see paragraph 4, *supra*) is

that they indicate possible movement along either existing or newly-created fractures.

Edward J. Lynch, in an Atomic Energy Commission publication entitled, *Transport of Radionuclides by Groundwater: Some Theoretical Aspects*, HNS-1229-61, November, 1964, noted that under conditions prevailing at the Nevada Test Site, the migration of contaminated water through fractures .05 inches in width would travel approximately one-tenth of a mile per day, and 16 miles per day through a fracture 6 inches in width. It should be noted here that the highly fractured volcanic substructure of the Nevada Test Site is geologically similar to the highly fractured volcanic substructure of Amchitka.

11. Deponent is convinced, in view of the above considerations, that sizeable fractures and fissures will be available after the detonation of Cannikin for the conduction of contaminated groundwater away from the detonation site at a rate and in a concentration considerably greater than the most negative model proposed in the Environmental Impact Statement (page 25, paragraph 3). The likely existence of such cracks and fissures, combined with the sharply increased underground fluid pressure should result in water movement away from the cavity at a rate which would almost completely inhibit the absorption mechanism proposed by the Atomic Energy Commission for the containment of radionuclides. The Environmental Impact Statement is thus seriously deficient in that it fails to consider the harmful effects to the environment of radionuclides migrating to the surface far more rapidly and in much greater concentrations than is estimated in the Statement.

#### CERTIFICATE OF SERVICE

I certify that on the 29th day of October, 1971, I hand delivered a copy of the annexed Affidavits of David M. Evans and James A. Burke to: Thomas McKevitt, Esq., Department of Justice, 9th Street and Constitution Avenue, who is attorney for the Defendants in this action.

JAMES A. BURKE.

#### AN ANALYSIS OF THE NEW FEDERAL NATIONAL MORTGAGE ASSOCIATION CREDIT AND PROPERTY GUIDELINES

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. MITCHELL. Mr. Speaker, it is with a sense of urgency that I introduce into the Record the following article and correspondence. The article is an analysis by the Center for National Policy Review of the new Federal National Mortgage Association credit and property guidelines. The guidelines discriminate flagrantly against the black and poor, the aged and women.

I commend the Center for National Policy Review for undertaking this analysis, and I thank Mr. Daniel W. Spaulding of Baltimore for bringing this information to my attention. I hope that all of my colleagues will find the time to read this worthwhile and knowledgeable critique of the new Fannie Mae guidelines.

In addition, I have also included several letters and statements of position from organizations opposed to the new Fannie Mae position:



## FNMA DOCUMENT—OUR REVISIONS AND COMMENTS

This document is an analysis of credit and property guidelines for the conventional mortgage market prepared by the Federal National Mortgage Association (FNMA) and dated December 2, 1970. The guidelines in their present form flagrantly discriminate against minorities, blue collar workers, families with working women, and senior citizens. If these guidelines remain in effect when FNMA is authorized to begin purchasing conventional loans, they will threaten to make it difficult or impossible for many of the people in these groups to obtain conventional mortgages.

What follows is Section 311 and 312 of FNMA's Conventional Selling Contract Supplement, with parenthesis enclosing portions we would delete, and with our suggested alternative language noted by italic.

## SECTION 311. CREDIT AND PROPERTY UNDERWRITING

.01 General. FNMA believes that a quality underwriting program is an absolute necessity, not only to its stockholders but also to its goal and stimulating the flow of funds to housing through the development and continuation of an effective national secondary conventional mortgage market. Thus, FNMA will expect that the overall credit of the borrower and the property offered as security will be carefully evaluated by the Seller and that the Seller will not recommend any mortgage for purchase by FNMA unless the Seller (, through its own conventional lending experience,) believes the mortgage to be an acceptable risk to (prudent lenders) *private institutional mortgage investors* (generally) *in the context of these guidelines*. This recognizes that the Seller has interviewed the borrower(,) so as to counsel the borrower on the rights and responsibilities of homeownership and on financial planning, taken the loan application from the borrower, inspected the property offered as security, selected the appraiser, ordered and received the necessary borrower's credit documentation directly from the original sources and made an underwriting determination of the entire credit and property package prior to recommending the mortgage to FNMA for purchase.

To assure maximum understanding of these goals, FNMA will have a statistical spot-check system on credit and property through which FNMA and the Seller will know that the quality underwriting program is producing marketable mortgages. If FNMA's judgment is significantly different from that of the Seller, the matter will be discussed with the Seller. If FNMA determines that the Seller's loan production is inconsistent with the over-all FNMA objectives, prompt corrective action will be taken.

## COMMENT

The phrase "through its own conventional lending experience" has been deleted because it tends to reinforce any past biases of the lender. The purpose of these FNMA guidelines is to set minimum standards, not to reinforce any reasonable or arbitrary standards the particular mortgage lender has previously used.

We have substituted the phrase "acceptable risk to private institutional mortgage investors in the context of these guidelines" for the phrase "acceptable to prudent lenders generally." The phrase "private institutional mortgage investors" appears in the FNMA Charter Act. The word "prudent" does not. Present standards in the conventional market vary widely. These FNMA guidelines will play an important role in standardizing what constitutes an acceptable risk to private mortgage investors.

FNMA has maintained that the interview is essential to assure that the borrower has been informed of his rights and responsibilities as a homeowner (although under

current practices, such interviews often do not take place). This should be explicitly stated in the Guidelines. There is strong evidence that with proper counseling, the credit risk can be significantly reduced.

## .02 CREDIT GUIDELINES

(a) General. As indicated elsewhere in this supplement, Seller must submit basic credit documentation, as typically required by other (prudent) *private institutional mortgage investors*. In addition, the Seller should submit any other helpful information or exhibits which might assist FNMA in promptly underwriting the application and avoiding unnecessary correspondence or delays. The following guidelines will be used by FNMA in underwriting the borrower's ability to repay the mortgage debt, unless the Seller's exhibits indicate a valid reason for departure from normal underwriting procedures because of meritorious circumstances.

## COMMENT

The word "prudent" has been deleted and substituted with the words "private institutional," which conforms with the language of the FNMA Charter Act. The repeated use of the word "prudent" throughout this FNMA document is unnecessary and may serve as a signal to lenders to be overly conservative.

(b) Stability of Income. The borrower's application and supporting exhibits must (clearly) demonstrate stability of the mortgagor's income. If the mortgagor is not self-employed, a Request for Verification of Employment, FNMA Form 1005, or its equivalent, covering a period of (at least) three prior years must be submitted. *If the mortgagor is self-employed, he or she may submit, in place of FNMA Form 1005, financial statements on his or her income, the related profit and loss statements if applicable, copies of the Federal and/or State income tax returns, and a currently dated credit report on the borrower's business.*

## COMMENT

The requirements for self-employed borrowers have been included in this section instead of (e) where they now appear. The FNMA document sets the standard in .02 (b) for the case where "the mortgagor is not self-employed." It is logical at this point to also describe the procedure if the mortgagor is self-employed.

In addition, we have deleted the words "clearly" and "at least" which appear in the FNMA document, because they do not change the substance of the standard, but merely serve as additional code words signaling the lender to be overly cautious.

(c) Secondary Income. (Secondary Income from overtime pay, bonuses, part-time jobs, etc., will generally not be considered as effective income unless special circumstances justify considering it as a future certainty and evidence of past earnings is established by providing three prior year's tax returns or W-2 forms.) *In determining whether or not income from overtime pay and bonuses qualifies as effective income, the key determination to be made is whether or not it is reasonable to conclude that such secondary income will probably continue during the early period of mortgage risk. The early period of mortgage risk is generally the first third of the total term of the loan. Pay from part time jobs should be counted only if it is reasonable to conclude that the mortgagor can and will continue part time activities during the early period of mortgage risk. Special consideration should be given to a borrower holding a second job for the express purpose of improving his living environment by developing the financial resources to purchase a home.*

## COMMENT

Since nothing can be considered as a "future certainty," the FNMA document effectively excludes almost all secondary income as described in this section. This is arbitrary

and unreasonable, and will have a discriminatory impact on minority citizens who often rely on such income as a regular part of their income.

We have made use of the operative language in FHA's underwriting manual. (See FHA underwriting—Mortgage Credit Analysis—Section 71927.)

The phrase "will probably continue during the early period of mortgage risk" is taken directly from FHA. (The definition of early period of mortgage risk is also taken from FHA.)

As for part time jobs, the phrase "can and will continue part time activities during the early period of mortgage risk" is also taken directly from FHA. We have included a sentence describing special consideration, because if a borrower is holding a second job for the purpose mentioned, this is an indication of his determination and of the kind of "character" that private institutional mortgage investors often are looking for in a potential mortgagor.

((d) Wife's Income. Generally an allowance will be made for a wife's earnings equal to 50% of her gross income provided her Request for Verification of Employment, FNMA Form 1005, indicates stability and continuity, special circumstances involving professional occupations, a history of several years of uninterrupted employment, etc., may warrant consideration of higher percentages, depending upon the circumstances.)

*Income in the Case of More Than One Mortgagor. In the case of joint title to the property, the effective income of each mortgagor is computed separately, then added together to provide a sum for total family effective income. The key determination to be made is whether there are circumstances indicating that such income may normally be expected to continue during the early period of mortgage risk. Where such a determination can be made for a wife's income, it is best procedure to count it fully as effective income. The incidence of wife employment, as a characteristic of family life, has increased very substantially in recent years. Particularly where the wife's income has become necessary to maintain the family's standard of living, there is usually a reasonable expectation that the wife will continue to be employed. The principal element of mortgage risk in counting the income of working wives as effective income is the possibility of its interruption by maternity leave. Most employers recognize this possibility and provide for maternity leave, with job retention, as an inducement of employment. With strong motives for returning to work, and failure to do so after maternity leave would probably be due to causes which would be unpredictable and would represent such a very small percentage of volume that it would be an acceptable risk.*

## COMMENT

Setting an arbitrary percentage of 50% is unreasonable and without basis, and will have a serious discriminatory impact on minority families and blue collar families where the wife's income is often a significant and crucial factor in the family's income and standard of living. Using such an arbitrary percentage also disregards changing social conditions and the trend toward increased employment of women, and it is an unfair discrimination against families where the wife works.

FHA handles the determination of how to count a wife's income in a more realistic and less discriminatory manner. (See FHA underwriting—Mortgage Credit Analysis—Section 71924.) The phrase "circumstances indicating that such income may normally be expected to continue during the early period of mortgage risk" is taken directly from FHA. FHA's underwriting manual discusses changing social trends in some detail. Also described is how "in some of the low income groups, the wife's employment is a necessity

for maintenance of an acceptable standard of living." The discussion in the last three sentences of this section in our revised version concerning maternity leave, employer's attitude, and the risk of the wife not returning to work, is taken word for word from the FHA underwriting manual.

FHA's practical experience with its standard should be noted. In 1969 in new single family homes in the section 203 program, the wife's income was counted in 89% of the cases where the wife worked. (See HUD Statistical Yearbook for 1969.)

((e) Self-Employed Borrowers. Income from commissions, fees, proprietorships, partnerships, businesses owned, etc., must be substantiated with supporting exhibits covering at least a three-year period of stable or increasing earnings. Such exhibits must include the financial statements on such income, the related profit and loss statements if applicable, copies of Federal and/or State income tax returns, and a currently dated credit report on the borrower's business.)

#### COMMENT

See comments to (b) Stability of Income. (f) (Ratio of Income to Debt. Total monthly first mortgage payment of the borrower should generally not exceed 25% of allowable gross income. The borrower's total monthly obligations (which is defined to mean the total monthly first mortgage payments plus any other monthly installment obligations which extend beyond ten (10) months) should not exceed 33% of allowable gross monthly income except in special circumstances involving professional occupations, borrowers with unusual investments, unusual future potential income possibilities, etc., which may justify consideration of a slightly higher ratio.)

Ratio of first mortgage payment to income. Total monthly first mortgage payment should generally not exceed 25% of effective gross income. However this 25% figure should not be considered a strict rule. Particularly in the lower income ranges of the conventional market, it is reasonable to expect a situation where a greater percentage of family income is allotted to housing expense. One possible indication as to whether or not a greater percentage should be allowed may be found in some cases by a comparison of the proposed housing expense with the family's previous housing expense. If the family in the recent past has been spending greater than 25% of effective gross income and has been able to maintain a satisfactory credit record while so doing, or if the family has been paying 25% while at the same time building substantially on its savings, then allowance for a significantly greater percentage will be justified.

#### COMMENT

It is a well established fact that using a flat percentage of first mortgage payment to family income has no basis in practical experience. The lower the family income, the higher is the percentage of family income normally allotted to basic expenses such as housing. According to the FHA underwriting manual (Section 71963.3), "As income increases higher living standards and other financial obligations may demand a larger proportion of the family budget. It is also evident, that while a mortgage payment amounting to 25% of the mortgagor's income might be a burdensome housing expense for the higher income groups, it could be too conservative even if burdensome for the lower income groups who do not have so wide a market selection."

FHA recognizes the fact that local conditions, as well as conditions relating to the specific family, must play a role in determining the allowable percentage. Our revisions recognize this fact also, and we have included a discussion of some of the factors that can be taken into consideration.

The 33% guideline for total obligations has been deleted because we could find no basis for justifying the use of this figure.

(g) Age of Borrowers. Generally borrowers subject to mandatory retirement in the early (years of the) period of mortgage risk will not be favorably considered if the repayment of the mortgage debt depends upon continued employment. (In addition, the age of the borrower plus the term of the mortgage should not usually exceed 80 years. Exceptions to the foregoing might be warranted in special) Where there are circumstances involving sufficient guaranteed income from cash-on-hand, investments, continuing life insurance benefits, retirement benefits, etc., which reasonably assure an adequate ratio of retirement income to debt, impending retirement should not be considered a disqualifying factor.

#### COMMENT

The requirement that age plus term not exceed 80 years has been deleted because it will unreasonably discourage lenders from making loans to individuals who have saved or otherwise invested their earnings with a view toward purchasing a retirement home.

The phrase "early years of the mortgage" has been changed to "early period of mortgage risk" in order to standardize its meaning, since the early period of mortgage risk has been defined earlier in our revised version as constituting the first third of the total term of the loan.

(h) Borrower's Past Credit Ratings. The credit report, which must indicate a rating for all debts listed in the loan application, must establish a proper regard for repayment of contractual obligations; any reports of foreclosures, slow payments, collections, court suits, or other adverse ratings will usually disqualify the mortgagor from further consideration unless valid and verified reasons therefor can be established to eliminate the probability of recurrence.)

Borrower's Credit Rating. The manner in which the mortgagor has paid his obligations is an important criterion in determining acceptability. However, the existence of an occasional slow account in the record of the mortgagor does not necessarily indicate an unsatisfactory attitude. It is necessary to look for the general pattern of credit behavior rather than the existence of isolated delinquencies. Likewise, a period in the past containing financial difficulty does not necessarily make the risk unacceptable if subsequent thereto the subject has maintained a good record on credit extended. Anyone may get into a difficult situation through illness in the family, job layoff and many other unpredictable causes. If the subject has re-established his credit, he or she is not forever debarred because of past credit difficulties. However, numerous reports of adverse ratings in the recent past such as unsatisfactory accounts, court suits, unpaid bills at the point of former residence, collection accounts, etc., may disqualify the mortgagor unless extenuating circumstances (such as temporary illness) were present or until the mortgagor has re-established his or her credit rating.

#### COMMENT

The FNMA document is particularly rigid and unreasonable, with its reference to any reports of foreclosures, slow payments, collections, court suits, etc., as usually disqualifying the mortgagor. The burden for any previous credit problem, no matter how slight, or no matter how long ago, is squarely placed on the potential mortgagor.

Because the standard set by FNMA is so unreasonable, it would likely lead to discriminatory enforcement against minorities and families in the lower income ranges.

FHA's underwriting manual, in a long discussion of the problem, stresses the pattern of credit behavior as opposed to isolated difficulties. (See FHA underwriting manual—Mortgage Credit Analysis—Section 71944.)

FHA also stresses the borrower's current credit rating, not past credit difficulties.

We have sought to capsize the meaning transmitted in FHA's discussion. Most of the language is taken word for word from the FHA underwriting manual.

.03 Property Guidelines. The mortgaged premises must be located within the United States, the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands.

(a) General. Property securing an eligible mortgage must (be in a well maintained neighborhood which evidences a long term marketability and must) consist of one dwelling unit designed for single-family occupancy. The unit may be detached, semi-detached, row, or townhouse, with the underlying real estate owned in fee simple or an acceptable leasehold estate.

(To be acceptable, a leasehold estate (1) must have a remaining term running or renewable at the option of the lessee, for a period of not less than 21 years from the maturity of the loan, or to any earlier date at which the fee simple title will vest in the lessee, which is assignable or transferable if the same be subjected to the lien, and (2) the term of the mortgage must not exceed 4/5ths of the term of the lease, and (3) the leasehold estate must otherwise be acceptable to FNMA.)

FNMA believes that the key to the acceptability of a property is based upon satisfactory appraisal procedures and whether or not the property can be deemed marketable. (See .03(b) and .03(c).) FNMA does not have under any circumstances a "redlining" policy. FNMA will accept mortgages in all price ranges, in all locations where a market exists. However, FNMA expects Sellers to use whatever influence they may have in a given situation to encourage good planning, so that homes provide, to the extent possible, access to employment centers and to educational, recreational and health facilities.

#### COMMENT

The requirement in the FNMA document that a property be in a "well maintained neighborhood" (undefined) runs directly counter to FNMA's stated policy that it will not "redline" any area. Our revised version makes explicit this ban against "redlining."

Our revisions to these property guidelines are based upon the assumption that the proper framework for evaluating adverse influences should be in relation to the appraisal of the property. On the other hand, while prohibiting "redlining," FNMA should not be in the position of discouraging good planning.

(b) Favorable Factors. Generally, to be acceptable to FNMA, the property must possess the following qualities:

(1) A neighborhood evidence pride of ownership and comparable values which indicates a stable or upward trend in overall acceptability and property values.

(2) Free from adverse influences caused by zoning, land use, nearby commercial or industrial uses, busily traveled streets, offensive odors or noises, etc.

(3) Served by public utilities or private facilities adequate to service the premises.

(4) Improvements to the premises which are functionally designed for residential living and constructed of quality materials and standards of workmanship as are generally acceptable to typical home owners in the area.

(5) A site which is properly zoned, acceptable for residential use and improved with a dwelling adapted to the subject site.

(6) Convenient to schools, shopping, churches, employment centers, areas of recreation, transportation arteries, etc.

(c) Unfavorable Factors. FNMA has no rigid requirements defining acceptable or unacceptable properties, but certain characteristics will generally render the property unacceptable as a mortgage risk unless the



Seller (through its appraiser or otherwise) can provide satisfactory evidence that such apparent characteristics will not affect the value nor the marketability. Among the unfavorable factors are the following:

- (1) Homes in declining neighborhoods.
- (2) Homes that have depreciated excessively, physically, functionally, or economically.
- (3) Over or under improvements affecting value and marketability.
- (4) Neighborhood influences detrimental to enjoyment of the premises as residential use, e.g., airports, noise, odors, heavily traveled streets or expressways, industrial or commercial areas, etc.
- (5) Neighborhood zoning or land use patterns inconsistent with residential use of the premises.
- (6) Lack of vehicular access from the mortgaged premises to a public road or street.
- (d) Older Properties. Any older property meeting the general requirements will be considered provided the bath(s), kitchen, heating, plumbing, and electrical facilities have been, or will be, sufficiently modernized to be acceptable to typical home owners in the area.

(e) Rural Properties. Property in outlying rural areas will be given consideration provided:

- (1) The land value is equal generally to no more than 25% of the total appraised value of the property offered as security; and
- (2) Seller has determined that adequate sewerage and water facilities and other utilities are available and in service on the premises; and
- (3) The property is located within a community of homes or is in a strip development and the community or strip development abuts a federal, state or county highway or a well-traveled secondary road; and
- (4) The Seller has determined that there are zoning or deed restrictions to protect against encroachments or adverse zoning influences or land usages of adjacent real estate; and
- (5) The property otherwise meets FNMA's general eligibility requirements.

(f) Military or Other Limited Industry Areas. Geographical areas dependent primarily upon one, or a limited diversification of employers, will be subject to close scrutiny because of the impact on the stability of housing in the area should such industry (ies) curtail or discontinue operations.)

#### COMMENT

We have deleted sections (b) Favorable Factors, (c) Unfavorable Factors, (d) Older Properties, (e) Rural Properties and (f) Military or Other Limited Industry Areas, and substituted (See pp. 12-13) the sections (b) Appraisal, (c) Marketability of the Property, (d) Danger to Health and Safety, and (e) Vehicular Access.

The sections (b) Favorable Factors and (c) Unfavorable Factors are internally inconsistent, confusing arbitrary, and unreasonable.

The statement that "FNMA has no rigid requirements defining acceptable and unacceptable properties" is inconsistent with the statement in (b) Favorable Factors that "the property must possess the following qualities." (Emphasis added.)

Secondly, the requirements concerning neighborhood influences such as noise, odors, heavily traveled streets or expressways, nearby commercial or industrial uses, etc., if interpreted literally would rule out a great proportion of the properties in the country. With such obviously unenforceable guidelines, there is a strong likelihood of discriminatory enforcement.

Thirdly, some of the phrases such as "a neighborhood evidencing pride of ownership" and "Homes in declining neighborhoods" represent a clear attempt at "redlining" in direct violation of stated FNMA policy. The phrase "a neighborhood evidencing pride of

ownership" is particularly objectionable not only because of its "redlining" aspects, but because it plays on all the discredited myths and prejudices concerning the attitude and practices of minorities in maintaining their property. Thus it serves as a code phrase discouraging lenders from lending to minorities.

In addition the references to "typical home owners in the area" are objectionable because they run counter to stated national policy to encourage economic integration.

Furthermore, what justification is there for setting special requirements for rural areas? (e)(3) may be interpreted so as to "redline" many rural areas in many states.

Finally, .03 (f), relating to areas with a limited diversification of employers, is not only not a standard, but it has the elements of a "redlining" policy.

In contrast to the FNMA document, with its emphasis on "favorable" and "unfavorable" factors, our revised version sets realistic and useful standards. (See below.) If a property meets the standards set for appraisal and marketability, and if there are no specific hazards to the property endangering the health and safety of prospective occupants, the any use of additional standards involving location can effectively set up a "redlining" policy.

(b) Appraisal. The appraisal shall be deemed satisfactory if it is in conformance with the requirements set forth in section 205, 307, and 310 of this Conventional Selling Contract Supplement.

#### COMMENT

To whatever extent neighborhood influences have a role to play in these property guidelines, such as convenience to schools, or adverse influences such as odors, they will be reflected in the appraisal. If the appraisal still meets the standard set (and if the marketability of the property is satisfactory) then excluding the property because of such influence is clearly a case of "redlining."

In our revised version, it is explicitly stated that the appraisal must be in conformance with the requirements of sections 205, 307, and 310 of FNMA's Conventional Selling Contract Supplement. Section 205 concerns FNMA's procedures for designating an appraiser as an "Acceptable Appraiser." Section 307 concerns the loan to value ratio. (By law, the loan to value ratio can not exceed 75%, except in circumstances involving private insurance, repurchase agreements, or where the Seller retains a participation.) Section 310 sets additional standards, including requiring the use of FNMA Form 1004, the Residential Appraisal Report.

(c) Marketability of the property. The property shall be deemed marketable if it is reasonable to conclude that its value will not decline at a rate faster than the rate of scheduled decline of the outstanding balance of the loan.

#### COMMENT

This standard recognizes that if it is reasonable to conclude that the value of the property will not decline at a rate greater than the scheduled decline of the outstanding balance of the loan, then the loan to value ratio of the mortgage is not threatened, and the mortgage is acceptable for purchase by FNMA.

(d) Danger to health and safety. A property will be ineligible if a specific physical or environmental influence seriously endangers the health and safety of prospective occupants. Such conditions may arise from unsafe construction, serious danger of flooding, excessive smoke or chemical fumes, excessive noise endangering health, danger from fire or explosion, or inadequate water and sewerage facilities or other utilities.

#### COMMENT

Even though such adverse influences as mentioned here will be reflected in the Appraisal and Marketability, FNMA should not be encouraging conventional mortgages

on properties which pose a serious threat to the health and safety or prospective occupants.

(e) Vehicular access. With the exception of properties in planned unit developments, the mortgage premises must be provided with vehicular access to a public road or street.

#### COMMENT

The FNMA document (Sec. .03 (c) 6) can be interpreted as ruling out planned unit developments. Our revised document allows for this exception.

(g) Living area. Generally a property must contain a minimum of (1,000) 500 square feet of improved living area to be acceptable to FNMA; however, property with less square feet might warrant special consideration if customs of long standing in the area have indicated continued market acceptance and the property otherwise meets FNMA's underwriting requirements.

#### COMMENT

The requirement in the FNMA document of 1,000 square feet of improved living area is extremely conservative and would rule out much of the conventional mortgage market in the country. A 500 square foot home is not an unreasonable small home, and if a property meets the Appraisal and Marketability requirements set forth in our revised document, it should not be disqualified, as long as it meets a reasonable size standard. FHA's size standards are considerably more liberal than even this 500 square foot standard. (See FHA's Minimum Property Standards for one and two living units, Chapter VI, Section 602, SPACE STANDARDS.)

Section 312. Marketability. The marketability of a mortgage (should not be materially restricted (a) by any circumstances of, or condition affecting the mortgagor, present owner or their affairs, that would cause the mortgage to become delinquent, or (b) by any circumstances of, or condition affecting, the mortgaged premises that adversely affects the value or marketability of the mortgage or that would cause private investors to regard the mortgage as unacceptable for prudent investment) shall be satisfactory if it meets the conditions set forth in Section 311 of this Conventional Selling Contract Supplement.

#### COMMENT

In the FNMA document, Section 312 is not only redundant, but encourages extreme conservatism in part (b) by use of the phrase "any circumstances" and the word "prudent." Clearly if a mortgage meets the credit and property standards set forth in Section 311 in our revised version of this document, then its marketability is satisfactory.

#### STATEMENT OPPOSING FNMA'S GUIDELINES RESTRICTING MORTGAGE CREDIT

Westchester Residential Opportunities, Inc. is a non-profit organization which has assisted more than 150 black, white and Puerto Rican families to purchase homes in Westchester County, New York. In so doing, WRO has had intensive contact with mortgage lenders respecting both conventional and government-insured mortgages.

The minority families who have bought homes with aid from WRO clearly have expended great effort to better their quality of life.

In a clear majority of these cases, the wife was working and the lender gave credit to the wife's income where it was reasonably sure that she would continue to work. In a substantial percentage of families, the husband either earned overtime or held a part-time job, sometimes even a second full-time job. If this had been the family's employment pattern, such income was counted.

Finally, in some instances WRO has been called upon to investigate past credit problems, including judgments. We found that some derogatory information was mistaken,

and that often problems occurred for non-recurring reasons such as illness or marital estrangement and therefore did not affect present credit worthiness.

Based on this on-the-spot experience, WRO supports the "Joint Statement in Opposition to FNMA's Guidelines Restricting Mortgage Credit" drafted by the Center for National Policy Review, and requests that our field experience as outlined above be given consideration.

WRO's program is integration-oriented. We provide the opportunity for black and Puerto Rican families to move out of the ghetto into white or integrated neighborhoods. If banks had literally followed the FNMA's guidelines in the past, virtually no integration would have occurred in Westchester County at all.

Respectfully submitted,  
Dr. KENNETH B. CLARK,  
Chairman of the Board,  
Westchester Residential Opportunities, Inc.

LEAGUE OF WOMEN VOTERS OF  
THE UNITED STATES,  
Washington, D.C., October 4, 1971.  
Hon. GEORGE ROMNEY,  
Department of Housing and Urban Development,  
Washington, D.C.

DEAR SECRETARY ROMNEY: During the past several years, the League of Women Voters has been working at both the national and local levels to expand housing opportunities for poor and minority groups.

We were pleased that the Emergency Home Finance Act of 1970 authorized FNMA to buy and sell conventional mortgages in order to facilitate the flow of credit for home mortgage financing. We thought this action would improve the access to these groups to mortgage credit. However, we are now distressed to discover that proposed guidelines formulated by the Federal National Mortgage Association for use by lending institutions will severely limit just these people from qualifying for needed mortgage credit.

This situation is particularly serious because the ability to purchase a home can determine a family's access to good schools, jobs, and a suitable living environment. These guidelines will therefore restrict minority groups, blue collar workers, and families with working women from obtaining not only decent housing but also other important "amenities" that affect present and future life opportunities.

We call your attention to the statement which has been released to the press today by the League as part of a coalition of civil rights, labor, consumer and other public interest groups. This statement contains a detailed criticism of the guidelines. It is most important that the guidelines be reconsidered in light of the issues we raise. The proposed guidelines, we believe will seriously impede attainment of our national goal of "a decent home and a suitable living environment for every American."

Sincerely,

Mrs. BRUCE B. BENSON,  
President.

STATEMENT OF SEPTEMBER 23, 1971

FNMA's proposed credit and property guidelines reflect a vision of America that has always been a myth for most Americans: neat homes on tree-lined streets, Dick and Jane playing on the lawn with Spot, Father puffing on his pipe behind a newspaper after a productive day at the office, Mother occupied solely with making home warm and cozy for all. Most of the people in most of our cities—working people, black, white, brown or yellow—lead far different lives, but their aspirations to home ownership are no less deserving of respect and support by this country's financial institutions. We urge that the guidelines be withdrawn and redrafted in conjunction with a group of Amer-

icans who can reflect the diversity that has always been this nation's hallmark and pride.

Ralph J. Perrotta, Executive Director,  
The New York Project, New York,  
New York.

Mrs. Mary Sansone, President, the Congress of Italian Amer. Organizations,  
New York, New York.

Mrgr. Geno Baroni, Director, The Center for Urban Ethnic Affairs, Washington, D.C.

#### STATEMENT OF NELSON H. CRUIKSHANK ON FNMA MORTGAGE GUIDELINES

The FNMA mortgage guidelines limiting loans to cases where the age of the borrower plus the term of the loan does not exceed 80 years, will have a crushing effect on people over 55. The National Council of Senior Citizens deplores this unnecessary discrimination. There is no legitimate reason for arbitrarily denying mortgages to a large segment of the elderly population. Experience has shown that these people can live up to their obligations and that they do so with greater consistency than the average borrower. The guideline ignores this experience and plants doubt in the minds of lenders who have had no previous hesitation. Many older people who would have had no trouble obtaining mortgages in the past can no longer be assured financing. Those who might have been able to demonstrate their ability to meet payments will no longer be considered at all, due to an arbitrary age limitation.

The purpose of national action to back up mortgaging is to encourage homeownership among people who might find it difficult by other means to finance a home purchase. Along with the other guidelines, the age limitation serves only to constrict the housing market and make homeownership more difficult, if not impossible, for groups who already face obstacles to participation in national life.

#### STATEMENT OF THE NATIONAL ORGANIZATION FOR WOMEN CONCERNING THE GUIDELINES OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION ON CREDIT AND PROPERTY FOR THE CONVENTIONAL MARKET

The National Organization for Women, with more than 200 chapters and 15,000 members throughout the United States, is in full support of the *Joint Statement in Opposition to FNMA's Guidelines Restricting Mortgage Credit*. We are deeply concerned that the guidelines as promulgated set standards for lending institutions which will discriminate against women homebuyers and against homebuying families with working wives.

Particularly offensive is Section 311.02(d) headed "Wife's Income" and calling for a 50% allowance for a wife's earnings in determining the financial stability of a potential mortgagor. No where do the guidelines establish the possibility that a woman might be the principal mortgagor, fully entitled to apply for and receive credit as a borrower in the same way a male borrower would qualify. It is insulting to all women and clearly discriminatory to set an arbitrary rule that her earnings are worth only fifty cents on the dollar in the mortgage market. The concept implicit in this rule is that working women are only half-persons when it comes to dealing in the mortgage market. The rule is based on the fallacious reasoning that all women are only casual participants in the labor market. Nothing could be further from the truth; 37% of the entire workforce is female and nearly 60% are married. Nine out of ten women will work at some time during their lives and most working wives will spend anywhere from twenty to thirty-five years in the job market. It is clear that the rule-makers at FNMA are relying on antediluvian

attitudes about women in setting forth their guidelines.

The National Organization for Women demands that the guidelines be revised to incorporate the concept that either the husband or the wife can be designated as the principal mortgagor and that the income of either spouse will be counted fully towards establishing credit. NOW also demands that the language of the guidelines be revised to establish clearly that women are considered qualified mortgagors—e.g. where the male pronoun appears in the text, the female pronoun should also appear. Wherever the word "wife" or "husband" appears, it should be changed to read "spouse."

These changes are fundamental because they get at the deeply-rooted sexism in American institutions and because the changes will expand the opportunity for more Americans to secure decent housing in a decent environment.

AILEEN C. HERNANDEZ,  
Chairone, National Advisory Committee.

#### STATEMENT OF THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE ON THE FEDERAL NATIONAL MORTGAGE ASSOCIATION CREDIT AND PROPERTY GUIDELINES GIVEN BY DAVID A. CLARKE, DIRECTOR, WASHINGTON BUREAU, OCTOBER 4, 1971

We at SCLC find the proposed FNMA Credit and Property Guidelines to be especially discriminatory to the black and poor. We find that these guidelines make it impossible to obtain mortgages to purchase homes for the people who work the hardest and are most deserving, the blue collar workers, the families with working wives, the senior citizens, the urban and rural poor. We find that these guidelines in their present form are intended to aid only the relatively young families with husband with white collar jobs who intend to live in distant suburbs.

These guidelines direct mortgage-lenders not to count overtime, part-time jobs and bonuses as effective income, and to count only fifty per cent of working wives income as such. This is clear and blatant discrimination against those families who depend on secondary income to maintain any standard of decent living.

FNMA's twenty-five percent rule calls for a family to have an effective annual income of four times that of the first years mortgage payments. By not counting secondary income and only fifty per cent of working wives income, this rule combines with the ones previously mentioned to omit the black and poor. FNMA completely overlooks the fact that most lower income families spend over twenty five percent of their income for housing and in many cases have sacrificed and saved with the intent of buying a home.

Another guideline instructs mortgage-lenders not to make loans when the borrower plus the loan terms exceed eighty years. This unjustly excludes those who have worked and skimped for years to purchase a retirement home. FNMA here overlooks the fact that persons over fifty years old generally have excellent records of paying mortgage debts.

Perhaps the most unfair of these guidelines is the one which excludes applicants who have had previous credit problems, without regard to when or whether these problems have been cleared. FNMA does this without studying the causes of such problems, even though they may be due to temporary illnesses, unfair credit procedures, or errors of the credit bureau. For example, a person who felt that sometime in his life a claim was unjust, litigated it, lost and then paid can not receive a mortgage loan. He is in effect being penalized for exercising his civil right to a day in court.

While FNMA's stated policy calls for no redlining of any neighborhoods, the proposed guidelines run counter to this policy. FNMA rules as unacceptable those areas which are



near airports, heavily traveled streets and expressways, industrial and commercial areas and areas which have offensive odors and noises. This clearly omits the black and poor in the central cities and many in industrial areas where assistance is most desperately needed.

We find that the FNMA guidelines run counter to the expressed intent of Congress to provide a secondary conventional mortgage market for all people. We find the words and promises of the Federal Government again negated by its actions and inactions to fulfill past and present commitments. The black and poor are again the victims and, on viewing national policy, as being a "watch what we do and not what we say" policy, find it all the more wanting.

Integration does not mean assimilation. If we are to have an integrated society, then different cultures, sexes, classes and races must be treated equally. The proposed guidelines not only aid only one culture, sex, class and race, they also punish the remainder of our citizenry by driving, the wedge of separation deeper.

We urge HUD Secretary Romney and all other influential and interested parties to intervene and force FNMA to fulfill a national commitment in the interest of all Americans.

#### ORGANIZATIONS ISSUING JOINT STATEMENT IN OPPOSITION TO FNMA'S GUIDELINES RESTRICTING MORTGAGE CREDIT

Public Interest Research Group (Ralph Nader).

AFL-CIO.

United Automobile Workers.

National Association for the Advancement of Colored People.

National Urban League.

Southern Christian Leadership Conference.

National Organization for Women.

National Council of Senior Citizens.

National Retired Teachers Association-American Association of Retired Persons.

National Council on the Aging.

League of Women Voters of the United States.

National Urban Coalition.

Congress of Italian American Organizations.

The New York Project.

National Center for Urban Ethnic Affairs.

Center for National Policy Review.

National Council of Churches.

Housing Opportunities Council of Metropolitan Washington.

NAACP Legal Defense and Education Fund. Mexican American Legal Defense and Education Fund.

Puerto Rican Legal Defense Fund.

Suburban Action Institute.

Center for Community Change.

Nonprofit Housing Center.

Westchester Residential Opportunities, Inc. Potomac Institute.

National Association of Real Estate Brokers.

National Tenants Organization.

National Committee Against Discrimination in Housing.

Citizen's Advocate Center.

#### JOINT STATEMENT IN OPPOSITION TO FNMA'S GUIDELINES RESTRICTING MORTGAGE CREDIT

The signatories to this statement represent a coalition of groups concerned with protecting the rights and interests of racial and ethnic minorities, working people, consumers, women and senior citizens.

All of us have a major concern with expanding housing opportunities for all citizens. In seeking greater housing opportunities, the terms and conditions under which credit is made available for the purchase of homes are a critical matter for many people in this country.

The ability to obtain a mortgage to purchase a home determines whether or not a

family is able to own their own home. It may directly bear on whether or not a wage earner has access to a good job. For young families, it may mean access to good schools and a decent environment for their children. For older people, it may provide an environment conducive to the enjoyment of their retirement years.

The Federal National Mortgage Association (FNMA) has taken action relating to home ownership that we believe will seriously limit the availability of mortgage credit for the people we represent.

The Emergency Home Finance Act of 1970 authorized FNMA, with the approval of the Secretary of the Department of Housing and Urban Development, to buy and sell conventional mortgages in order to facilitate the flow of credit for home mortgage financing. In anticipation of its entry into this secondary market FNMA has formulated and distributed credit and property guidelines for use by lending institutions which would be the sources for its mortgage purchases.

We have carefully analyzed these guidelines prepared by FNMA, and find that they flagrantly discriminate against members of minority groups, blue collar workers, families with working women, and senior citizens.

If allowed to go into effect in their present form (as found in Section 311 of a document entitled Conventional Selling Contract Supplement), the guidelines threaten to make it difficult or impossible for many of the people in these groups to obtain conventional mortgages.

Our fundamental objections to the guidelines are that their effect:

(1) is to treat harshly and unjustly the very people who are working the hardest to secure a decent life for themselves. The discriminatory impact of the guidelines falls heaviest on people whose income depends on overtime and bonuses, families with working wives, people who have overcome a previously unfavorable credit rating, and people who have struggled to accumulate savings only to find that they would be barred from obtaining a mortgage due to an arbitrary age limitation.

(2) is to encourage lenders to write-off areas of the central cities most in need of investment and revitalization. This amounts to redlining, a discredited practice that was officially repudiated as national policy years ago.

Accordingly, we have joined together to demand:

That FNMA recall its credit and property guidelines for the conventional market, and redraft them so that they are fair to all citizens.

That the Secretary of the Department of Housing and Urban Development refuse permission to FNMA to purchase conventional mortgages until the guidelines have been purged of their discriminatory effect.

As the first attempt by a government-sponsored agency to write credit and property standards for use in the conventional mortgage market, the negative consequences of FNMA's restrictive criteria indeed may be staggering. Lenders will want to comply strictly with the criteria in order to retain their option of selling mortgages to FNMA.

Instead of encouraging lenders to make conventional loans to a broad range of people, FNMA's criteria as they now stand are likely to have the reverse effect of standardizing arbitrary practices that will deny home financing opportunities to millions of our citizens.

We are convinced that in granting FNMA the authority to set up a secondary market for conventionals, Congress had no intention of limiting the conventional mortgage market to a narrowly defined class of people in carefully selected communities.

#### FINDINGS

We find that FNMA's guidelines are unacceptable for many reasons, and among the most flagrant are:

1. Mortgage lenders are directed not to count pay from overtime, bonuses, and part time jobs as effective income. This is not only blatant discrimination against blue collar workers in general, but will have a discriminatory impact on minorities who often rely on such pay as a necessary part of their income to maintain their standard of living.

2. Mortgage lenders are directed not to count a wife's income more than 50%. Setting such an arbitrary percentage is unreasonable and without basis. It amounts to an unfair discrimination against more than 17 million American families where there are working wives. It completely disregards changing social conditions and the sharp trend toward increased employment of women.

We are particularly concerned about the serious discriminatory impact of this rule on minority and blue collar families where the wife's income often represents a significant and crucial contribution to the family's income and standard of living. All the evidence indicates that minority families would bear the largest burden if FNMA's archaic policy is not revised. A significantly greater percentage of wives in minority families work as compared to wives in white families. A recent survey conducted by the Office of Economic Opportunity indicated that for urban black families, the percentage of family income earned by secondary workers is 1½ times as much as the percentage earned by secondary workers in urban white families.

Our position is this:

A wife's income should be counted fully as long as it has been stable and circumstances indicate that it can normally be expected to continue during the early years of the mortgage. This procedure is already in use by the Federal Housing Administration. In 1969, in its regular insurance program for new single family homes, all of the wife's income was counted in 89% of the cases where the wife worked.

3. FNMA's rule that the ratio of first mortgage payment to the family's effective income should not exceed 25%. This completely disregards the well established principle that the lower the family income, the higher is the percentage of family income normally allotted to basic expenses such as housing.

To illustrate how this 25% rule would combine with the guidelines on overtime, bonus, part time pay, and wife's income to deny a family a loan, take the case of a family seeking a loan on a house where the total first mortgage payment would be \$200 a month, or \$2400 per year. To qualify for the loan, the family would need to have an annual effective income of 4 times \$2400, or \$9600. Suppose the husband makes \$8000, of which \$1500 comes from overtime and/or bonus pay and the wife has an annual income of \$5000. Their combined income of \$13,000 clearly should be substantially more than enough to qualify. However, under the FNMA guidelines, only \$6500 of the husband's income and only \$2500 of the wife's would count. The combined total of \$9,000 would be insufficient and the family would be denied the loan.

4. Mortgage lenders are instructed that loans generally should not be made in cases where the age of the borrower plus the term of the loan exceeds 80 years. This will unreasonably discourage lenders from making loans to people who have saved or otherwise invested their earnings with a view to purchasing a retirement home. It is especially unjustified in view of the fact that citizens more than 50 years of age have traditionally had a very favorable record in paying their mortgage debts.

5. FNMA's treatment of the borrower's credit rating. This is one of the most objectionable features of the guidelines. Any report of a previous credit problem, such as a slow payment, would generally disqualify the borrower, no matter how slight the problem, or no matter how long ago the problem

existed. This guideline particularly will work a hardship against those who have been subjected to harsh credit practices.

The key to a borrower's credit rating should be the general pattern of recent credit behavior, not reports of isolated delinquencies which may be the result of disputed accounts, temporary illness, or actual errors by the credit bureau or others.

6. *FNMA's property guidelines revive the discredited practice of redlining.* This is revealed in such questionable statements as that the property must be in a "well maintained neighborhood," that it must be in "a neighborhood evidencing pride of ownership" and that "homes in declining neighborhoods" will be generally unacceptable. Although left undefined, these phrases may well be applied by lenders to withhold credit from areas of central cities which need assistance most desperately.

We also take exception to FNMA's statement that a property will be generally unacceptable if there are "neighborhood influences detrimental to enjoyment of the premises as residential use, e.g., airports, noise, odors, heavily traveled streets or expressways, industrial or commercial areas, etc." Interpreted literally, these criteria could conceivably rule out a great proportion of the properties in the country. With such obviously unworkable guidelines, there is a strong likelihood that the exercise of individual discretion will lead to discriminatory results.

7. *FNMA's requirement that a property generally must contain a minimum of 1000 square feet of improved living area.* This figure is extremely conservative and would rule out much of the conventional mortgage market in the United States. At a time when the Department of Housing and Urban Development is encouraging technological breakthroughs to increase efficiency in the use of space, this restriction is anachronistic.

In addition to the above objections, we are disheartened by the complete absence in FNMA's document of any mention of the civil rights responsibilities of mortgage lenders. Each seller of mortgage loans to FNMA should be required to provide a warranty that it does not discriminate in the making of mortgage loans and that it has not discriminated against individual mortgagors in the fixing of the terms of loans, because of the race, color, religion, sex or national origin of the mortgagor or potential mortgagor or any person associated with him in connection with the loan or the purposes of the loan, or prospective occupants of the dwelling. The same type of warranty should be provided in connection with the servicing of the mortgage.

#### NECESSITY OF CHANNELING MORTGAGE MONEY WHERE IT IS MOST NEEDED

The legislative history preceding the passage of the Emergency Home Finance Act of 1970 indicates that providing FNMA with the authority to purchase and sell conventional mortgages was intended to facilitate the flow of housing credit for such mortgages. The legislative history also indicates the anticipation that FNMA's entry into the secondary market would be preceded by efforts to standardize conventional mortgage lending in the United States, which has heretofore operated under a wide diversity of practices and procedures. Although we have no quarrel with these goals, one often expressed fear has been that funds might be diverted from those segments of the housing market most in need. In fact, Secretary Romney in his testimony before Congress last year, while supporting the establishment of a secondary market for conventionals, stated that one of the major problems would be to assure that funds not be diverted from the low- and moderate-income segments of the housing market, whether conventionally financed or not. But paradoxically, FNMA's guidelines, as presently written, will assure the diversion of such funds. That is why the Secretary's

intervention at this time is an absolute necessity.

#### CONCLUSION

We have been forced to intervene in this way at this time because of the insensitivity shown by FNMA to the needs for expanded housing opportunities. It seems to us elementary in a democratic society that an action affecting the aspirations of such a large segment of the population should have been preceded by some opportunity for public scrutiny and consideration.

FNMA's status as a quasi-public agency cannot be used to shield it from its public responsibility. It is answerable for what it does, and we mean to hold FNMA accountable for its lack of concern for the public interest.

FNMA has been advised of the objections raised in this statement. The Center for National Policy Review, with the assistance of the Public Interest Research Group, prepared a document specifying objections to the guidelines and suggesting alternative language to FNMA's credit and property criteria. Although no opportunity was provided for a discussion of our revisions in a public hearing, several of the signatories met with officers of FNMA and our proposed changes served as the basis for the discussion. However, we have had no evidence to date that this attempt at private negotiations has had any meaningful impact.

The promise of decent housing has long been expressed as one of this nation's priority objectives. Twenty-two years ago, the Congress declared as basic national policy the realization "of a decent home and a suitable living environment for every American family." In 1968, faced with the failure to fulfill this commitment, Congress enacted the most far reaching housing legislation in our history.

The critical housing situation again prompted Congress to act in 1970 by passing the Emergency Home Finance Act. Title II of that act provides FNMA with a mechanism to broaden the base of home ownership. FNMA's action, however, subverts the very spirit and purpose of the legislation and represents a retreat from our national commitment.

#### NATIONAL COMMITTEE AGAINST DISCRIMINATION IN HOUSING (NCDH)

WASHINGTON, D.C., October 4.—U.S. Secretary of Housing and Urban Development George Romney has been urged to withhold his approval for Federal National Mortgage Association purchase of conventional mortgages "until Fanny Mae revises the blatantly and retrogressively discriminatory credit regulations it has proposed."

The appeal to Romney was made in an October 1 letter (released today) from Edward Rutledge, chief executive officer of the National Committee Against Discrimination in Housing (NCDH), the nation's only public interest organization concerned wholly with civil rights aspects of housing.

NCDH warned Romney that the Fanny Mae proposals "would turn the credit clock back more than a generation for the nation's racial minorities and for the poor. It is frankly incredible that a responsible federally regulated agency could in 1971 propose discriminatory regulations that another Federal agency—FHA—had eliminated years ago."

"Approval of Fanny Mae mortgage purchases under the proposed guidelines would directly contradict the President's June 11 policy statement. It would also contradict recent steps taken by HUD under your leadership to rewrite regulations governing federally subsidized and insured programs so that minority citizens have the same housing choices enjoyed by whites," the letter continued.

"Further, for you to concur in Fanny Mae operations under the guidelines would be to

concur in Fanny Mae contravention of Title VIII of the 1968 Civil Rights Act, as well as the 1968 U.S. Supreme Court decision outlawing all racial discrimination in housing everywhere," NCDH pointed out.

"The process of mortgage financing is at the core of the operation of the entire housing market. If Fanny Mae is permitted to operate under regulations that so clearly deny opportunities to racial minorities, whatever progress we have made to date in opening any area of the market would be in jeopardy," NCDH emphasized.

NCDH, which counts some 50 national groups as cooperating organizations, has been since 1950 the leading force in nationwide challenges to racially discriminatory Federal policies and practices that have forced segregated residential patterns on the nation's cities and suburbs.

#### MORE ON THE CASE OF OPERATION KEELHAUL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. ASHBROOK. Mr. Speaker, on a number of occasions I have inserted in the CONGRESSIONAL RECORD information on Operation Keelhaul, a project in which the United States cooperated to return to the Soviet Union against their will over a million Russian prisoners and displaced persons at the end of World War II. As pointed out before, this depressing tale has been brought to public attention mainly through the efforts of Prof. Julius Epstein of the Hoover Institution at Stanford University who has for years sought to publicize the details of this tragic betrayal in which the United States played a part. In order to have the Operation Keelhaul files released to the public, Mr. Epstein finally went to court to compel the Department of the Army to declassify the material only to be denied certiorari by the U.S. Supreme Court. Because of the Supreme Court's decision in the so-called Pentagon Papers case, Mr. Epstein has again initiated legal proceedings and hopes finally to overturn the Army's position and bring the whole story to public view.

Mr. Allan C. Brownfeld, whose study on the New Left was published by a Senate subcommittee several years ago, looked long and carefully into the Operation Keelhaul case and has covered the many facets and ramifications of this episode in an extensive article for Human Events, appearing in the October 2, 1971, issue. Mr. Brownfeld's articles have appeared in a variety of publications, and his law background combined with this talent in investigative reporting qualify him highly to handle the Keelhaul affair. I include the above-mentioned article, "Operation Keelhaul" by Mr. Brownfeld in the RECORD at this point:

#### OPERATION KEELHAUL

(By Allan C. Brownfeld)

When the New York Times came under fire publishing the Pentagon Papers, it made quite a fuss about freedom of the press and the public's right to know. The Supreme Court, then, upheld the right of the Times to publish the stolen papers without prior restraint.



Since both the *Times* and the court have come down on the side of "freedom," it would be only natural to expect that this belief would find some expression not only in the case of stolen documents, but also in the case of documents now unavailable but being sought by a reputable historian using all of the proper administrative procedures.

The almost unbelievably shocking facts in the case of Operation Keelhaul (keelhauling: hauling a man under the keel of a ship), however, show this not to be the case. In what is believed to be the first citizen's suit seeking to declassify a government document under the Freedom of Information Act, the *Times* remained silent and the Supreme Court refused to hear the case.

Operation Keelhaul was the name given the forced repatriation of nearly a million anti-Communist Russian prisoners and displaced persons from Germany to the Soviet Union at the end of World War II.

Prof. Julius Epstein of the Hoover Institution of Stanford University—who has done extensive research on the subject—estimates that between two and five million people in prison camps in Germany, Great Britain, Canada and the United States were forcibly shipped back to the Soviet Union against their wishes to face death or concentration camps at the hands of Soviet leaders.

What the fate of these anti-Communist Russians would be if returned to the Soviet Union was clear. Stalin, upon learning of the large numbers who were surrendering, had issued a top secret order in which he admitted that "on all fronts there were people given to panic, going over to the enemy and throwing away all their weapons."

In a later order he declared that all Soviet soldiers who became German prisoners were judged to be traitors. Stalin is reported to have said, in response to a request for an exchange of postal arrangements for prisoners, that "There are no Russian prisoners of war. The Russian soldier fights on till death. If he chooses to become a prisoner, he is automatically excluded from the Russian community. We are not interested in a postal service only for Germans." Thus, for Stalin the words "prisoner" and "traitor" were synonymous.

United States officials, by even the most generous estimate, had every reason to know what fate was in store for Russian prisoners of war. A member of the International Red Cross delivered to the United States delegation in Switzerland in 1944 a lengthy memorandum relative to the problem which Russians and others of Soviet citizenship would face after the impending allied victory.

Being of Baltic parentage and having good contacts with both the Germans and the Soviets, the Red Cross official was able to present a very astute analysis which proved to be a remarkably accurate forecast of what actually took place. In his memorandum he gave a figure of 1.5 million as the number of Soviet citizens who had been recruited for service with the Germans. He further expressed the opinion that the NKVD or secret police would deal harshly with these persons, based upon their performance in areas liberated from the Germans up until that time.

He went on to state that these people "have been told again and again that, should they surrender, they risk being delivered by the Anglo-Saxons into the hands of their Soviet ally."

The memorandum ends with a plea that the International Red Cross work through the Allied governments in order to save these people. In his doctoral dissertation on Operation Keelhaul, Fred Smith of Georgetown University wrote, "Obviously, this memorandum was ignored or not properly considered. I can say, however, that it was seen by those responsible for policy in this regard,

as I did observe their initials on the communication."

Svetlana Alliluyeva (Stalin's daughter), in her book *20 Letters to a Friend*, commented on the treatment of the families of Russian soldiers taken by the Germans: "Yakov's little girl Gulla was reunited with her mother, who had spent two years in prison under the statute providing for punishment of relatives of those who had been taken prisoner. Everyone who was taken prisoner, even if they had been wounded (Yakov was), was considered to have 'surrendered voluntarily to the enemy.' Is it any wonder that when the war ended many of them didn't want to come home?"

One large group of Soviet nationals who had additional reasons for not returning to the Soviet Union were the more than two million who had joined the so-called Vlasov Army, organized by Gen. Andrei Vlasov, who, before his capture by the Germans in 1942, had been decorated by Stalin for his role in the successful defense of Moscow.

With the help of the Nazis, Gen. Vlasov publicly proclaimed a Russian national liberation movement and invited other of his compatriots to join in overthrowing the Stalin regime. With other Soviet nations, Gen. Vlasov, in his Smolensk manifesto, made 13 demands on the Soviet regime which included the abolition of forced labor, collective farms, freedom of religion, conscience, speech, assembly and press, among other things.

After the German capitulation in May 1945, Gen. Vlasov marched south toward the American forces in response to the Allies' declaration that surrender would result in fair treatment according to the Geneva Convention. Before the downfall of the Nazis, the Americans and British had dropped millions of leaflets and so-called safe-conducts signed by Gen. Eisenhower inviting the Germans and those who had fought with them to lay down their arms in exchange for fair treatment.

Prof. Epstein notes that in its leaflets the War Department at first promised the Vlasov troops "speedy return to your beloved fatherland"—the very fate they feared most. Later other leaflets were dropped on Vlasov's troops promising that "we shall never return you to the Soviet Union." Vlasov's troops, however, were among those Russians later forcibly repatriated to the Soviet Union.

At the beginning, American policy on this question was firm and understandable. Secretary of State Cordell Hull, in a telegram to Ambassador Averell Harriman in Moscow, dated Sept. 15, 1944, stated: "In order to avoid the risk of reprisals against American nationals in enemy hands, no person taken as German prisoners of war have been delivered to Allied governments against their will."

The policy of Great Britain is also relevant to the unfolding story of Operation Keelhaul. The American political adviser on the staff of the Supreme Allied Commander of the Mediterranean, Kirk, pointed out to the secretary of state that information reaching him from the War Office in London indicated that an agreement had been made by the British with the Soviets to repatriate all Soviet prisoners of war from the Middle East, "... irrespective of whether the individuals desired to return to Russia or not." Evidently, this was a unilateral decision on the part of the British.

In an airgram on the same day he reported that the American forces in Italy had turned over to the British four officers and 3,754 enlisted men who claimed Russian nationality, and in southern France two officers and 2,682 enlisted men claiming Russian nationality had been captured by Americans.

"The evidence available to me," wrote Fred Smith, "shows that very few of those unfortunate people who were returned were

ever put to work in the Soviet war effort, except in forced labor camps. Many were summarily shot and a prison term was the least that most of them suffered. All prisoners were processed through 'filtration camps' as a matter of routine, where their individual degree of treason was determined."

In his article, "From the Gallery of War-time Disaffection," Alexander Dallin had described the tragic fate of a high-ranking Soviet officer, Lt. Gen. Mikhail Fedorovich Lukin, who was captured on the field of battle, after having been seriously wounded in the so-called Vyazma Encirclement in 1941.

Gen. Lukin resisted all the tempting offers of the Germans, including an offer from Gen. Vlasov himself, to join in anti-Soviet efforts. Lukin resisted these lures, in spite of the fact that his anti-Stalinist views were well known. Immediately after his capture, in fact, Lukin asked that his capture be announced and that if it had been, he wanted the Germans to state for the record that he was both wounded and without arms when captured.

However, Lukin's valiant behavior was to no avail. When he was returned to the Soviet Union he was imprisoned and died in a Smolensk prison in 1947. As Dallin put it, "He had wanted to be a patriot in spite of Stalin. Stalin made him a traitor in spite of himself."

The United States government abandoned its own policies concerning political asylum, and did so only with regard to those who sought asylum from communism.

Evidence of this is contained in a memorandum by Mr. Gufler of the Special War Problems Division dated Oct. 17, 1944 and addressed to the chief of the Division of Eastern European Affairs, Charles Bohlen. It stated:

"The new policy toward Soviet nationals differs from the policy hitherto followed with regard to them and with the policy which it is proposed to continue to follow with regard to other Allied nationals. The most noticeable difference is that no persons claimed by other Allied governments are delivered to the custody of those governments against their will. The adoption of this new policy towards the Soviets will result in the delivery to the Soviet authorities of persons hitherto withheld from them because they were unwilling to return to the Soviet Union."

On Dec. 20, 1944, this policy was made firm by Secretary of State Stettinius, who stated: "The policy adopted by the United States government in this connection is that all claimants to Soviet nationality will be released to the Soviet government irrespective of whether they wish to be so released." In his dissertation Fred Smith writes that "my research indicates that the fate of these people was sealed at this early date." Julius Epstein estimates that the United States eventually forcibly repatriated some two million people.

There is an apparent conflict between Secretary of State Edward R. Stettinius' view and that of Acting Secretary of State Joseph Grew. Grew goes on to explain the department's view of the Geneva Convention: "... This action has been taken because the Geneva Prisoner of War Convention does not specifically provide for situations such as that which has arisen from the incorporation by the Germans of captured persons of foreign nationality into German military formations.

"It appears to the appropriate American military authorities, who have given most careful consideration to this situation, that the clear intention of the Convention is that prisoners of war shall be treated on the basis of the uniform they are wearing when captured and that the detaining power shall not look behind the uniform to determine ultimate questions of citizenship or nationality...."

This, of course, was precisely what the Soviet Union was asking the United States to do. They were insisting that all possible claimants to Soviet citizenship be sorted out, not just to facilitate their return to the Soviet Union, but in order to see that none of them went unpunished.

Acting Secretary Grew goes on to make even clearer the fact that the American motive in this was very selfish, that our primary concern was the welfare of American prisoners who were still in German hands. He further states:

"There are numerous aliens in the United States Army, including citizens of enemy countries. The U.S. government has taken the position that these persons are entitled to the full protection of the Geneva Convention and had informed the German government over a year ago that all prisoners of war entitled to repatriation under the Convention should be returned to the custody of the U.S. regardless of nationality.

"In view of the fact that the United States has taken this position with regard to American prisoners of war in German hands, it is the opinion of the competent American authorities that, if we should release from a prisoner of war status persons who claim protection under the Geneva Convention because they were captured while fighting in German uniform as members of German formations, the German government might be afforded a pretext to subject to reprisal American prisoners of war in German hands."

At this point, while the Germans still held American prisoners, our government seemed to know exactly what the issues were.

The actual stories of the forced repatriation of anti-Communist Russians to the Soviet government by American authorities is a sad chapter in our country's history, for it marks a retreat from all of our traditional standards.

For example, various recalcitrant ex-Soviet soldiers had been collected at Fort Dix, N.J. They numbered 154. On June 29, 1945, an attempt was made to take them to a ship bound for the Soviet Union. The next day *The New York Times* reported that three of the men had committed suicide rather than return.

It seems that when these men had learned of the American intentions, they had barricaded themselves in their barracks and a riot ensued. The American soldiers had fired tear gas. The prisoners in turn had rushed out of the building wielding knives and clubs. The American soldiers opened fire, wounding some of the men. After the riot had been quelled, the three suicides were discovered in the barracks.

Another source states that the group which rioted at Fort Dix was composed mainly of prisoners who had refused to board a ship on the West Coast for the Soviet Union and were subsequently brought to Fort Dix for shipment over the Atlantic route. The same source states that there had been one prior attempt to load them aboard ship on the East Coast, but that the prisoners succeeded in disabling the ship's engines with their bare hands in order to prevent the sailing. This same author states that the men were finally fed drugs with their food and were got aboard the ship in that manner.

As one might suspect, some Allied officers developed a strong distaste for this whole business, which was certainly not in the tradition of political asylum of either the United States or Great Britain. Many officers became very defensive about the matter, as indeed is the Department of the Army even today.

One British officer was reportedly court-martialed for refusing to obey an order from Russian agents. The story is told by David Dallin in his article, "The Repatriation Crime of World War II," in *The New Leader* of April 21, 1952, of another British officer who went

insane as a result of participating in these events.

At Kempton in southern Germany, some 410 former Soviet citizens were repatriated against their will on Aug. 12, 1945. Thousands of Russian refugees were located in this camp and complete panic ensued when the American camp authorities announced on the day before that these people were to be repatriated. The people to be sent back took refuge in their church and their removal was particularly brutal; American soldiers literally broke into the church and demolished it while dragging these people out. Some escaped, some were suicides and there were a number of wounded on both sides.

Evidently, the raising of this topic at the meeting of the Council of Foreign Ministers resulted in some queries being sent to Washington. On September 29, Acting Secretary of State Dean Acheson sent a fairly lengthy telegram to Secretary of State James F. Byrnes summarizing the American policy dilemma as regards repatriation.

Acheson stated that the State-War-Navy Coordinating Subcommittee for Europe had proposed the following two resolutions: "(a) Interpret the Yalta agreement as meaning that all Soviet citizens should be repatriated by force if it contains no provision whatsoever for the use of force in the repatriation of Soviet citizens and was in fact an agreement to facilitate the return of all liberated Soviet citizens who desire to return, there is no obligation on either signatory to use force to bring about repatriation of the citizens of the other party. Therefore, it might be held that the U.S. government will have fulfilled the agreement if it facilitates the return of all liberated Soviet citizens who desire to return."

The remainder of the telegram, however, is quite contradictory in nature. Acheson mentions the reluctance of both the British and American troops to use force, and how the whole affair violates the traditional policy of political asylum. However, he places those Russians found in a German uniform in a different category who should be returned by force if necessary and specifically mentions that some 500 Cossacks being held in Italy should be sent back, using force if necessary, citing the precedent of the Fort Dix incident.

One of the most noteworthy incidents to take place early in 1946 was the forced repatriation from Dachau, of all places.

*The New York Times* broke the story on January 20. Here the forced repatriation of some 271 former Soviet citizens ended in a riot. Ten of the men committed suicide. All this happened in spite of the efforts of 500 American and Polish guards. When ordered to board the trains at gunpoint, they had refused to do so.

The main group, according to the press account, that resisted the repatriation barricaded themselves in one of the barracks and linked arms and defied tear gas for awhile. When the guards finally burst into the barracks and secured them, 10 of the men were already dead and many more were suffering from self-inflicted wounds.

On January 22, the *New York Times* further reported that one of the 21 who had attempted suicide had died. The heading of the story was, "Russian Traitor Dies of Wound," which in itself says something of the Times' view of such matters. Actually, according to an emigre account, over 100 men were wounded in addition to the 21 seriously injured and the 11 deaths.

Very strangely at this point, Mr. Kirk, the political adviser to the Supreme Allied Commander, Mediterranean Theater, asks the secretary of state about the divergence of the United States and British policy on the question of forcible repatriation.

In the Mediterranean, both nations operated under a combined staff concept and he mentions that no agreement had ever been

reached on the question of the forcible repatriation portion of the Yalta agreement. This message of February 6 indicates that Britain wishes U.S. concurrence in the use of force, which is strange as the evidence indicates that both nations had been applying force, the only difference being that the British were perhaps a bit more indiscriminate in its use.

At any rate, the Soviet observers continued to compile their lists and probably to answer insistent messages from Moscow. A screening commission working in the camp at Plattling stayed only five days to talk with some of the survivors of the Dachau forced repatriation. The unrest among the remaining Russians only increased as a result of such activities.

The American camp commander, Col. Gillis, is reported to have told them: "Tell your people not to become excited; after the verifications the releasing will start and for as long as I am commandant of the camp, no one will be forcibly repatriated."

As late as February 10 he is said to have reassured them again. Unfortunately, Col. Gillis was not able to keep his word. By the night of February 23, all the camp knew that something was afoot. The following morning at 5 a.m., soldiers backed by tanks rushed into the camp and burst into the barracks. Names were called and some men were rushed off under guard, and others stayed, standing in the cold waiting. Ten men were injured enough in their abortive attempts at suicide so as to require hospitalization. But the planning of the American Army was better this time and the fiasco at Dachau was not repeated.

In this forced repatriation, it is estimated that 1,575 men were sent back to the Soviet Union. An Army Signal Corps film recorded the scene of these frightened men being loaded on trains as a Soviet officer called out their names. It also recorded several American officers restraining a Russian who had slashed his chest many times and was grimacing in pain. This picture appeared in the European edition of *Stars and Stripes* for March 6.

According to Fred Smith, "It is now impossible to find a copy of this issue and the official picture is classified for 'Official Use Only' and is not available to the public. This particular issue has even been removed from the bound volume in the Library of Congress. Nor does the Army Library in the Pentagon have a copy available for public viewing."

The caption under the photo states: "Hurt: Russian repatriate Constantine Gustonen grimaces with pain after he slashed himself on the chest some 17 times in suicide attempt to avoid being returned to Russia." The film which is not available is designated AFGR-3M-2122 and is entitled "Return of Russian Prisoners to Russia, Army Pictorial Center, 35-11 35th Avenue, Long Island City, New York, filed card ADC 5824." The picture appears in the *Star and Stripes* of March 6, 1946, on page 3.

Even after all this, Col. Gillis attempted to reassure the remaining men that there would be no further forced repatriations and that they would all be released shortly with Displaced Person documents marked "not subject to repatriation." Several days later Col. Gillis disappeared. He would not be present when the next repatriation took place.

There remains a great deal of mystery about the entire subject of Operation Keelhaul. Gen. Eisenhower's role, for example, remains unclear. In his book *Crusade in Europe*, he expresses great sympathy for the displaced persons. He stated: "The truly unfortunate were those who, for one reason or another, no longer had homes or were persecutees who dared not return home for fear of further persecution. The terror felt by this last group was impressed on us by



a number of suicides among individuals who preferred to die rather than return to their native lands."

Gen. George Marshall, secretary of state, also testified very forcefully against forcible repatriation as a solution to the displaced persons problem. He stated: "To adopt the alternative of forcible repatriation would therefore be violating not only our American traditions but also standards of international conduct." But by now it was 1947, and most of the damages had already been done.

Since 1954 Julius Epstein has been studying the forced repatriation of anti-Communist Soviet nationals by the United States, Great Britain and France. He has written more than 50 articles on the subject. At the start of his research, he came across a file card in the catalogue of the Army Historical Records Branch in Alexandria, Va. It read: "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul." Its file number was: 383.7-14.1.

Prof. Epstein notes that "The moment I saw the file card in the catalogue in Alexandria, I knew that this was the decisive document, compiled by the American Army itself. The fact that the Army itself chose the code word 'Operation Keelhaul' did not leave any doubt in my mind that it has been aware of the fact that Operation Keelhaul was a crime against humanity under the law, established at Nuremberg."

Mr. Epstein proceeded to fill out a library slip to get the Army document. Within a few minutes the librarian at the archives came back to tell him that the dossier was "closed" to the public; in other words, that it was classified "Top Secret," the highest grade in the American system of classification.

Since that time, April 1954, Prof. Epstein has tried on innumerable occasions to get the document—without the slightest success. In May 1956 he testified about forced repatriation before the Senate Internal Security subcommittee and told the senators about the "Operation Keelhaul" document. Sen. William Jenner, who was in the chair, immediately sent one of the subcommittee's investigators to the Pentagon to get the document. The investigator, Mr. McManus, returned empty-handed.

On July 4, 1967, a new law, the "Freedom of Information Act," was passed. This law provides that every American citizen has the right, in the event that the government denies him access to a document, to bring legal action against the government in the district courts. According to this law, the government must prove to the satisfaction of the judge that the document has been properly classified.

A document is "properly classified" only when the government can prove that release of the classified document would seriously endanger American national defense, security, or foreign policy. This has already been spelled out in an Executive Order signed by President Eisenhower.

Prof. Epstein points out that "... up to now, the scholar who needed a document could not question the government whether it was properly or improperly classified. But every American scholar knows that there are thousands of historically important documents overclassified 'Top Secret,' 'Secret,' or 'Confidential' not because release would endanger national security, defense or foreign policy, but for one reason only: that publications might embarrass a statesman or politician, a present or past Administration. ... But embarrassment is no sufficient reason for maintenance of classification."

On May 22, 1968, Julius Epstein filed suit in the District Court of San Francisco for the declassification and release of Operation Keelhaul. Rep. John Ashbrook (R-Ohio) has said that "The importance of the Epstein case stems from the fact that it is the first test case to be carried to the U.S. Su-

preme Court concerning the Freedom of Information Act of 1967. Journalists, historians, legislators, lawyers and government officials have an interest in the workability of the act and whether amendments to enhance its utility are in order."

In the San Francisco trial the Army lawyers contested the right of the court to deal with the matter. They denied the jurisdiction of the court and alleged that disclosure of "top secret" documents is exempt by the law itself. Congressman John Moss (D-Calif.), the author of the Freedom of Information Act, disagreed. He stated that "It is not exempt and that is not the way we spelled it out in the report to the committee. One thing I fought for was the total preservation of the judicial autonomy of the court in reviewing any action of the executive."

Despite all this, the lower courts refused to release the documents, and the Supreme Court refused even to consider the case. The New York Times and the Washington Post, publications which today claim the right to publish stolen classified documents at will, had nothing to say in Prof. Epstein's behalf.

The Supreme Court, which now sanctions the theft and publication of stolen, classified material, would not even hear the case of an historian who sought to find out the facts of history by obeying the law and the machinery set up, supposedly, to provide the public with "Freedom of Information."

On April 22, 1971, Rep. Ashbrook introduced House Resolution 399, asking for the creation of a Select House Committee to investigate forced repatriation, past and present and especially the unwarranted secrecy classification of the Operation Keelhaul file.

At that time Rep. Ashbrook stated that "Mr. Epstein, as far back as 1956, tried to call public attention to this case before the Internal Security subcommittee of the U.S. Senate. Through his efforts it was learned that the U.S. Army possessed a file titled 'Operation Keelhaul' which detailed pertinent information but which had a security classification which denied the public access to it. To have the given information made public, Mr. Epstein went all the way to the Supreme Court where he was denied certiorari.

"He appealed to the White House and was successful in having the national security and foreign policy arguments for the secret classification removed. There now remains but one objection to having the information released—the co-authorship of some of this information by our British allies, whose approval the Department of the Army and the White House contend are necessary before release of the Operation Keelhaul file."

The text of the resolution pointed to the fact that the President of the United States has removed the main obstacles to the declassification of Operation Keelhaul files by declaring that "The U.S. government has absolutely no objection to the declassification of the 'Operation Keelhaul' files; however, given the point origin of the documents, British concurrence has not yet been received. Thus we have no alternative but to deny your request."

Operation Keelhaul consists to a large extent of American documents, classified by American military authorities. Rep. Ashbrook states that "No foreign government should have the power to deprive the American people of the opportunity to learn their own history based upon documentary evidence concerning events which occurred more than 25 years ago."

Operation Keelhaul is a sad chapter in our nation's history, and the silence of such alleged friends of free speech and a free press as the New York Times, the Washington Post and the Supreme Court itself holds open to question the sincerity of their action in the publication of the Pentagon Papers. One might conclude that the commandment of a free press only relates to those documents

and pieces of information which fit into a particular value structure, namely that of the *Times* and the *Post* themselves.

The American people have a right to know what really happened at the end of World War II to the millions of Russians who did not want to return to the Stalinist tyranny of their homeland, but were forced to do so by our own government.

The Nixon Administration has the power to declassify these papers, and it owes it to the people of the United States to do so at the earliest possible date. The Congress, through the Ashbrook resolution, has the opportunity to launch its own investigation.

In the meantime, Julius Epstein waits for the material which will enable him at last to tell the full story of America's retreat from its own principles of humaneness and political asylum. It is a lonely fight when there is no assistance from the nation's most vocal defenders of the "people's right to know." Or, do such defenders not really want the people to know about the kinds of truths Operation Keelhaul reveals?

Julius Epstein must wonder a great deal about this, and what it means for the future of freedom in America if it is true.

#### PRAYER AMENDMENT

### HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. COLLIER. Mr. Speaker, permit me to address these remarks to those who earlier today in this debate have expressed their concern with the constitutional question involved in the interpretation of "nondenominational" in section 1 of this resolution. Now that we have amended it to substitute "voluntary," failure to approve this resolution becomes a flagrant denial of the civil rights of those who wish to pray in any public building.

It is absolutely inconceivable to me that this Congress would be opposed to permitting any citizen or group of citizens lawfully assembled in a public building to participate in a voluntary prayer. That is singularly the only question to be resolved at this point in voting on this resolution.

When a court decides that a group of citizens violates the first amendment to the Constitution merely by meeting voluntarily in the high school gymnasium to read a prayer before school even begins, I contend that it is a brazen violation of the constitutional right of these students to do so. I contend further that it is the responsibility of this Congress to make certain that no person is ever required to participate in any prayer against his will or through authoritative coercion. But I contend it is also the solemn responsibility of this Congress to make certain that no person is denied the right to voluntarily participate in a prayer which is not part of a school or other public activity. Purely and simply, the right to pray voluntarily in a public building must be given the same protection under law as the right not to be forced at any time to participate in prayer. Only in this way can the rights of every citizen be provided the individual protection which is the function and

purpose of the Constitution of the United States.

It is regrettable that so many of the opponents of this resolution read into it that which is just not present. Were we to accept interpretation based upon fear, whether sincere or demagogic, it would be simple enough to take any amendment of the Constitution and repeal it on the basis of fear growing from misinterpretation rather than fact or logic. Constitutional rights are not worth a tinker's dam if they are denied to one person to achieve the desire or satisfy the whim of another.

#### THE 25TH ANNIVERSARY OF CANONIZATION OF ST. FRANCES CABRINI

### HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, November 9, 1971

Mr. SCHWEIKER. Mr. President, on November 16, 1971, Cabrini College, of Radnor, Pa., will celebrate the 25th anniversary of the Canonization of St. Frances Xavier Cabrini, the first American citizen to be canonized.

In recognition of that very special event, and in recognition of the humanitarian and charitable works of Mother Cabrini and the order she founded, I ask unanimous consent that an address made by Mother Ursula, M.S.C., former president of Cabrini College, on September 26, 1971, at the National Shrine of the Immaculate Conception in Washington be printed in the RECORD.

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

#### ADDRESS BY MOTHER URSULA, M.S.C.

In the seat of Christendom, midst the splendor of St. Peter's Basilica, three solemn ceremonies were held within the short space of nine years in honor of St. Frances Xavier Cabrini. First, her solemn Beatification by Pope Pius XI on November 13, 1938; then her Canonization on July 7, 1946, by Pope Pius XII; and thirdly, the Unveiling of her marble statue with unusual solemnity in the presence of the American Ambassador to Rome, and our President's representative to the Holy See, as well as, Cardinals, prelates, members of the diplomatic corps and religious congregations. This took place on December 8, 1947, a day on which Mother Cabrini assumed a position of honor among the great founders of religious orders.

Today, at the National Shrine of the Immaculate Conception, the Catholic Church in the United States gives Mother Cabrini a place of honor among the American Saints; and richly does she deserve this recognition! For she truly loved America, the land that had been shown to her by Pope Leo XIII. In her letters to her spiritual daughters she repeatedly described the beauty, the charm, and the spiritual and material treasures that God had showered upon the United States of America—"the land of wonders," she called it. In the same way that St. Paul became a Jew with the Jews, a Greek with the Greeks, and a Gentile with the Gentiles, so Mother Cabrini became an American with the Americans. She adopted the language, the customs, the patriotism, and even the citizenship of the United States. More than that! She gave a luster, a glory to our country—she became a Saint! The first citizen of the

United States to have been raised to the honors of the altar.

Within a matter of minutes, His Excellency Egidio Ortona, Ambassador of Italy and Mother Josephine Migliore will unveil Barabara's agate statue of St. Frances Xavier Cabrini, Patroness of Immigrants—a tribute to her greatest work in the United States, her total involvement in the problem of Italian Immigration.

Immigration was then at its height. Between 1870 and 1920 half of the Italian population, 15,000,000 to be exact, deserted Italy, a country then being torn apart by the politics of prestige and conquest, of power and empire. Whole villages moved almost en masse as peasants and artisans hurried to the nearest port and took passage in the steerage. They were going to America, the land of opportunity. They believed in those words inscribed at the base of our Statue of Liberty:

Give me your tired, your poor,  
Your huddled masses yearning to breathe free,  
The wretched refuse of your teeming shore,  
Send these, the homeless, the tempest-tossed to me.  
I lift my lamp beside the Golden Door.

If ever there was a social problem so complex as to seem hopelessly insoluble, and so many-sided as to perplex and bewilder the best intentioned, it was the welfare of the Italian immigrant in this country. Yet Mother Cabrini with a virility of mind that was uncommon, felt inspired to tackle this problem in all its vastness and dimensions—human, social, and religious.

She became an exile with the exiled. She familiarized herself with the longshoremen of Brooklyn, with the factory workers in New York, with the miners in Scranton and Denver, with the street vendors in New Orleans. She met them in the slums, she visited them in the prisons, she pleaded for them in the courts of justice. She brought them not only corporal aid, but the consolation of religion and the love of a compatriot. Mother Cabrini did not argue with them about returning to their country; she spoke about their heavenly Father, their true home, heaven. She spoke to them in the language they had learned from their mothers; and when she was sure she was understood, because she was already loved, she discoursed in the language of another mother—the Catholic Church.

She proceeded at once to found a series of hospitals, schools, and nurseries for these immigrants; and in spite of much discouragement and bitter opposition, Mother Cabrini achieved a wonderful success. She became the mother of immigrants, the mother of the dispersed, of the derelicts, of the forgotten people. At a time when Women's Liberation was not the cry of the hour, Mother Cabrini, having liberated herself from the shackles of earthly attachments by her complete dedication to God, was truly free to spend her life in the service of the poor. No woman of our time accomplished more for social service, in the truest sense of the word, than this quiet and unostentatious worker. Nor was her contribution forgotten with her death in 1917.

On October 30, 1952, Judge Juvenal Marchisio of New York at a testimonial dinner in the presence of Cardinal Spellman, presented the Institute of the Missionary Sisters of the Sacred Heart with the Award of the American Committee on Italian Migration to the Italian immigrant of the century—St. Frances Xavier Cabrini—in which Award she is proclaimed Mother of the Immigrant, Servant of the poor, Consoler of the sick, Guardian of the orphan, Friend of the laborer, Messenger of peace, and Citizen of the United States!

And as such, what did Mother Cabrini do for America? . . . The resources of the generous people that came into her hands were

transformed into wonderful institutions—chapels, playgrounds, kindergartens, boarding schools, orphanages, hospitals and clinics. By word and example Mother Cabrini made America loved and esteemed by all with whom she came in contact. As an educator, she aimed at developing good Christians and good American citizens. More than anyone else, Mother Cabrini helped the Italian immigrant to find his place in the American way of life. Some have become full-fledged members of American society, even members of our government, contributing their share and fully participating in all that our country has to offer. So if many of the immigrants and their offspring are well on their way to future happiness and good citizenship, they owe it chiefly to St. Frances Xavier Cabrini.

"Not to the East, but to the West" was the commission entrusted to her by Pope Leo XIII. In compliance with that command, O Mother, you came to the West; you saw it, you loved it you conquered the hearts of the immigrants. This beautiful and majestic statue in the National Shrine of Mary Immaculate is a tribute of the West, a monument of devoted gratitude to you. Here, may you continue to listen to the prayers of the needy, and may you obtain peace for America and hope for all mankind.

#### NOTICE OF HEARING TO REVIEW THE WORK OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

### HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. FOUNTAIN. Mr. Speaker, on November 16 the House Intergovernmental Relations Subcommittee and the Senate Subcommittee on Intergovernmental Relations will jointly hold a hearing to review and evaluate the performance of the Advisory Commission on Intergovernmental Relations during the past 5 years. The two subcommittees previously held joint hearings in May 1965 to review the work of the Commission in the first 5 years of its existence.

The ACIR was established by Public Law 86-380, in September 1959, as a unique, permanent bipartisan body that is broadly representative of all levels of government. The basic purpose of the Commission is to strengthen the ability of our Federal system to meet the problems of an increasingly complex society by promoting greater cooperation, understanding, and coordination of activities among the separate levels of government—National, State, and local.

Senator MUSKIE, chairman of the Senate subcommittee, and I are both strong advocates of the principle that Congress should periodically review the programs that it creates. It is in this light that our subcommittees plan to examine the work of the ACIR since our last review.

The hearing will be concerned with the past performance of the Commission in relation to its assigned duties and with the future role of the Commission in the context of changing conditions in our Federal system.

I want to invite all of my colleagues, as well as interested organizations and individuals, who are familiar with the work



of the Commission to assist the subcommittees in evaluating the ACIR's performance. Those wishing to testify or to submit statements are requested to contact the House Intergovernmental Relations Subcommittee office.

**TESTIMONY OF DR. THOR HEYERDAHL BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS**

**HON. TENO RONCALIO**

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. RONCALIO. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

**TESTIMONY OF DR. THOR HEYERDAHL BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS**

There are times when an observation is made by someone who is looking for something else. This was the case when the present speaker experimented with prehistoric types of watercraft to travel back into man's past, and yet stumbled upon three practical observations which have a bearing upon man's future:

1. The ocean is not endless.
2. There is no such thing as territorial waters for more than days at a time.
3. Pollution caused by man has already reached the farthest section of the world ocean.

It may seem superfluous to state that the ocean is not endless, something the world has known since Columbus crossed the Atlantic in 1492. Yet I dare insist that this fact has not sufficiently penetrated our minds, we all subconsciously act as if the ocean has horizons running into the endless blue sky. When we build our city sewers in pipes far enough into the sea, when we dump poisonous refuse outside territorial borders, we feel we dispose of it for ever in a boundless abyss. We have known for centuries that our planet has no edges and that the oceans interlock in a never-ending curve around the world, but perhaps it is this uninterrupted curve that gives us the feeling of endlessness, this feeling that the ocean somehow continues to curve into space. From all continents we keep on sending our refuse into the presumably endless ocean almost with the impression that we send it away into space. Rarely do we stop and think of the fact that the ocean is nothing but a very big lake, landlocked if we go far enough in any direction. Other than being the largest body of water on earth, its main distinction from other lakes is that they usually have an outlet to carry away excessive natural solutions and pollution, whereas the ocean has none. Through a world-wide, non-stop flow, all the excess, waste, and refuse that run from lakes and land assemblage in the ocean, and only clean water evaporates back into the atmosphere. There were days not far back when our ancestors would laugh at the idea that man could pollute and kill a lake so big that nobody could see across it. Today Lake Erie is only one of a long series of lakes destroyed by man in the most different parts of the world. Place ten Lake Eries end to end and they span the ocean from Africa to America. True, the ocean is deeper than any lake, but we all know that due to photosynthesis the bulk of life is restricted to the thin upper layer, and we also know that an estimated 90% of all marine life happens to be on the continental shelves which represent only 10% of the total ocean area. Add to this that if

half a dozen towns send their refuse into Lake Erie, all the cities, all the farmlands, all the rivers and ships of the world channel their refuse into the ocean, directly or in a round-about way. No wonder then, that a time has come when even the world ocean has begun to become visibly polluted.

This discovery, which was first forced upon me while drifting at surface level in the mid-Atlantic in 1969, helped to open my own eyes to the fact that the ocean has its limits, and the closer one gets to know it the more easily this can be perceived. When we rush across it with engine-driven craft we feel that it is thanks to the modern travelling speed that the continents seem to be not so immensely far apart. But when you place yourself on a primitive raft and find that, entirely without engine or modern means of propulsion, you drift across the largest oceans in a matter of weeks, then you realize that you made it, not because of modern technique but quite simply because the ocean is not at all endless. With a speed slightly faster than that of average surface pollution, I crossed the Pacific from South America to Polynesia on nine balsa logs in 1947, and, on bundles of reeds, from Africa to the Caribbean Islands almost twice within a year in 1969-70. Each of these overseas voyages on an aboriginal type of watercraft was intended as an eye-opener for fellow anthropologists who, like the average layman, have retained the universal concept of the ocean as an endless waste, unsurmountable by pre-Columbian craft because of its boundless dimensions. This concept is wrong, and we run the risk of harming ourselves dearly unless we abandon this Medieval concept of the endless sea and accept the fact that the ocean itself is nothing more than a big, salt lake, limited in extent and vulnerable as all the smaller bodies of water.

A second dangerous illusion equally hard to see is the image of territorial water. We draw a line parallel to the coast, three miles, ten miles, or a hundred miles off shore, and declare the inside as territorial water. There is no such thing as territorial water, the ocean is in constant motion, like the air. We can draw a line on the ocean floor and lay claims to the static land on the bottom, but the body of water above it is as independent of the map as is the atmosphere above dry land: wind and currents disregard any national border lines. Refuse dumped inside Peruvian territorial waters equals refuse dumped around the shores of Polynesia; refuse dumped inside Moroccan territorial waters equals refuse dumped in the Caribbean sea. Any liquid piped into the port of Safi in Morocco, just where our papyrus bundle-boat was let adrift, will run along as on a river straight to tropical America where some will wash against the beaches and some will move on up along the east coast of the United States. Moroccan territorial waters in a matter of weeks or months become American territorial waters, with all the good and evil this may involve. The salt sea is a common human heritage, we can divide the ocean floor between us, but we shall for ever be deemed to share the common water which rotates like soup in a boiling kettle; the spices one nation puts in will be tasted by all the consumers.

Only when we abandon the almost superstitious awe for the immensity of the sea, and the misconception of coastal water as a stagnant body, can we fully understand what is happening when visible pollution is scattered the full length of the North Atlantic surface current which flows perpetually from northwest Africa to tropical America. This entire span of the ocean, from continent to continent, contain among other modern refuse an immeasurable quantity of small drifting oil clots. They were accidentally noticed during the crossing with the papyrus raft-ship Ra I in 1969 and deliberately sur-

veyed and sampled the next year during the crossing with Ra II.

In fact, in organizing our marine experiment with the first papyrus vessel ever to be tested at sea in modern times, our expedition group was initially unprepared for pollution studies. The objectives of the enterprise were to investigate the sea-going abilities and geographical range of the oldest type of watercraft used by man's earliest civilizations in the Mediterranean world as well as in Mexico and Peru, and furthermore to test the effects of multi-national cooperation in cramped quarters and under stress. We were seven men from seven nations on Ra I and eight from eight nations on Ra II. At sea, however, early in the voyage of Ra I, pollution observations were forced upon all the expedition members by its conspicuous presence and undoubtedly also because of our own proximity to the ocean surface with a slow progress through the water.

Departing from the Moroccan port of Safi on the northwest coast of Africa on May 25th, 1969, the seven men on board Ra I became aware of travelling in polluted water for the first time on June 6th, at 24°38' N and 17°06' W, or about a hundred miles (160 km) off the coast of Mauritania. The sea was now rolling calmly and we noticed the surface to be densely scattered with brownish to pitch-black lumps of asphalt-like material as big as gravel and floating at close intervals on and just below the surface. The clots were drifting with the surface current in our direction, but benefiting more from the tradewinds we moved considerably faster, averaging a speed of about 2 to 2.5 knots. The local current speed is about 0.5 knots. Knowing that our reed-vessel was near the circum-African shipping-lane, we climbed the mast and began to scout for ships, being convinced that we had entered the wake of some nearby oil tanker that had just cleaned its tanks. No ship was seen. On June 8th, having advanced about a hundred miles farther to the south-west, we found ourselves again sailing through similarly polluted water, still without any ship in sight. The following day we sailed into an area of the ocean where the same flotsam included pieces of larger size, some appearing as thick, black flakes of irregular shape up to 5-6 inches in diameter. The local ocean water itself gradually turned into an opaque and greyish-green color instead of being transparent and clear blue; it was recorded in the expedition journal as resembling harbor water at the outlet of city sewers.

Although sporadic lumps were noted, no specific entry was made in the expedition log until June 30th, when our position was at 15°45' N and 35°08' W, that is virtually in the mid-Atlantic with Africa and America almost at the same distance. Here once more we suddenly entered an area so polluted that we had to be attentive in washing ourselves or dipping our tooth-brush into the water, to avoid the seemingly endless quantities of oil-clots of sizes ranging from that of a grain of rice to that of a sandwich.

Ra I covered 2,700 nautical miles (ca 5,000 km) in 54 days, and on July 15th and 16th, shortly before abandoning the test vessel we found ourselves again in the same general type of polluted water. Our position was now 13°32' N and 47°20' W, or some six hundred miles (960 km) east of the island of Barbados and slightly closer to the mainland coast of South America. Many of the clots had an eroded or pitted surface, and small barnacles as well as Algae were occasionally seen growing on them.

Some samples were collected and at the end of the voyage delivered with a brief report to the permanent Norwegian Delegation at the United Nations. Although no deliberate or preconceived observations were made, the voyage with Ra I resulted in the involuntary recording of six day's travelling through vis-

ibly strongly polluted water in the course of eight weeks of trans-Atlantic sailing. Thus, more than 10% of the surface water traversed by Ra I was visibly polluted by a rich flotsam of non-organic material of rather homogenous appearance and undoubtedly resulting from modern commercial activity.

Our report to the United Nations in 1969 aroused a general interest, not least among scientists and shipping authorities, and prepared for what we might again encounter, we decided to keep a systematic record of daily observations when we embarked on the voyage of Ra II the following year. Ra II was again launched outside the breakwaters of the same ancient port of Safi in Morocco, this time on May 17th, 1970. As the water along the west coast of Africa and in the latitudes where we were to undertake the Atlantic crossing is not at all stagnant, but moves towards America with a speed of 0.5 knots or more, it is clear that we did not voyage through the same surface water this second time. In fact, the surface water observed by us from Ra I had been displaced more than four thousand miles during the year that had passed between the departures of the two consecutive raft expeditions. In other words, the water which we traversed along the African coast in May 1969, had long since deposited its flotsam along the Caribbean shores or else carried it into the initial part of the Gulf Stream, by the time we embarked on the second voyage in 1970. Correspondingly, the water seen around us as we abandoned Ra I short of Barbados in July 1969, would this subsequent year be on its return flow with the Gulf Stream back across the North Atlantic, heading for Europe. Nothing could impede this eternal circulation of ocean water, westwards near the Equator and eastwards in the far north, caused by the rotation of the earth itself. Thus the pollution we saw during Ra II was wholly independent of anything we observed on Ra I.

During our experiment with Ra II, in addition to the regular entries in the expedition log, a special pollution record was kept by Madani Ait Ouhammi, who also at reasonable intervals collected samples of the asphalt-like clots which towards the end of the voyage, were handed to the United Nations' research vessel *Calamar* for subsequent transfer to the Norwegian UN Delegation. The samples were taken by means of a fine-meshed dip-net. It should be noted that in the rippled seas oil-clots were difficult to detect unless washed on board or drifting past very close to our papyrus deck. Only when the wave surface was smooth, or the floating objects were of conspicuous size, was it possible to detect and record pollutants passing more than six or eight feet away from the Ra. Thus, the considerable quantities of oil-clots and other floating refuse which were found to float close alongside our papyrus bundles reflect the true dimensions of the problem if estimated in a broader geographical scope. It should also be noted that the route followed by Ra II was straighter and somewhat more northerly than that of Ra I which constantly broke the rudders and was forced on a drift voyage down beyond the latitude of the Cape Verde Islands.

On the background of these facts, it is disheartening to report that drifting oil clots were observed forty out of the fifty-seven days it took Ra II to cross from Safi to Barbados. This is 72% of the travelling time spent in water where oil clots could be seen. From May 17, 1970 when we left the port in Morocco (at 32°20' N and 9°20' W) until and including June 28 when we had reached 15° 54' N and 45°56' W, we recorded oil pollution on forty days out of forty-three. On the three days when pelagic oil lumps were not seen, Ouhammi's entries in the pollution record state that the sea was too rough for

proper observation. It may thus be safely assumed that the 2,407 nautical miles (4,350 km) covered by Ra II during the initial 43 days of its voyage represented an uninterrupted stretch of polluted surface water, the degree of visible pollution varying from slight to very grave. It is slightly encouraging to note, however, that with the exception of some sporadic lumps observed on July 30th, no record of such particles was made during the remaining 700 miles to Barbados. This curious fact should not delude us though, since this was the very area where we noted extreme pollution the previous year. Also, on our arrival in Barbados, the owner of our east-coast hotel reported that oil clots were sometimes so common on his beach that it was a problem to keep carpets clean from lumps that had stuck to his clients' feet.

Perhaps the sudden disappearance of oil clots in front of the Caribbean Islands during the 1970 crossing can be ascribed to a temporal irregularity in the local movement of water. The disappearance of the clots coincided with the sudden arrival of feeders from northbound branches of the South Equatorial Current, which were noticed both in our own displacement and simultaneously indicated by sudden changes in water temperature. Nevertheless, although the seemingly ever-present oil lumps disappeared this time, plastic containers and other imperishable manmade objects were observed sporadically until the last day of our crossing.

The average extent of oil pollution recorded during the voyage of Ra II amounted to lumps of asphalt-like material the size of finger-tips or smaller, scattered far apart in otherwise clean water. There would be days when only a very few such lumps could be seen from sunrise to sunset, whereas in exceptional cases the water was so polluted that a bucket could not be filled without some floating clots being caught at the same time.

The first very seriously polluted water was entered by Ra II four days after departure, on May 21st, at 29°26' N and 11°40' W, about 100 nautical miles off the African coast before we entered the passage between the Canary Islands and Morocco. From early that morning until the evening of the following day, Ra II was drifting very slowly through calm water that was thickly polluted by clusters of solidified oil lumps commonly of the size of prunes or even potatoes. Many of these lumps were dark-brown, mousy, and pitted, more or less covered by marine growth, whereas others were smooth and black, with the appearance of being quite fresh. For a duration of two days, the surface water, containing large quantities of these lumps, was also covered intermittently by a shallow white foam such as develops from soap or synthetic washing powder, while occasionally the ocean's surface was even shining in rainbow-colors as from gasoline. The sea was smooth and a vast quantity of dead coelenterates could be seen for considerable distances on both sides of our track. The expedition journal recorded that "the degree of pollution is shocking."

The following week only sporadic lumps were noticed, until on May 29th, at 25°43' N and 16°23' W, when our records again show that "the pollution is terrible". During the previous night oil lumps, of which the biggest were the size of a large fist, had been washed on board during darkness, to remain as the water filtered through the papyrus like through the fringes of whalebone. Barnacles, marine worms, crustaceans, and sometimes bird feathers, were found attached to the oil lumps. The high degree of pollution was this time witnessed for three consecutive days, when swimming inevitably meant colliding with the sticky clots. On May 31st, at 25°00' N and 17°07' W, the expedition journal has the following entry: "An incredible quantity of shell-covered asphalt lumps to-

day, big as horse-droppings and in clusters everywhere. One plastic bottle and one metal oil-can also observed, plus a large cluster of greenish rope, and nylon-like material besides a wooden box and a carton. It is shocking to see how the Atlantic is getting polluted by Man." No ships were seen in the vicinity.

The next entry into seriously polluted waters was on June 16th. At 18°26' N and 34°28' W, again virtually in the mid-Atlantic, the surface of the waves and as far as we could see below contained endless quantities of large and small oil lumps.

Ra II completed its Atlantic crossing on June 12th, 1970, landing on Barbados after covering 3,270 nautical miles (ca 6,100 km) in fifty-seven days. Although pelagic oil clots represented the most consistently recurring type of visible pollution during the two Ra voyages, it should be made clear that other debris from man of a rather heterogeneous kind was also common, even where oil was absent. Thus, in 1970, pollution in the form of plastic containers, metal cans, glass bottles, nylon objects, and other perishable and non-perishable products of man, representing refuse from ships and shores, passed close by the sides of our raft at intervals from the day of departure to the day of landing.

This was in marked contrast to our experience during the voyage of the raft *Kon-Tiki* two decades earlier. A noted aspect of that voyage, which then took place in the Pacific, was that not a single oil clot, in fact not a single sign of Man's activities, was seen during the 4,300 mile crossing. From the day we left Callao in Peru until we landed on Rarotonga atoll in Polynesia 101 days later, we were constantly impressed by the perfect purity of the sea. The first trace of other human beings observed was the wreck of an old sailing vessel thrown up on the reef where we landed. Although, in fact, the contrast refers to two different oceans, the currents rotate between them and the difference between observations in 1947 and 1970 is so marked that it probably has some bearing on the rapidity with which we pollute the sea.

Through the State Department of Norway, a meeting was arranged between representatives from different scientific institutions and the oil industry who were invited to discuss an analytic program for the oil clot samples collected by the Ra II expedition. The analytic program was designed to determine whether the samples represented crude or refined oil, and also to estimate the origin, whether it could be leakage from drill, scattered oil from a single wrecked super-tanker like *Torrey Camlon*, oil from marine organisms, or mixed discharges from many different vessels. The analytic work was carried out by The Central Institute for Industrial Research in Oslo, and their findings can be summarized as follows:

The results of the infrared spectra show that the samples consist mainly of saturated hydrocarbons or mineral oil. Some samples seem to contain compounds from decomposed crude oil or heavy fuel oil. Vegetable and animal oils are apparently absent. According to the results of a gas chromatographic analysis the saturated hydrocarbons were normal paraffins (n-paraffins) with 14 to 40 carbon atoms in each molecule with maximum around 20 and 30 carbon atoms. Such n-paraffins are generally, but not exclusively, the major fractions in mineral oil from the USA and North Africa. The samples showed a wide range in their contents of nickel and vanadium which indicate that they have derived from geographically different sources. In short, the conclusion was that the countless oil clots drifting about from continent to continent represent crude oil pollutants not from one leakage or one wreck, but from different origins. We are hardly far off then if we suspect the major



part of the oil clots to be the scattered refuse from the numerous tankers which daily discard their ballast water at sea before entering port of loading.

It was not an objective of the Ra expeditions to draw biological or ecological conclusions from our observations. Our aim is merely to call attention to observations that were virtually forced upon us by our prolonged proximity to the surface of the sea. Yet, one cannot refrain from certain deductions. Clearly, the time has passed when ocean pollution was a mere offence to human aesthetics because the surf throws oil and scrap up on the holiday-makers beaches. Much has been written about the tendency of oil molecules to expand in thin layers over wide areas of water, thus impeding the photosynthesis needed by the oxygen-producing phyto-plankton. Those of us who sat on the two Ras observing fishes, large and small, nibbling at any floating particle wonder how the almost ever-present oil clots can avoid affecting the metabolism of the marine fauna and flora; not least the filter-feeding fishes and whales which swim with open mouth and, like the reed-bundles of Ra, let the water sieve through whereas plankton and oil clots alike get stuck in gills, whalebones or intestines. Small fish may get wise to the presence in their own element of unpalatable oilclots, but larger marine species have no way of gaping over plankton without getting in non-organic material floating alongside as well. In addition, the oil lumps examined showed that they very frequently provided a foothold for live organisms which ride along as a sort of bait attracting the attention of bypassing fish. I am referring here to the fact that small *Cirripedia*, or edible barnacles (identified as *Lepas pectinata*) were very commonly sitting in regular clusters on the lumps. Various edible crustaceans were also frequently found clinging to the lumps, notably an isopod (*Idothea metallica*) and a small pelagic crab (*Planes minutus*). Marine worms hid in the pitted surface, and the shell of a tiny dead cuttle-fish (*Spirula spirula*) was found in one sample.

In closing, I may be permitted a personal remark. A much more far-reaching study than our improvised sampling will be needed before we can judge the durability and effects of this steadily increasing flotsam of oil and debris. Perhaps bacterial activity and disintegration will finally sink or efface the oil from the ocean's surface, but certainly not before a large percentage is washed up against the continental and island shores. Having first personally witnessed the almost uninterrupted host of clots rotating about in the mid-ocean, I have subsequently visited some shorelines on the three continents bordering on the land-locked Mediterranean Sea and found a belt ranging in color from grey to black along the waterline of cliffs exposed to the polluted surf. In certain areas, like on the otherwise attractive island of Malta, it is as if the entire coastline to a height of six or eight feet above water-level has been smeared by a black impregnation. Where the invisible marine paintbrush has been at work there is no sign of life, neither Algae nor molluscs, crustaceans or any other marine species naturally at home on such rocks. The coastal cliffs and reefs represent, as we know, a major breeding place for pelagic plankton and a necessary stepping-stone in the life cycle of a great many of the species of paramount importance to Man.

I stress again, there are few things as illusive as the concept of territorial waters. What others dump at sea will come to your shores, and what you dump at home will travel abroad irrespective of national legislation. We must start at the national level, but we must quickly move on to international agreements if we shall be able to protect our common ocean for future generations.

CAPT. REGINALD B. DESIDERO—  
KOREAN HERO

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. GAYDOS. Mr. Speaker, recently the U.S. Army dedicated an airfield in Korea in honor of a young officer who lost his life fighting for that country's freedom more than 20 years ago.

Airfield A511 at Seoul now has a name. It is "Desiderio Army Airfield," named after the late Capt. Reginald B. Desidero, who was born in Clairton, Pa., in my 20th Congressional District; who lived in California as a man and who died on a hill-top in Ipsok, Korea, as a hero.

The airfield's dedication service was impressive. The ceremonies were conducted by Gen. J. H. Michaels, commanding officer of the U.S. 8th Army, and attended by high-ranking military officials of the United States and South Korea. Also on hand were members of Captain Desidero's family, including his widow and two sons, Timothy and David. These young men, one a naval lieutenant and the other an Army captain like his father, were just 7 and 3 years of age when Captain Desidero was killed, but they know his story well.

In view of the Army's recent tribute, however, I believe it would be appropriate to relate that story to my colleagues for Captain Desidero's gallantry and heroism earned him our Nation's highest military decoration—the Congressional Medal of Honor.

On the morning of November 27, 1950, Captain Desidero was commanding Easy Company of the 27th Infantry Regiment, the "Wolfhounds." His mission was to hold a command post against an enemy breakthrough. In the early morning hours the Red Chinese began a series of attacks against the position. The enemy fire was intense and twice Captain Desidero was wounded—once by mortar fragments and again by small arms fire. He refused evacuation and, instead, continued to move among his men, checking their defenses and preparing them for the next onslaught. It came in a final, fanatical charge which penetrated Easy Company's position and Captain Desidero personally met it with carbine rifle and grenades. He inflicted many casualties until he was hit by machinegun fire and mortally wounded. His men, spurred on by their captain's example of courage and leadership, beat back the Chinese attack.

A detailed account of that battle is carried in the November, 1951, issue of the U.S. Army Combat Journal. In it, the author, Col. S. L. A. Marshall, describes how at one point during a lull in the bitter fighting Captain Desidero, sensing the weariness of his men, sounded a rallying call that was picked up and echoed along the battle line: "Hold till daylight and you've got it made."

Ironically, it was at dawn's first light that the men of Easy Company broke the back of that last Chinese charge.

Captain Desidero was buried in the United Nations Cemetery, north of the 38th Parallel, in Pyongyang, North Korea, until 1955 when his body was returned home and interred at the national cemetery in San Francisco.

On June 21, 1951, Gen. Omar Bradley presented the Congressional Medal of Honor to Captain Desidero's widow, now Mrs. Patricia Becker. It was the last of many decorations he had which attested to his courage and bravery. The others, most of which were won fighting in Europe during World War II, include the Silver Star, the Bronze Star with two clusters, the Belgium Croix de Guerre with palm, the Purple Heart, the Combat Infantry Badge and the State of California's Medal of Valor.

It was not, however, the last honor bestowed on this hero. On May 17, 1956, at Pasadena, Calif., the Honorable Wilber M. Brucker, then Secretary of the Army, dedicated the armory at the Army Reserve Training Center in Captain Desidero's name. He had served there as an adviser prior to being assigned to Korea.

And, in the spring of 1961, the city of Clairton, where several of the captain's brothers and sisters still reside, established a public park in his memory. A small monument, containing a description of Captain Desidero's final actions, has been erected at the site.

Mr. Speaker, it is no easy thing to speak of men such as Captain Desidero. I cannot find the words to express the emotions I feel. Pride and admiration become entangled with deep respect and a sense of sadness that such men must die in war. I can only say I believe with all my heart that as long as America has such men, she, at least, will remain free.

#### ANNUAL POLL RESULTS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. EILBERG. Mr. Speaker, each year I conduct an annual poll by mail of my constituents. I continue to find this technique a valuable and useful tool in helping me to better represent the people of my district.

Last July I mailed my annual questionnaire to every household in my Northeast Philadelphia district. The results have been tabulated and studied and I am now mailing them to the more than 141,000 households in my district.

With the unanimous consent of my colleagues, I would like to enter this most recent report to my district in the Record:

The report follows:

#### REPORTS TO THE PEOPLE

DEAR FRIEND: The results of the questionnaire I mailed to you during the summer have been tabulated and, as I promised, I am sending the results to every home in the Northeast. The outstanding fact of this year's poll is that you now consider crime and drug abuse the most pressing problems facing the Northeast and the country.

## THE DRUG PLAGUE

This year drug abuse has finally been recognized as a lethal epidemic which threatens to destroy our country. I have asked the President to declare the major cities—where addicts account for about half of all crimes committed—"national disaster areas" and to provide emergency funds so we can deal with the problem. In addition, I sponsored eight bills dealing with drugs, including treatment of addicted servicemen and veterans and sanctions for foreign countries which help

prevent narcotics from entering the United States. This summer, as the representative of the Judiciary Committee, I went to England, France, and Italy to study drug treatment programs and to discuss international narcotics law enforcement problems with European and American officials.

## THE ECONOMY

As your representative in Congress, I have sponsored five pieces of legislation which call for Federal revenue sharing with the cities. During the current wage price freeze, I have

joined with other Congressmen in calling on the Administration to permit raises, especially those provided in existing labor contracts to be granted retroactively.

## YOUR VOICE IS HEARD

Following you will find the results of the questionnaire, reported by percentage. I want to thank all of you who took the time to respond and all of those who added their own thoughtful observations.

With best wishes,  
Sincerely,

JOSHUA EILBERG.

## CONGRESSMAN JOSHUA EILBERG REPORTS YOUR VIEWS

| Percent  |           |           |            |             | Percent  |           |                   |            |             |
|--|-----------|-----------|------------|-------------|--|-----------|-------------------|------------|-------------|
| (Rounded off to nearest percentage)  |           |           |            |             | (Rounded off to nearest percentage)  |           |                   |            |             |
|  | Yes       | No        | Un-decided | No response |  | Yes       | No                | Un-decided | No response |
| 1. (a) Do you believe that inflation is under control?   | 2         | 95        | 2          | 1           | 2. If you were writing the Federal Budget, which program would you cut 1st?  |           |                   |            |             |
| (b) Do you believe that the recession has eased?   | 11        | 79        | 7          | 3           | Crime  | 1         | Highways          | 3          |             |
| (c) Do you believe that unemployment is in check?  | 6         | 87        | 5          | 2           | Defense  | 12        | Housing           | 1          |             |
|  |           |           |            |             | Education  | 1         | Pollution control | 0          |             |
|  |           |           |            |             | Foreign aid  | 45        | Space             | 16         |             |
|  |           |           |            |             | Health   | 0         | Welfare           | 13         |             |
|  |           |           |            |             | No response  |           | No response       | 8          |             |
| Percent  |           |           |            |             | Percent  |           |                   |            |             |
|  |           |           |            |             |  |           |                   |            |             |
|  | In-crease | De-crease | Leave same | No response |  | In-crease | De-crease         | Leave same | No response |
| 3. Would you increase, cut or leave the same aid to:   |           |           |            |             | (b) Private and parochial schools  | 40        | 26                | 27         | 7           |
| (a) Elementary and secondary public schools  | 62        | 5         | 26         | 7           | (c) Colleges and universities  | 34        | 22                | 34         | 10          |
| Percent  |           |           |            |             | Percent  |           |                   |            |             |
|  |           |           |            |             |  |           |                   |            |             |
|  | Yes       | No        | Un-decided | No response |  | Yes       | No                | Un-decided | No response |
| 4. Do you support Federal revenue sharing?   | 70        | 13        | 14         | 3           | (d) If you are a member, are you satisfied with the costs?   | 27        | 61                | 4          | 8           |
| 5. (a) Are you in favor of a national health plan?   | 62        | 24        | 12         | 2           | 6. (a) Do you think the present level of social security benefits is adequate?   | 21        | 67                | 10         | 2           |
| (b) Are you a member of a private health insurance plan?   | 92        | 7         | 0          | 1           | (b) Do you favor my proposal to include prescription drugs under Medicare?   | 83        | 11                | 5          | 1           |
| (c) If you are a member, are you satisfied with the services?  | 53        | 32        | 8          | 7           |  |           |                   |            |             |
| Percent  |           |           |            |             | Percent  |           |                   |            |             |
|  |           |           |            |             |  |           |                   |            |             |
|  | Yes       | No        | Un-decided | No response |  | Yes       | No                | Un-decided | No response |
| 7. (a) Do you feel personally threatened by crime on the streets?  | 77        | 18        | 4          | 1           | (b) Do you believe that such facilities can provide power without polluting the water or air?  | 42        | 29                | 27         | 2           |
| (b) What is the best approach to dealing with the narcotics problem?   |           |           |            | Percent     | (c) To assist in conserving power would you be willing to sacrifice some of your electrical appliances?  | 46        | 42                | 9          | 3           |
| Education  |           |           |            | 35          | 11. (a) Do you think the present draft system is fair?   | 33        | 53                | 12         | 2           |
| Rehabilitation   |           |           |            | 12          | (b) Should the present draft system be abolished in favor of an all-volunteer army?  | 44        | 43                | 11         | 2           |
| Law enforcement  |           |           |            | 45          | (c) Should the draft system be abolished even if an all-volunteer army is not available?   | 22        | 66                | 9          | 3           |
| No response  |           |           |            | 8           | 12. (a) Do you support the present U.S. policy in Vietnam?   | 25        | 64                | 9          | 2           |
| (c) Would you reduce 1st offender penalties for possession of marijuana?   | 46        | 45        | 8          | 1           | (b) Do you think that the Laos and Cambodia campaigns will end American involvement more quickly?  | 22        | 62                | 14         | 2           |
| (d) Do you favor economic sanctions against countries that refuse to cooperate with the United States in dealing with illicit drugs? | 95        | 3         | 1          | 1           | (c) Do you support a fixed time-table for American withdrawal from Southeast Asia?   | 49        | 38                | 11         | 2           |
| (e) Do you favor a proposal to purchase Turkey's opium crop and destroy it?  | 36        | 50        | 12         | 2           | 13. (a) Do you think that Israel should withdraw from all territories it occupied during the 6-day war?  | 17        | 64                | 17         | 2           |
| 8. (a) Do you feel some progress has been made in the past year in cleaning up our air and water?                                    | 52        | 36        | 11         | 1           | (b) Do you think it should withdraw from some of these territories?  | 44        | 30                | 19         | 7           |
| (b) Are you satisfied with the progress toward cleaning up our environment?  | 12        | 79        | 8          | 1           |  |           |                   |            |             |
| (c) Are you prepared to bear some of the cost of cleaning up the environment?  | 58        | 31        | 9          | 2           |  |           |                   |            |             |
| 9. Are you concerned about the development of North Philadelphia Airport?  | 51        | 36        | 12         | 1           |  |           |                   |            |             |
| 10. (a) Do you feel that the nuclear powerplant facility is dangerous?   | 32        | 45        | 21         | 2           |  |           |                   |            |             |
| Percent  |           |           |            |             | Percent  |           |                   |            |             |
|  |           |           |            |             |  |           |                   |            |             |
|  | Before    | After     | Un-decided | No Response |  | Yes       | No                | Un-decided | No response |
| (c) Should Israel withdraw before or after it negotiates an agreement?   | 15        | 68        |            | 17          | 14. What do you think are the three most pressing problems facing America today? Please list in order of urgency. (Using a weighted point system, the following results were tabulated.) |           |                   |            | Percent     |
|  |           |           |            |             | 1. Crime and drug abuse  |           |                   |            | 25          |
| (d) Should the U.S. continue to lend money to Israel?  | 60        | 26        | 13         | 1           | 2. Economy and unemployment  |           |                   |            | 24          |
| (e) Should the U.S. continue to sell arms to Israel?   | 67        | 21        | 10         | 2           | 3. Vietnam   |           |                   |            | 17          |
| (f) Should U.S. troops participate in a middle-eastern peace keeping force?  | 30        | 58        | 10         | 2           | 4. Environment   |           |                   |            | 6           |
|  |           |           |            |             | The remaining 38 percent included welfare, education, taxes, racial problems, government operations, and foreign policy.   |           |                   |            |             |
|  |           |           |            |             | 15. What one problem in the Northeast is of the most concern to you? (Using a weighted point system, the following results were tabulated.)  |           |                   |            | Percent     |
|  |           |           |            |             | 1. Crime and drug abuse  |           |                   |            | 33          |
|  |           |           |            |             | 2. Mass transit  |           |                   |            | 12          |
|  |           |           |            |             | 3. Education   |           |                   |            | 12          |
|  |           |           |            |             | 4. Bicentennial at Byberry (solved)  |           |                   |            | 11          |
|  |           |           |            |             | The remaining 32 percent went to a wide range of problems.   |           |                   |            |             |



**MODEL STATE ACT FOR THE CIVIL  
COMMITMENT OF NARCOTIC AD-  
DICTS FOR TREATMENT AND  
REHABILITATION**

**HON. LOUIS FREY, JR.**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 9, 1971*

Mr. FREY. Mr. Speaker, recently I had the opportunity to address the National Society of State Legislators Conference in Philadelphia. I presented to them a model State statute for a comprehensive approach to the drug problem facing us today. Following is a copy of my remarks on this subject:

**MODEL STATE ACT FOR THE CIVIL COMMITMENT  
OF NARCOTIC ADDICTS FOR TREATMENT AND  
REHABILITATION**

**DECLARATION OF POLICY**

It is the intent of the Legislature that persons charged with or convicted of violating state criminal laws (with certain enumerated exceptions) or persons not charged with a criminal offense, who are determined to be addicted to narcotic drugs and who require medical treatment should be civilly committed for confinement and treatment for such condition and its underlying causes. Such treatment shall be carried out for nonpunitive purposes not only for the protection of the addict against himself, but also for the prevention of contamination of others and the protection of the public.

It is further policy of the Legislature that individualized treatment taking into account the degree of addiction, age of the addict, and behavior and criminal record of the addict, will be provided to those committed under this program so that they may be treated and rehabilitated in the shortest possible period of time and once again become functioning members of society. Such treatment will include assistance in developing job skills, securing employment, and finding suitable housing.

**Title I: Civil Commitment of Persons  
Charged with or Convicted of a Crime**

**SECTION 101. DEFINITIONS**

For the purposes of this title—

(a) "Addict" means any individual who habitually uses any narcotic drug as defined by section 102(16) of the Controlled Substances Act so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of such narcotic drug as to have lost the power of self-control with reference to his addiction.

(b) "Treatment" includes confinement and treatment in an institution and supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative or maintenance services designed to protect the public and benefit the addict by correcting his antisocial tendencies and ending or controlling his dependence on addicting drugs and his susceptibility to addiction.

(c) "Felony" includes any offense in violation of a law of the State which at the time of the offense was classified as a felony by the law of the State.

(d) "Conviction" and "convicted" mean the final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere, but do not include a final judgment which has been expunged by pardon, reversed, set aside or otherwise rendered nugatory.

(e) "Eligible individual" means any individual who is charged with an offense against the State, but does not include those deter-

mined unsuitable due to one or more of the following factors—

(1) Previous convictions of murder, assault with intent to commit murder, attempt to commit murder, kidnapping, arson, robbery, burglary in the 1st degree, mayhem, felonies involving bodily harm or attempt to inflict bodily harm or offense for which the minimum term is more than 5 years in state prison.

(2) Excessive Criminality. Persons whose histories include criminality of any nature which is evaluated as chronic and/or extensive are considered unsuitable for the civil addict program.

(3) Sale of Narcotics, Dangerous Drugs or Marijuana. Persons who are involved in a large-scale trafficking operation, or persons who are found to be trafficking or in possession of narcotics, marijuana, or dangerous drugs beyond that which might be reasonably necessary to support their own need for narcotics.

(4) Assaultive Behavior. Persons with a history of assaults, battery and other offenses against the person, including—(a) those with a pattern of aggressive and assaultive behavior. This pattern may be developed either by acts committed over several years with periods of nonviolent adjustment in between or it may demonstrate itself in a series of acts preceding the instant arrest; (b) those who have a pattern of aggression which precedes their narcotic addiction and continues after their addiction; (c) those for whom it is adjudged that long-term institutionalization is indicated because of the seriousness of their behavior. Single acts of aggression may warrant exclusion when the act was of such nature that it demonstrates aggression which was aggravated or vicious, or when the individual was involved in using dangerous or deadly weapons in the commission of the instant or prior offenses.

(5) Other Relevant Reasons: (a) Extreme Recalcitrance: Case history shows subject can reasonably be classified as an escape risk or is recalcitrant to the extent that he unduly threatens the good order and the security of the minimum security facilities of the civil addict program; (b) Unresponsive to Program: Case history shows that while the person is a narcotic addict, he has been previously exposed to therapy and rehabilitation programs without significant gains; (c) Other Medical or Psychiatric Disorders: Those who, while they may be addicted to narcotics, have major behavior or medical disorders distinguishable from narcotics addiction, and which would need treatment (in addition to treatment for addiction) which the civil addict program is not able to provide, including—I. Sex deviates—case history or diagnosis shows person to be a sex deviate who needs treatment for this pathology in order that he may be controlled and that he becomes less of a threat or menace to society; II. Chronic psychotics—persons who would require treatment or their psychosis before the addiction problem could be approached. III. Serious medical disorders—A. Persons with such serious medical problems that treatment for their narcotic addictions is secondary and B. Persons whose medical problems are severe and may be deemed irreversible.

(f) "Patient" means any individual with respect to whom a petition has been filed by the district attorney (or his equivalent) as provided in section 105 of this title.

**SECTION 102**

(a) If the district attorney (or his equivalent) or judge has reason to believe that an individual charged with or convicted of a criminal offense against the State is an addict, then the district attorney (or his equivalent) or judge will request the State Rehabilitation Center to determine if there is reasonable cause to believe such. If the State Rehabilitation Center determines that there

is reasonable cause, the district attorney (or his equivalent) will file a petition with the court to have such person examined to determine if he is, in fact, addicted.

(b) Upon the filing of any such petition by a district attorney, the court may order the individual to appear before it for an examination as provided in subsection (d) of this section. The court shall cause a copy of such petition and order to be personally served upon the defendant.

(c) The court shall advise the individual to be examined of his right to have his own physician present for consultation during any examination conducted under this section, but in no event shall such physician be entitled to participate in any such examination or in the making of the report required under this section with respect to such examination.

(d) The court shall then appoint 2 qualified physicians, one of whom shall be a psychiatrist, to examine the patient. For the purpose of the examination the court may order the individual committed for a period not to exceed 72 hours to the custody of the Director of the State Rehabilitation Center for confinement in a suitable hospital or other facility designated by the Director of the State Rehabilitation Center.

Each physician appointed by the court shall, within such 72 hour period, examine the individual and at the end of the examination file with the court a written report with respect to such examination. The examination shall consist of a physical examination and a psychiatric examination, except the psychiatric examination shall not be administered, and the individual shall be immediately returned to the court for such further proceedings as it may direct, if the physical examination indicates that the individual is not a narcotic addict. Each such report shall include a statement of the examining physician's conclusions as to whether the individual examined is a narcotic addict and requires medical treatment. Upon the filing of such reports, the individual so examined shall be returned to the court for the completion of the criminal proceedings. Copies of such reports shall be made available to the individual and the district attorney (or his equivalent).

**SECTION 103**

(a) If both examining physicians (referred to in section 102(e)) conclude in their respective written reports that the individual is not a narcotic addict, or is an addict not requiring medical treatment, the court shall immediately enter an order discharging the individual and the pending criminal proceeding shall be immediately resumed. If the written report of either such physician indicates that the individual is a narcotic addict who requires medical treatment, or that the physician submitting the report is unable to reach any conclusion by reason of the refusal of the individual to submit to a thorough examination, the court shall promptly set the case for completion of the criminal proceedings.

**SECTION 104**

(a) Any individual who has been examined and found to be a narcotic addict in need of medical treatment under this title may be detained by the court for a reasonable period of time in a suitable hospital or other facility designated by the State Rehabilitation Center until after the criminal proceeding has been concluded, and such hospital or facility may administer to the patient such interim medical treatment as is necessary.

(b) An individual committed for examination shall not be released on bail or on his own recognizance.

**SECTION 105**

(a) At the completion of the criminal proceedings, the district attorney (or his equivalent) will petition for the commitment or

an individual who was found guilty of the criminal charge and who was examined and determined to be an addict in need of medical treatment if the Director of the State Rehabilitation Center certifies that appropriate facilities and trained personnel are available for the treatment of the person and that such person is an "eligible individual" as defined in section 101(e). After such petition has been filed the individual will be transferred to the court of competent jurisdiction (referred to in section 401) located at the State Rehabilitation Center.

(b) The court shall advise the patient appearing before it pursuant to subsection (a) of this section of his right to have counsel at every stage of the civil judicial proceedings under this title and, if he is unable because of financial reasons to obtain counsel, the court will, at the patient's request, assign counsel to represent him;

(c) The court shall also advise the patient that if, after hearing as provided in this title, he is found to be a narcotic addict who requires medical treatment and an "eligible individual" as defined in section 101(e)—

(1) he may be civilly committed to the State Rehabilitation Center for treatment;

(2) he may not voluntarily withdraw from such treatment;

(3) the treatment will last for an indeterminate period of time not to exceed 5 years but in no event shall it exceed the sentence which would otherwise have been imposed.

(4) during treatment, he may be confined in an institution;

(5) the imposition or execution of the sentence will be stayed, pending the successful completion of treatment.

#### SECTION 106

(a) The court of competent jurisdiction located at the State Rehabilitation Center will promptly set the case for civil hearing to review the report of the examination conducted by the director of the State Rehabilitation Center and other information coming to its attention to determine if the patient is an addict and if he is an "eligible individual" as defined in section 101(e) of this title. The court shall cause a written notice of the time and place of such hearing to be served personally upon the patient and his attorney. Such notice shall also inform the patient that upon demand made by him within fifteen days after has been served, he shall be entitled to have all issues of fact with respect to his alleged narcotic addiction determined by a jury. If no timely demand for a jury trial is made, the court, in conducting such hearing, shall determine all issues of fact without a jury.

(b) In conducting any civil hearing under this title, the court shall receive and consider all relevant evidence and testimony which may be offered, including the contents of the reports referred to in section 102. Any patient with respect to whom such hearing is held shall be entitled to testify and to present and cross-examine witnesses.

#### SECTION 107

Whenever an individual is committed to the custody of the Director of the State Rehabilitation Center for treatment under this chapter the sentence shall be continued without final disposition and shall be dismissed if the director of the State Rehabilitation Center certifies to the court that the individual has successfully completed the treatment program. On receipt of such certification, the court shall discharge the individual from custody and waive the sentence. If prior to such certification the director of the State Rehabilitation Center determines that the individual cannot be further treated as a medical problem, he shall advise the court. The court shall thereupon terminate the commitment and the patient shall be returned to the court for execution of the sentence.

#### SECTION 108

An individual committed for treatment shall not be released on bail or on his own recognizance.

#### SECTION 109

Whoever escapes or attempts to escape for examination or treatment, or whoever rescues or attempts to rescue or instigates, aids or assists the escape or attempt to escape of such a person is guilty of a crime punishable by imprisonment in the state prison for not exceeding 7 years. This section does not apply to unauthorized absence from a halfway house or other outpatient facility or program.

#### SECTION 110

The total period of treatment for any individual committed to the custody of the director of the State Rehabilitation Center shall not exceed 5 years, but in no event shall it exceed the maximum sentence that could otherwise have been imposed. If, at the expiration of such maximum period, the director of the State Rehabilitation Center is unable to certify that the individual has successfully completed his treatment program, the pending criminal proceeding shall be resumed.

#### SECTION 111

An individual committed under this title may not be conditionally released until he has been treated for 6 months following such commitment in an institution maintained or approved by the Director of the State Rehabilitation Center for treatment.

#### SECTION 112

Nothing in this title shall preclude a person who has been discharged from the program from being recommitted under the program, irrespective of the periods of time of any previous commitments.

#### SECTION 113

Whenever a pending criminal proceeding against an individual is resumed under this title, he shall receive full credit toward the service of any sentence which may be imposed for any time spent in the institutional custody of the director of the State Rehabilitation Center or any other time spent in institutional custody in connection with the matter for which sentence is imposed.

#### SECTION 114

The determination of narcotic addiction and the subsequent civil commitment under this chapter shall not be deemed a criminal conviction. The results of any tests or procedures conducted by the director of the State Rehabilitation Center or the supervisory aftercare authority to determine narcotic addiction may only be used in a further proceeding under this chapter. They shall not be used against the examined individual in any criminal proceeding except that the fact that he is a narcotic addict may be elicited on his cross-examination as bearing on his credibility as a witness.

*Title II: Civil commitment of persons not charged or convicted of any criminal offense*

#### SECTION 201. DEFINITIONS

For the purpose of this title—

(a) "Addict" means any individual who habitually uses any narcotic drug as defined by section 102(16) of the Controlled Substances Act, so as to endanger the public morals, health, safety, or welfare, or who is or has been so far addicted to the use of such narcotic drugs as to have lost the power of self-control with reference to this addiction.

(b) "Treatment" includes confinement and treatment in an institution and supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative or maintenance

services designed to protect the public and benefit the addict by correcting his antisocial tendencies and ending or controlling his dependence on addicting drugs and his susceptibility to addiction.

(c) "Related individual" means any person with whom the alleged narcotic addict may reside or at whose house he may be, or the husband or wife, father or mother, brother or sister, or the child or the nearest available relative of the alleged narcotic addict.

(d) "Patient" means any individual with respect to whom a petition has been filed by a district attorney (or his equivalent) as provided for in section 202 of this title.

(e) "Eligible individual" means any individual who volunteers for treatment himself or who is volunteered by another, but does not include those determined unsuitable due to one or more of the following factors—

(1) Previous convictions of murder, assault with intent to commit murder, attempt to commit murder, kidnapping, arson, robbery, burglary in the 1st degree, mayhem, felonies involving bodily harm or attempt to inflict bodily harm or offense for which the minimum term is more than 5 years in state prison.

(2) Excessive Criminality. Persons whose histories include criminality of any nature which is evaluated as chronic and/or extensive are considered unsuitable for the civil addict program.

(3) Sale of Narcotics, Dangerous Drugs or Marijuana. Persons who are involved in a large-scale trafficking operation, or persons who are found to be trafficking or in possession of narcotics, marijuana, or dangerous drugs beyond that which might be reasonably necessary to support their own need for narcotics.

(4) Assaultive Behavior. Persons with a history of assaults, battery and other offenses against the person, including—*a*) those with a pattern of aggressive and assaultive behavior. This pattern may be developed either by acts committed over several years with periods of nonviolent adjustment in between or it may demonstrate itself in a series of acts preceding the instant arrest; *b*) those who have a pattern of aggression which precedes their narcotic addiction and continues after their addition; *c*) those for whom it is adjudged that long-term institutionalization is indicated because of the seriousness of their behavior. Single acts of aggression may warrant exclusion when the act was of such nature that it demonstrates aggression which was aggravated or vicious, or when the individual was involved in using dangerous or deadly weapons in the commission of the instant or prior offenses.

(5) Other Relevant Reasons: *a*) Extreme Recalcitrance: Case history shows subject can reasonably be classified as an escape risk or is recalcitrant to the extent that he unduly threatens the good order and the security of the minimum security facilities of the civil addict program; *b*) Unresponsive to Program: Case history shows that while the person is a narcotic addict, he has been previously exposed to therapy and rehabilitation programs without significant gains; *c*) Other Medical or Psychiatric Disorders: Those who, while they may be addicted to narcotics, have major behavior or medical disorders distinguishable from narcotics addiction, and which would need treatment (in addition to treatment for addiction) which the civil addict program is not able to provide, including—*i*) Sex deviates—case history or diagnosis shows person to be a sex deviate who needs treatment for this pathology in order that he may be controlled and that he becomes less of a threat or menace to society; *ii*) Chronic psychotics—persons who would require treatment for their psychosis before the addiction problem could be approached. *iii*) Serious medical disorders—*A*. Persons with such seri-



ous medical problems that treatment for their narcotic addiction is secondary and B. Persons whose medical problems are severe and may be deemed irreversible.

#### SECTION 202

(a) Except as otherwise provided in subsection (b) of this section and in section 211 of this title, whenever any narcotic addict desires to obtain treatment for his addiction, such addict may file a petition with the State Rehabilitation Center requesting that he be admitted to the State Rehabilitation Center for treatment of his addiction. Any such petition filed by a narcotic addict shall set forth his name and address and the facts relating to his addiction.

(b) Except as otherwise provided in subsection (a) of this section and in section 211 of this title, whenever a related individual, or any law enforcement officer or health official or judge has reason to believe that any person is a narcotic addict, such related individual law enforcement officer, health official or judge may file a petition with the director of the State Rehabilitation Center requesting that such person be admitted to the State Rehabilitation Center for treatment of his addiction. Any such petition filed by a related individual, law enforcement officer, health official or judge with respect to a person believed by such related individual, law enforcement officer, health official or judge to be a narcotic addict shall set forth the name and address of the alleged narcotic addict and the facts or other data on which the petitioner bases his belief that the person with respect to whom the petition is filed is a narcotic addict.

#### SECTION 203

(a) The director of the State Rehabilitation Center will after receiving the request for treatment and rehabilitation of a suspected addict under section 202 (a) or (b) of this title shall, if it is determined that there is reasonable cause to believe that the individual is a narcotic addict, that appropriate facilities and trained personnel are available for the treatment of the person, and that the person is an "eligible individual" as defined in section 201(e), advise the district attorney or his equivalent, to file a petition with the court of competent jurisdiction to commit such individual to the State Rehabilitation Center for treatment.

(b) Upon the filing of any such petition by a district attorney or his equivalent, the court may order the individual to appear before it for an examination by physicians as provided under section 204 of this title and for a hearing, if required, under section 205 of this title. The court shall cause a copy of such petition and order to be served personally upon the patient.

#### SECTION 204

The court shall immediately advise any patient appearing before it pursuant to an order issued under subsection (b) of section 203 of his right to have (1) counsel at every stage of the judicial proceedings under this title and that, if he is unable because of financial reasons to obtain counsel, the court will, at the patient's request, assign counsel to represent him; and (2) present for consultation during any examination conducted under this section, a qualified physician retained by such patient, but in no event shall such physician be entitled to participate in any such examination or in the making of any report required under this section with respect to such examination. The court shall also advise such patient that if, after an examination and hearing as provided in this title, he is found to be a narcotic addict who requires medical treatment, he will be civilly committed to the State Rehabilitation Center for treatment; that he may not voluntarily withdraw from such treatment; that the treatment (including post-hospitaliza-

tion treatment and supervision) may last 36 months; that he may be confined in an institution for up to, but not exceeding, 6 months for treatment or, in the alternative, he may be placed in an outpatient program established by the State Rehabilitation Center for treatment and supervision; that if he is confined in an inpatient facility he will, following his release, be placed under the care and custody of the director of the State Rehabilitation Center for treatment and supervision under a posthospitalization program established by the State Rehabilitation Center; and that should he fail or refuse to cooperate in such posthospitalization program or be determined by the director of the State Rehabilitation Center to have relapsed to the use of narcotic drugs, he may be recommitted for additional confinement in an inpatient facility followed by additional posthospitalization treatment and supervision. After so advising the patient, the court shall appoint two qualified physicians, one of whom shall be a psychiatrist, to examine the patient. For the purpose of the examination, the court may order the patient committed for such reasonable period of time as it shall determine, not to exceed 10 days in the case of a patient described in section 202(a) of this title, or not to exceed 72 hours in the case of a patient described in section 202(b) of this title. The examination shall consist of a physical examination and a psychiatric examination, except the psychiatric examination shall not be administered, and the patient shall be immediately returned to the court for such further proceedings as it may direct, if the physical examination indicates that the patient is not a narcotic addict. Each physician appointed by the court shall, within such period so determined by the court, examine the patient and file with the court, a written report with respect to such examination. Each such report shall include a statement of the examining physician's conclusions as to whether the patient examined is a narcotic addict and is likely to be rehabilitated through treatment. Upon the filing of such reports, the patient so examined shall be returned to the court for such further proceedings as it may direct under this title. Copies of such reports shall be made available to the patient and his counsel.

#### SECTION 205

(a) If both examining physicians (referred to in section 204) conclude in their respective written reports that the patient is not a narcotic addict, or is not an addict who requires medical treatment, the court shall immediately enter an order discharging the patient and dismissing the proceedings under this title. If the written report of either such physician indicates that the patient is a narcotic addict who requires medical treatment, or that the physician submitting the report is unable to reach any conclusion by reason of the refusal of the patient to submit to a thorough examination, the court shall promptly set the case for hearing. The court shall cause a written notice of the time and place of such hearing to be served personally upon the patient and his attorney. Such notice shall also inform the patient that upon demand made by him within fifteen days after he has been served, he shall be entitled to have all issues of fact with respect to his alleged narcotic addiction determined by a jury. If no timely demand for a jury is made, the court, in conducting such hearing, shall determine all issues of fact without a jury.

(b) In conducting any hearing under this title, the court shall receive and consider all relevant evidence and testimony which may be offered, including the contents of the reports referred to in section 204. Any patient with respect to whom a hearing is held un-

der this title shall be entitled to testify and to present and cross-examine witnesses.

(c) Any patient with respect to whom a hearing has been set under this title may be detained by the court for a reasonable period of time not to exceed 30 days in a suitable hospital or other facility designated by the director of the State Rehabilitation Center until after such hearing has been concluded.

#### SECTION 206

If the court determines after a hearing that such patient is a narcotic addict who requires medical treatment, the court shall order him committed to the care and custody of the director of the State Rehabilitation Center for treatment in an inpatient facility or outpatient program to be established by the State Rehabilitation Center. The director of the State Rehabilitation Center shall submit to the court written reports with respect to such patient at such times as the court may direct. Such reports shall include information as to the health and general condition of the patient, together with the recommendations of the director of the State Rehabilitation Center concerning the continued confinement of such patient.

#### SECTION 207

Any patient committed to the care and custody of the director of the State Rehabilitation Center pursuant to section 206 of this title shall either be committed for a period up to six months in an inpatient facility subject to such posthospitalization program as may be established pursuant to section 208 of this title, or in the alternative, he may be placed in an outpatient program established by the State Rehabilitation Center for treatment and supervision. After the director of the State Rehabilitation Center certifies that the individual has recovered from addiction to the extent that release on an outpatient status is warranted, the Narcotic Addict Evaluation authority (see section 307) in its discretion may conditionally release the individual under supervision.

#### SECTION 208

If, at any time during such three year period, any patient (1) fails or refuses to comply with the directions and orders of the director of the State Rehabilitation Center in connection with such patient's posthospitalization treatment and supervision, or (2) is determined by the director of the State Rehabilitation Center to be again using narcotic drugs, the director of the State Rehabilitation Center may order such patient's immediate return to the committing court which may recommit such patient to the State Rehabilitation Center for additional treatment for a period of not to exceed six months, and may require such patient thereafter to submit to a posthospitalization program.

#### SECTION 209

Nothing in this title shall preclude a person who has been discharged from the program from being recommitted under the program, irrespective of the periods of time of any previous commitments.

#### SECTION 210

Any determination by the court pursuant to this title that a patient is a narcotic addict shall not be deemed a criminal conviction, nor shall such patient be denominated a criminal by reason of that determination. The results of any hearing, examination, test or procedure to determine narcotic addiction of any patient under this title shall not be used against such patient in any criminal proceeding.

#### SECTION 211

Any physician conducting an examination under this title shall be a competent and compellable witness at any hearing or other proceeding conducted pursuant to this title and the physician-patient privileges shall not be applicable.

## SECTION 212

The provisions of this title shall not be applicable with respect to any person against whom there is pending a criminal charge—whether by indictment or by information, which has not been fully determined or who is on probation or whose sentence following conviction on such a charge, including any time on parole or mandatory release has not been fully served, except that such provision shall be applicable to any such person on probation, parole, or mandatory release if the authority authorized to require his return to custody consents to his commitment.

## SECTION 213

Notwithstanding any other provision of this title, no patient shall be examined pursuant to section 204 of this title unless the director of the State Rehabilitation Center certifies that adequate facilities or personnel for treatment of such patient are available.

## SECTION 214

Whoever escapes or attempts to escape while committed to institutional custody for examination or treatment under this title, or whoever rescues or attempts to rescue or instigates, aids, or assists the escape or attempt to escape of such a person is guilty of a crime punishable by imprisonment in the state prison for not exceeding 7 years. This section does not apply to unauthorized absence from a halfway house or other outpatient facility or program.

## SECTION 215

Any person who knowingly makes any false statement to the district attorney or his equivalent in any petition under section 202(b) of this title shall be guilty of a misdemeanor.

*Title III: State Rehabilitation Center*

## SECTION 301

There is hereby established an institution and branches thereof under the jurisdiction of the Department of Corrections to be known as the State Rehabilitation Center. The principal purpose of such Center shall be the evaluation, receiving, control, confinement, employment, education, treatment and rehabilitation of patients who have been committed to it by a court of competent jurisdiction as narcotic addicts who require medical treatment.

## SECTION 302

(a) A Director shall be appointed by the Governor for the State Rehabilitation Center who in turn shall appoint, subject to civil service, such other officers and employees as may be necessary.

(b) The Director shall acquire or construct, and equip, in accordance with law, suitable buildings, structures, and facilities for the State Rehabilitation Center.

(c) The Director shall be responsible for the supervision, management, and control of the State Rehabilitation Center and for the care, custody, training, discipline, employment, and treatment of the patients confined therein.

(d) The Director shall make all rules and regulations for the administration of the State Rehabilitation Center.

## SECTION 303

The director of the State Rehabilitation Center shall assist the district attorney or his equivalent in making his decision to petition an individual for commitment by—

(a) Receiving the request from a person seeking to commit himself or another suspected to be an addict under title II of this Act;

(b) Determining that there is reasonable cause to believe that a person is a narcotic addict and advising the district attorney or his equivalent as to such; and

(c) Determining that adequate facilities and trained personnel exist to treat the

person for whom the petition was filed and advising the district attorney or his equivalent as to such.

## SECTION 304

The director of the State Rehabilitation Center should exercise complete flexibility in dealing with addicts committed to the Center and attempt, in all cases, to provide individualized, multi-modality treatment including, but not limited to, medical, educational, social, psychological, and vocational services, corrective and prevention guidance and training, and other rehabilitative or maintenance services designed to protect the public and benefit the addict by correcting his antisocial tendencies and ending or controlling his dependence on addicting drugs and his susceptibility to addiction.

## SECTION 305

The director shall establish separate treatment and rehabilitation programs for persons under 21 years of age and for men and women. Separate facilities will also be provided so that each group can be segregated for specialized treatment. Such facilities and programs will not be isolated but will be integrated in communities in the State. The State Rehabilitation Center is authorized to subcontract with existing community programs for the referral of addicts committed under titles I and II of this Act.

## SECTION 306

Treatment for the maintenance or control of dependence on addicting drugs by the use of methadone and other heroin substitutes shall be strictly controlled, limited to narcotic addicts who are over 21 years of age and who have failed on two previous occasions to respond to treatment designed to end dependence on addicting drugs, and shall not be administered to pregnant women.

## SECTION 307

(a) There shall be established in the State Rehabilitation Center a Narcotic Addict Evaluation Authority, hereafter referred to in this Section as the Authority. The Authority shall be composed of five members, each of whom shall be appointed by the Governor, for a term of four years and until the appointment and qualification of his successor. Members shall be eligible for reappointment. The chairman of the Authority shall be designated by the Governor from the 5 members from time to time. The terms of the members first appointed to the Authority shall expire as follows: one on January 15, 1973, one on January 15, 1974, one on January 15, 1975, one on January 15, 1976, and one on January 15, 1977. Their successors shall hold office for terms of four years, each term to commence on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term. Insofar as practicable, persons appointed to the Authority shall have a broad background in law, sociology, law enforcement, medicine, or education, and shall have a deep interest in the rehabilitation of narcotic addicts.

(b) Each member of the Authority shall devote such time to the duties of his office as required for performance of his duties and shall be entitled to an annual salary of — for attendance upon business of the Authority. The chairman shall be entitled to an annual salary of —. In addition, each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses.

(c) The Authority shall maintain its headquarters at the State Rehabilitation Center and shall be provided with necessary office space, equipment and services from funds appropriated to the State Rehabilitation Center.

(d) The Authority shall meet at the Center or its branches at such time as may be necessary for a full and complete study of the cases of all patients who are certified by

the director of the State Rehabilitation Center to the Authority as having recovered from addiction or to such an extent that release in an outpatient status is warranted. Other times and places of meetings may also be fixed by the Authority. The Authority panel shall consist of at least two members of the Authority. Three members of the Authority shall constitute a quorum for the transaction of business. No action shall be valid unless concurred in by a majority of the members present.

(e) After an initial period of observation and treatment, whenever a person committed under this Act has recovered from his addiction to such an extent that, in the opinion of the director of the State Rehabilitation Center, release in an outpatient status is warranted, the director shall certify such fact to the Authority. If the director has not so certified within the preceding 6 months, his case shall automatically be referred to the Authority for consideration of the advisability of release in outpatient status. Upon any such certification by the director or such automatic certification, the Authority may release such person in an outpatient status subject to being retaken and returned to inpatient status by the committing court as described in section 208 of this Act. The supervision of such persons while in an outpatient status shall be administered by the State Rehabilitation Center in conjunction with the Department of Corrections.

A single member of the Authority may by written or oral order suspend the release in outpatient status of such a person and cause him to be retaken, until the next meeting of the Authority. The written order of any member of the Authority shall be sufficient warrant for any peace officer to return such persons to physical custody.

It is hereby made the duty of all peace officers to execute any such order in like manner as ordinary criminal process.

## SECTION 308

An addict parole program will be established in the Department of Corrections. Rules and regulations governing the operation of the program will be established by the Director of Corrections with the director of the State Rehabilitation Center to closely supervise the patient after release from the facility, to make periodic and surprise testing for narcotics use, to counsel the patient and assist him in securing employment and a place to live, to recommend to the Director of the State Rehabilitation Center if it is in the best interests of the patient and society that a patient should be returned to inpatient status at the State Rehabilitation Center, and to limit the caseload of each parole officer so that he can effectively assist the individual addict.

## SECTION 309

The State Rehabilitation Center is authorized to establish one or more halfway houses in metropolitan areas to assist the addict in locating and maintaining employment, finding a place to live, and in adjusting to society without the aid of drugs. Rules and regulations governing the operation of such halfway houses shall be established by the Director of the State Rehabilitation Center and shall provide for control of the earnings of persons assigned to such halfway houses during their residence there, from which shall be deducted such charges for maintenance as the director of the State Rehabilitation Center may prescribe.

*Title IV: Civil Commitment and the Courts*

## SECTION 401

It is the intent of the Legislature that, if possible, all hearings to be held pursuant to titles I and II of the Act for the civil commitment of alleged addicts will be held in a division of the court of competent jurisdiction to be located in the State Hospital designated by the State Rehabilitation Cen-



ter where such alleged addicts are confined for treatment and examination pending the hearing in order to facilitate the proceedings.

## SECTION 402

The Attorney General of the State is authorized and directed to establish training programs for the judges of the courts of competent jurisdiction who sit on the court referred to in section 401 of this title, and probation and parole officers under the addict parole program created in title III of this Act to better acquaint them with all aspects of the problems relating to drug addiction and dependency, and to enable them to carry out their duties and responsibilities regarding narcotic addiction in a manner that will best serve the interests of justice, safety, and humanity.

ADDRESS OF CONGRESSMAN LOU FREY, JR.,  
BEFORE THE NATIONAL SOCIETY OF STATE  
LEGISLATORS, OCT. 21, 1971

MODEL STATE ACT FOR THE TREATMENT AND  
REHABILITATION OF NARCOTIC ADDICTS

Ladies and Gentlemen, I am honored to have the opportunity to participate on this panel this morning to discuss the growing menace of drug addiction and possible legislative solutions to it.

Narcotic addiction is a national epidemic and something must be done immediately to stop the contagion of disease and crime sweeping this country. We cannot wait for long, drawn-out, philosophic studies to be completed. Heroin is a "now" problem. A new approach and the commitment of substantial resources is required if we are to prevent the loss of an entire generation of young Americans.

The number of narcotic addicts has been estimated at being between 250,000 and 500,000. The recently released FBI crime report stated that arrests for Narcotic Drug Law violations for 1970 were 44% above those for 1969 and 74% above those for 1960. Over 1,000 persons died in 1970 in New York City alone, where over half the nation's drug addicts reside. It is the greatest single cause of deaths among young people between the ages of 15 and 35 in New York City. More lives have been lost to drugs in the last 8 years in New York City than the entire state of New York has lost in the war in Vietnam.

There is, moreover, a direct correlation between addiction and crime. An addict may need from \$50 to \$150 a day to buy heroin to support his habit, and thus must steal goods worth 5 times the cost of his habit. Thus, an addict with a \$50 a day habit would have to steal over \$90,000 worth of goods per year to maintain his habit. It is estimated that \$8.1 billion per year is required to support the habits of drug addicts nationwide. Moreover, organized crime reaps between \$2 and \$5 billion from the illegal sale and distribution of drugs.

Consequently, 98% of the addicts in New York City resort to crime to support their habit. In the District of Columbia, 60% of funds obtained to support addiction are obtained through burglary, robbery, and larceny; 15% through prostitution; and 10% from other illegal activities. In addition, at least 20% of all addicts obtain heroin by pushing drugs.

Jerry Wilson, Chief of Police in Washington, D.C., in a letter dated September 3rd, informed me that 3,668 persons arrested in D.C. last year were determined to be addicts either because they volunteered the information or there was physical evidence of such. Of these, 2,628 were arrested for crimes against property; 1,972 for burglary I and II, 197 for attempted burglary, 409 for grand larceny and 50 for arson.

In addition to the huge economic costs due to narcotic addiction, there are substantial social costs. The entire criminal justice system (the police, courts and correcting insti-

tutions) has an enormous burden placed on it. Additional costs include the lost productivity of addicts, costs due to personal injury and property destruction incurred in crime, and illnesses and premature deaths brought on by addiction.

Moreover, families are destroyed, young lives have been ruined, and large segments of our society live in fear of becoming the victims of addiction-related crimes.

Present programs—Federal and state—are not working. Under the Narcotic Addict Rehabilitation Act of 1966, only 7860 persons had been admitted for examination and evaluation in 4½ years, and 57% of those who volunteered for treatment were rejected as "not being rehabilitatable."

And state programs, except for a few—such as California and Illinois—are even less adequate. In my own state of Florida, there are no state-funded treatment facilities; an addict who desires treatment is referred to one of 75 community programs which are locally or federally-funded. The community programs, for the most part preexisted the creation of the State Office of Drug Abuse, are scattered throughout the state, and provide different kinds of treatment.

Furthermore, there isn't a state-operated or directed halfway house program, an addict parole program, or methadone or other maintenance program. Consequently, even if there are openings in some of the community programs, and most are running at full capacity, there is only a remote possibility that an addict will receive individualized treatment.

After several months of hearings and field trips, the Republican Task Force on Drug Abuse, of which I am the Chairman, drafted legislation entitled "The Omnibus Narcotic Addict Control, Rehabilitation, and Research Act of 1971". The House Judiciary Committee is now holding hearings on this bill which, in my opinion, deals more comprehensively than any other with the "demand" side of the drug problem. It has received the endorsement of, among others, the National District Attorneys Association.

Based upon this legislation and on the statutory authority for some of the well-run state programs, especially California, which I have observed, I have drafted a model state act which I believe will provide the framework to effectively deal at the state level with the demand side of the drug problem.

Comparable to the civil commitment of the mentally ill, this act provides for the civil commitment of drug addicts who have either been charged or convicted of a crime or not charged or convicted. These new involuntary civil commitment procedures, which includes numerous safeguards to prevent violations of due process, will have the following results: 1) put substantially more addicts in a therapeutic climate; 2) protect the addict against himself; 3) prevent the contamination of others and protect society against criminal acts; and 4) reduce the demand for narcotics by placing any known addict under medical supervision and control.

There are two separate commitment procedures—one for the criminal addict and one for the non-criminal addict.

In the case of the criminal addict, the Act is designed to commit for treatment in lieu of sentencing those addicts who, for the most part committed crimes to support their habit; and who, with external motivation, can be rehabilitated to the point where they can, once again, function in society without having to commit crimes to support their habit or spreading the contagion of addiction. The procedures set forth in the Act will also result in addicts charged with a crime being confined in a suitable facility for treatment pending the outcome of both the criminal and civil proceedings. Since a large portion of the street crimes are committed by addicts on bail, it is important

that we place those charged with a crime in a treatment facility.

Addicts with excessive criminality histories, who have committed offenses with a minimum term beyond 5 years or involving bodily harm, who were involved in the trafficking of drugs beyond that necessary to support their habit, or for other relevant reasons will not be eligible for treatment in lieu of sentencing.

The criminal addict may be committed for treatment to last up to 5 years, including 6 months of inpatient treatment, but it cannot exceed the period of time to which he would have been sentenced to. He may, however, be released to an outpatient program after the initial 6 months of inpatient treatment, if he has improved sufficiently. If he successfully completes the program, the sentence will be dismissed. If he does not or if he resists treatment, he will be returned to the court for execution of the sentence. Full credit toward the service of the sentence will be allowed for the time spent in institutional custody.

In the case of the non-criminal addict, the addict himself may volunteer for treatment or a petition may be filed by a related individual (which includes any person with whom the addict lives), a law enforcement officer, health official, or judge who has reason to believe that the person is an addict. Any false statements made under this act are a misdemeanor.

If it is determined by the State Rehabilitation Center, which I shall refer to shortly, that there is reasonable cause to believe an individual is an addict who is eligible for treatment and that there are adequate facilities and trained personnel to treat the person, the district attorney (or his equivalent) will file a petition for commitment with the court of competent jurisdiction. The alleged addict will be advised of his right to have an attorney present at all stages of the proceedings, his right to a jury trial, right to have his own physician, and what is involved in being committed.

Within 72 hours after the petition is filed, the person will receive both a psychiatric and physical exam to determine if, in fact, he is an addict. The physical exam is administered first and may be given within several hours. If there is no trace of narcotics in his system, the person will be immediately released. Any patient with respect to whom a hearing has been set may be confined in a suitable facility to receive treatment pending the hearing.

If the court determines that the individual is a narcotic addict who requires medical treatment, he shall be committed to the care and custody of the Director of the State Rehabilitation Centers for treatment in either an inpatient or outpatient facility for up to 36 months, with a maximum of 6 months in an inpatient facility.

Release to an outpatient facility or readmittance to an inpatient facility for both the criminal and non-criminal addict will be determined by a 5-member Narcotic Addict Evaluation Authority. Three months after a person has been committed to an inpatient facility, he may petition to be released on an outpatient basis. After 6 months, the Narcotic Addict Evaluation Authority will automatically review the case for release.

These procedures will result in putting substantially more addicts in a therapeutic climate and, thereby, prevent the contamination of others and reducing drug-related crime. Volunteer programs by themselves are simply not sufficient. The hard fact is that heroin addicts are basically sick people with tremendous psychological problems. They are both physically and psychologically addicted. Motivation is the key to recovery and in 95 percent of the cases the motivation must be imposed by an outside force on the individual.

The most important aspect of this pro-

posed Act is, however, not the commitment of addicts, but the provisions in the Act which provide for the flexible handling of the heroin addicts committed. One of the great dangers is dealing with heroin addicts is to assert and believe generalities. Each is an individual and, as such, presents peculiar problems. There is no one cure for all heroin addicts.

For some, methadone or even perhaps heroin maintenance is the only solution because they simply lack the psychological capacity to kick the habit. For others, outpatient clinics or halfway houses might be more important. The most we can hope for is to make many of their lives useful for varying lengths of time until an antagonist is developed.

This Act suggests that the court in which civil commitment hearings are held be located, if possible, at the state hospital where the addicts are examined, tried, and committed. A State Rehabilitation Center (SRC) is created which has the flexibility to provide individualized, multi-modality treatment for the addicts committed. The SRC will advise the court and the district attorney (or his equivalent) as to 1) whether there is reasonable cause to suspect that a person is an addict; 2) whether there are adequate facilities and trained personnel to treat him; and 3) what treatment is best suited to the individual addict based upon his degree of addiction, age, and criminal record. There is no prescribed period of confinement or method of treatment.

Thus, some addicts will be referred directly to an outpatient program, including halfway houses established in metropolitan areas, others to inpatient facilities for medical treatment and group therapy. Carefully-controlled methadone maintenance programs will be utilized for hard-core addicts, while a separate program will be established for the young addict whose problems differ from the older, hard-core addict. Moreover, each addict upon being released on an outpatient status will be given the opportunity to develop job skills and receive assistance in securing employment and housing.

The State Rehabilitation Center will have the power to subcontract with existing community programs and create new ones, if necessary, so that the treatment programs will be integrated with the local communities in order to assist the addict in readjusting when he is released.

This Model Act does not provide all the answers to the enigma of drug abuse, but, it does, I believe, offer a framework which, if adequately funded, would enable each of your various states to make giant strides in reducing the spread of addiction, reducing drug-related crime, and returning many young people back to society as healthy, functioning citizens.

The social and economic costs of drug addiction far outweigh the commitment of public resources, both federal and state, which the enactment of this proposed legislation would require. It is up to us as legislators to educate our constituencies to the severity of the problem and the need for immediate measures, such as this Model Act, and the commitment of substantial resources. Thank you.

#### POW EVEN FOR ANOTHER DAY

**HON. ANDREW JACOBS, JR.**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. JACOBS. Mr. Speaker, I was wondering, in view of the events of the past

few weeks in Saigon, if any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

Following is the language of House Resolution 630, which I introduced on September 30, 1971:

#### HOUSE RESOLUTION 630

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madame Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on July 1, 1971, that the policy of her government is: "If the United States Government sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of United States forces and those of the other foreign countries in the United States camp, the parties will at the same time agree on the modalities:

"A. Of the withdrawal in safety from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp;

"B. Of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes.

"These two operations will begin on the same date and will end on the same date.

"A cease-fire will be observed between the South Vietnam People's Liberation Armed Forces and the Armed Forces of the other foreign countries in the United States camp, as soon as the parties reach agreement on the withdrawal from South Vietnam of the totality of United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from South Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

#### A RURAL WYOMING CITIZEN DEFENDS LABOR UNIONS

**HON. TENO RONCALIO**

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. RONCALIO. Mr. Speaker, in the difficult adjustment of the new economic policy, a certain regrettable bias toward the labor movement has been expressed by those who seek easy answers to complex problems.

The Torrington Telegram in Torrington, Wyo., recently carried a letter from Barbara Givens, daughter of the late

Dave Givens, an able and active leader in Wyoming's labor force.

Her defense of collective bargaining and expression of an idealism which goes beyond economic interest is most timely and I recommend it to my colleagues as a balance to some of the discriminatory antilabor publicity which has lately been in evidence.

Her letter follows:

#### WOMAN WRITES VIEWS ON LABOR UNIONS

(By Barbara Givens)

After reading an article in the Sept. 2, issue of the Torrington Telegram about unions, I felt a strong need for a rebuttal. It appears to me, that this man has never been a union member, nor has he any true knowledge of their functions.

A union is a group of workers united to provide and to protect the interests, welfare and rights of its members. Too much propaganda is spread about such an organization, when only a small portion of it is correct. This holds very true of the letter to which I am referring. Where this information was gathered, I do not know, but I hope this letter will verify what unions are all about. Since Wyoming is not a strong union state, it will be hard for some of you to comprehend the true meaning of a union. But, if I am not one to sit back, and let the truth to go unsaid. If this person would read a copy of the Taft-Hartley Act, then he would know exactly the limits of a union.

Since the beginning of the Labor movement in America, our members have been involved in projects of charity and benevolence. The reason for all unions has been the promotion of the well being of people. In a strong union state, you find the employer more than happy to be a union, rather than non-union. The reason for this is very simple. The employer knows that unions are more apt to be concerned about production, than non-union employees.

Unions are not strong because they have unlimited tax exempt funds to block anyone who opposes them at the polls, nor are members forced to pay any undue monies for any such political activities. Unions canvass each and every candidate on the local county, state and national basis. They review each candidate's stand on strong issues and this information is then passed onto its members. They only recommend, who they feel would be better for labor. Then, and only then, does labor approach its members on political activities. Unions do, and always will support any candidate they feel is worthy of their support. Members are in no way, shape or form, forced to vote or take part in any political activities against his own wishes. Organized labor does not have any more force at the polls, than big business, N.F.O., church organizations, foundations, or other so-called civic organizations. If organized labor is as strong, as the letter stated, I'll assure you, there are a number of people in office today, and have been in the past, who would never make it to first base.

This country has always been reluctant to recognize, that organized labor has a legitimate place in its economic status. It is very true that organized labor has gained strength over the years. But Labor has gained its power only through the growth of collective bargaining, both of which are strongly supported by our government. It has taken a long time, but labor has developed leaders, who are intelligent, understanding of the issues, and persuasiveness can match those of management. Unions do not run its members. Union leaders do not enter into your job, unless they are called upon to do so. If trouble arises, and if you call them, then only do they come at your beck and call. Our



union leaders negotiate on a contract with the management through collective bargaining. When both sides reach a tentative agreement, this agreement goes before the union membership for ratification. If the membership refuse this agreement, it is our leaders who go back to the drawing board for us.

Some people feel it is very wrong to force or compel a person to join a union to secure a job. But, as a member of one of the largest unions in the country, I am one who does not. In a union shop, you have 30 days in which to decide, as to whether or not to join a union. This is more than ample time for one to decide, if he likes the wages, benefits, working conditions, and the support that a union shop gives. If one feels that it is not worth a little extra a month to secure a job, usually a good one, and to grow and prosper with the rest of the country, then this person belongs elsewhere.

I am very much aware of Wyoming's so-called "right-to-work" law, because I am the daughter of a man, who fought long and hard to keep Wyoming free of such a law. In case you do not know to whom I am referring, my father was, God rest his soul, Dave Givens. He was also president of the local union in Torrington for 15 years, and president of the Intermountain Region. He was also organizer of the now and present Torrington Community Federal Credit Union.

Any state, that has shown little interest in positive labor relation laws, have bestirred themselves to enact this law. It may also be of interest to know, most of the states that have enacted this law, are rural and southern states. This, in my books, is a leeches paradise, because it allows a person, who does not wish to join the union, to receive all benefits. It's a dirty rotten shame a union man has to put up with a man who is lazy and just wants to rake in all the goodies.

Free enterprise must be truly free for labor as well as for management, and without free enterprise, we have no economy. Organized labor is the economic backbone of our country, and if it were not for organized labor, wages, benefits, working conditions, and production would be far below what it is today.

Anyone who can sit back, let the world go around, and let others do his work, belongs on the old homestead, miles from civilization, sitting on a creek bank, under an old oak tree, and thinking of nothing or no one but himself.

#### HOWARD CHERNOFF AND HIS IMPRESSIVE ACCOMPLISHMENTS

### HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. SLACK. Mr. Speaker, upon occasion we encounter an outstanding example of the way in which the enterprise management spirit can be directed toward a public service responsibility.

These examples show that it can be done. Redtape can be cut. A proud and impressive showing of the American heritage can be organized, even though all of the appropriated funds are not spent.

In this connection I speak of Howard L. Chernoff, whose work I have admired both during his service with the Federal Government and while with private industry in numerous capacities. He has again gained recognition and well-merited praise, and the praise he has

earned is of the kind that reflects to some degree on all his countrymen. I am pleased to have the opportunity to call to your attention a summary of his most recent accomplishment and recognition, as reported in the Honolulu Sunday Star-Bulletin & Advertiser on October 24, 1971:

EWC: CHERNOFF WHITE HOUSE HONOREE  
(By Gene Hunter)

Ambassador Howard L. Chernoff, a Senior Fellow at the East-West Center Communication Institute, was one of 15 Americans honored last week for helping the Federal government save money.

Chernoff was the man chosen to plan and build the U.S. pavilion at Japan's Expo '70—and he did it for \$1,350,000 less than the \$10.1 million Congress appropriated for the job.

Chernoff received the award from President Nixon Monday at the White House in conjunction with the Federal Management Improvement Conference. The awards were established by Nixon to recognize those who contribute improved operating effectiveness and help cut the costs of the executive branch of the government.

Chernoff, a resident of San Diego, is in Hawaii to organize and conduct a seminar for high-level government information officers from 12 Asian countries. The program is the first of its kind, and the 64-year-old Chernoff said:

"I like that, because nobody can tell me, 'You can't do it that way because last year it didn't work.'"

Chernoff said the seminar will not attempt to propagandize the Asian officials, or to tell them how to operate a government information office. Instead, it will provide for an exchange of ideas.

One effect of such a seminar might be closer understanding of government by the people, because of new ideas developed by the information experts, Chernoff said. In his letter to those being invited to the seminar Chernoff expressed the hope that "each of us might go away with one new idea, and to my mind this would make it worthwhile."

The seminar is planned for Feb. 6-18, and Chernoff will return to San Diego about March 1.

The Cleveland-born Chernoff has spent most of his life in communications. He joined the Lorain (Ohio) Journal in 1928 as a reporter, but soon switched from the editorial department to the business office, becoming advertising manager.

"That was before the American Newspaper Guild (the newspaperman's union), and I felt I had to eat," Chernoff said, recalling the low salaries paid reporters at that time.

Chernoff also has been an executive with the Clarksburg (W. Va.) Exponent-Telegram, the West Virginia Network, the San Diego Daily Journal, KFMB radio and television in San Diego and the Sioux Falls (S. Dak.) Argus-Leader.

Among the major honors he has received in the communications field are the Peabody Award for the Most Outstanding Use of Radio in the U.S. (1943), the Variety Award for Expanding Radio's Social Usefulness (1944) and the New York Times Award for Civic Responsibility (1960).

Asked his opinion of the print and broadcast media today, Chernoff replied: "In many respects newspapers are far better than when I started out in the business. Newspaper reporting is being done by a higher type, better educated person now."

But he added that in some ways the news media "have failed miserably."

Frequently, newspapers do not cover the "positive aspects" of government, Chernoff said. The Washington Post ignored the recent White House ceremony in which 15 persons

were honored for saving the government millions of dollars, he said, adding:

"If 15 men in government had stolen money, it would have been a hell of a story." Chernoff said Honolulu radio is "just about at its worst," in both news and general programming. "The news you hear is obviously a rewrite of the morning or evening papers," he said.

Chernoff said he watches almost no television here, and cannot comment on that medium.

He said he did, however, watch the recent World Series on television—then grabbed the newspapers the next day to read about what he had seen. "I think many people do that," he said.

Chernoff helped former Gov. H. Rex Lee of American Samoa establish the pioneer educational television network in that South Pacific territory and was the man who conceived and started the famed San Diego Children's Zoo. Chernoff then was president of the San Diego Zoo, the world's largest zoo—and one of the few that is self-supporting.

In 1965 Chernoff was named executive assistant to the director of the U.S. Information Agency, the No. 2 post in that office, and from there was chosen by President Johnson to develop the Expo '70 pavilion.

Chernoff first was called Commissioner General of the United States Pavilion, a title that Nixon changed to Ambassador. Chernoff said this title change was not made to honor him, but as a compliment to the Japanese people since it upgraded him in their eyes.

He and his wife, Melva, and the 29 members of his staff lived in Japan from August, 1969, until December, 1970, on the pavilion project.

The Chernoffs, and all members of his staff, took 10 months of tutoring in the Japanese language before they moved to Japan. They lived in a middle-class neighborhood in Toyonaka, midway between Osaka and the site of Expo '70, and were the only Americans in that city of 400,000.

"At first they didn't know what to make of us but we became very good friends with our neighbors," Chernoff said.

He said Japanese seldom visit each others' homes, but that their Toyonaka neighbors accepted invitations to the Chernoffs. When some of those friends in turn entertained the Chernoffs, they invited neighbors who had lived beside them for 20 years but who had never been in their home.

After social formalities and amenities are observed, Japanese businessmen enjoy hard-nosed bargaining, Chernoff said. In dealing with contractors and others involved in the construction of the pavilion, he said, there were "many tedious, tough negotiations—but I found the Japanese respected that."

In recognition of his Expo '70 work, Chernoff recently was named a Grand Officer of the Imperial Order by Japanese Emperor Hirohito. The Emperor also sent the Chernoffs three large silver cups, used for New Year's sake drinking.

When the Emperor visited the American pavilion at Expo '70, the Chernoffs were briefed on how to act, what to say and what Hirohito might say. While things didn't go exactly as planned, Chernoff found the Emperor relaxed and friendly.

The Emperor's 11-year-old grandson Prince Hiro, had visited the pavilion two weeks before and Chernoff told Hirohito that the boy probably could explain the space exhibit better than anyone working there.

Hirohito replied jokingly that Hiro well might become the first Japanese astronaut and both men laughed. A photographer took a picture at that moment, which one Japanese newspaper ran eight columns wide. The Imperial household said that photograph was the most informal picture of the Emperor ever printed.

**A CALL FOR A NATIONAL COMMITMENT TO PROVIDE ADEQUATE AND QUALITY TREATMENT FOR KIDNEY DISEASE SUFFERERS**

**HON. ROBERT A. ROE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 9, 1971*

Mr. ROE. Mr. Speaker, I wish to call attention to you and our colleagues here in the House the desperate need in our country to provide for the necessary services and treatment to aid sufferers of the dread diseases of the kidney which not only carry heart-breaking circumstances during the end stage renal disease, but also place heavy financial burdens upon the families of its victims.

No parallel situation exists in the medical profession today where techniques have been developed for the diagnosis and prevention of disease which would save lives, and yet, at the same time, people continue to progress to chronic kidney disease and death, because of the lack of trained medical technicians, available facilities, research and equipment for the diagnosis, evaluation, treatment and prevention of kidney disease.

Just recently in my congressional district, Carl Salamensky, a dedicated husband, father, eminently qualified and capable college administrator with the William Paterson College of New Jersey, and the victim of chronic kidney failure passed away prematurely after a valiant fight, due in large measure to the desperate need for an improved quality of treatment and the lack of a truly concentrated national commitment to cure and control this exceedingly lethal crippling disease. The ravages of this disease not only destroys the physical body, but erodes the emotional and psychological capacities of its victims destroying the will to survive.

The untimely death of Carl Salamensky identifies an area of medical concern that must receive the immediate, assiduous attention of this Congress. Statistics portend that chronic kidney disease will strike and kill 8,000 to 10,000 persons each year; many, like Carl Salamensky, will be forced to die prematurely, because the facilities, the supplies, and the services necessary for their very life's sustenance will not be available.

It is clear to all of us that the medical profession is now equipped to assist these people to lead normal working lives, but it is a tragic moral and social failure that funds are not available to permit the implementation of the medical profession's developed techniques to save these lives.

There is indeed an urgent need for the implementation of a comprehensive program to combat kidney disease through the coordinated efforts of the Federal, State, and local governments, the medical professions, universities, nonprofit organizations, and individuals throughout our Nation. On Friday, November 5, I was pleased to join with Senator HARRISON A. WILLIAMS, Jr., of New Jersey, Senator JOHN G. TOWER, of Texas, and Senator J. CALB BOGGS, of Delaware, in introducing a bill for consideration by

the Congress to amend the Vocational Rehabilitation Act to provide special services, artificial kidneys, and supplies necessary for the treatment of individuals suffering from end stage renal disease. This measure authorizes \$25 million for grants in aid on a 90 to 10 percent Federal-State matching fund basis for an expanded coordinated kidney disease treatment program. This legislation would achieve a major step forward in providing immediate assistance to individuals suffering from end stage renal disease.

On January 22, 1971, I cosponsored with Congressman HOGAN et al., H.R. 817, to establish a national catastrophic illness insurance program under which the Federal Government acting in cooperation with State insurance authorities and the private insurance industry, would re-insure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost. This measure would help those people who find themselves unable to take out proper medical, hospital, or surgical insurance or health plan protection, because the cost is prohibitive.

On March 17, 1971, I introduced H.R. 6302, to establish a National Kidney Disease Act of 1971 providing Federal grants in aid to encourage and develop education, research, training, and demonstration projects to seek out mass testing procedures for the early detection of kidney disease, more effective and economical devices for blood purification, and to generally help improve the health manpower and facilities available to the Nation in combating this dread disease.

The earliest possible enactment of the foregoing proposals will provide a truly concentrated major step forward toward a comprehensive national commitment dedicated to the establishment of long overdue adequate and quality treatment for kidney disease sufferers during this decade of our history when one of the most important national goals with the highest priority should be that every American receives the finest quality medical and health services possible.

**IS VIETNAM SAFER THAN NEW YORK CITY?**

**HON. LESTER L. WOLFF**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 9, 1971*

Mr. WOLFF. Mr. Speaker, the availability of the so-called "Saturday Night Special"—cheap, small handguns, selling at about \$5 or even less—has created a murder nightmare in most urban areas, especially in New York City. WABC, an ABC-owned radio station in New York City, regularly presents editorials on topics of public interest, delivered by its vice president and general manager, George H. Williams. Recently, WABC broadcast an editorial comparing the death rate in the city from these Satur-

day Night Specials to the death toll in Vietnam. It is a shocking comparison and I commend WABC for its editorial.

I have supported legislation to achieve what the editorial seeks—an end to senseless killings. I also have introduced legislation, backed by 80 of my colleagues, to ban the manufacture and distribution of switchblade knives, the tools of silent death. One appropriate way to reduce the incidence of crime and violence is to make it more difficult for people to secure the weapons of violent crimes.

The WABC editorial makes the point that with more than 800 persons slain in New York City this year, the city's death rate may exceed that of Americans in Vietnam. The editorial follows:

**IS VIETNAM SAFER THAN NEW YORK CITY?**

There is a very good possibility that by the end of this year . . . the death toll in New York City might be higher than the American death rate in Vietnam.

Already more than 800 people have been slain here . . . this is far ahead of last year's rate.

And the average for murdered police is already more than one a month. Gun registration is apparently not the answer. The sale of guns must be controlled.

Maybe we should bring some of those small-town congressmen into New York for a week-end to see all the senseless killings. Those cheap handguns can be picked up for a few dollars . . . yet they can kill quickly . . . even if they don't fire a second time.

Do we need a Gulf of Tonkin incident here before congress declares war on handguns? As Mayor Lindsay has pointed out . . . the combat on our city's streets can only be stopped . . . by the national control of gun sales.

**JAMES G. FULTON**

**HON. GEORGE P. MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 9, 1971*

Mr. MILLER of California. Mr. Speaker, expressions of sorrow still come to the committee lamenting the passing of our colleague, James G. Fulton. Jim's dedication to maintaining vigorous and progressive scientific research and development programs of the Nation is known far and wide in Government and in the civilian areas. Full recognition of that dedication is expressed in the following letter which I would like to insert for the RECORD. This letter is the expression of the highest levels of the National Science Foundation, the agency that has done so much since 1950 to make our country worthy of world leadership:

NATIONAL SCIENCE FOUNDATION,  
NATIONAL SCIENCE BOARD,  
November 2, 1971.

HON. GEORGE P. MILLER,  
Chairman, Committee on Science and Astronautics, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: During our October meeting in Washington the Members of the National Science Board expressed sadness upon learning of the death of Representative James G. Fulton of Pennsylvania, and asked that I convey the sympathy of the Board to you as Chairman of the Committee on Science and Astronautics, on which Mr.



Fulton served so ably as ranking minority member.

The importance of the support of science to national and international welfare was exceptionally well understood and clearly articulated by Mr. Fulton. The Congress and the scientific community have indeed lost an informed spokesman for the cause of science. Perhaps the most fitting memorials to Mr. Fulton's dedicated efforts in the Congress in support of scientific advancement are the record of the outstanding accomplishments of the United States space program and the increased communications among nations for international cooperation in science and space.

The Members of the National Science Board who have had the privilege of working with the Committee on Science and Astronautics express to you and the other Members of your Committee our condolences upon the death of your distinguished colleague.

Sincerely yours,

H. E. CARTER,  
Chairman.

#### A PILOT PROGRAM FOR THE NATIONAL SERVICE ACT

**HON. JONATHAN B. BINGHAM**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. BINGHAM. Mr. Speaker, while the Congress has extended the draft for 2 more years, it is clear that the system must be revised. Earlier this year, I introduced legislation, the National Service Act, which I believe reflects the needs of the Nation and the desires of its youth. It would provide for civilian service as an alternative to military service. Writing in the September issue of *Teachers College Record*, Mr. Donald J. Eberly outlines a workable pilot project to study the impact of a national service system.

In his article, Mr. Eberly takes the 10-point statement on National Volunteer Service of the National Service Secretariat, as a delineation of the assumptions for his proposal. Expanding on that theme, he devises a profile of the needs of service fields and educational background of volunteers. Then, he directs himself to the pivotal questions which a pilot program must answer:

First. What are the needs?

Second. Who will meet them?

Third. What will be accomplished?

Mr. Eberly's proposal offers a thoughtful and intriguing approach which would test the feasibility of a national service system and its potential impact. The idea deserves the Congress' critical attention.

Following is the text of Mr. Eberly's article:

#### A NATIONAL SERVICE PILOT PROJECT

(By Donald J. Eberly)

"Overnight, you'll have a million kids on your hands, and it will be the biggest boondoggle in history." So goes one of the more eye-catching arguments against national service. What this criticism fails to consider, however, is that most serious proponents of national service advocate not a crash program but a transition period of three to five years to build up enrollment to a plateau of one to two million persons. The need at present centers on designing a true pilot project to test the feasibility of a full-scale national service.

Experience with youth service programs over the past decade has permitted an acceleration of the recommended developmental period, but as yet there has been no true national service pilot project. The Peace Corps, VISTA and the Teacher Corps are small programs (none enrolls as many as 10,000 participants), widely dispersed, and highly selective. The Neighborhood Youth Corps and Job Corps are exclusive programs (participants must be educationally and financially poor) with underdeveloped service components.

Still these programs have helped to pave the way for national service. Skeptics who thought young people were not wanted or could not perform competently in overseas assignments were proved wrong by the work of thousands of Peace Corps volunteers. Hundreds of thousands of applicants for the Job Corps destroyed the myth that only a compulsory program could reach poor, uneducated young people, and the effective tutorial services of the Neighborhood Youth Corps demolished the thesis that such young people were suitable only for menial tasks.

These programs are also teaching us where they fall short of the national service ideal. For example, many VISTA volunteers have felt frustrated with their inability to effect the reforms which they want and society needs. Some have concluded that the necessary reforms could never be achieved through service; an overthrow of the system was required. What has not been tested is the potential of a full-scale service program. Suppose, for example, the Teacher Corps, in cooperation with the local school board, teachers' union, parents, students, and colleges, were to recruit young people to augment the teaching staff of city schools to bring the teacher-pupil ratio to the level of private schools. The ratio might drop from, say, 1:30 to 1:12. Until we know the true impact of this approach, and similar ones in such fields as health, environment, and protection, we cannot rule out the national service idea as an agent of change.

The longer the United States delays experimentation with national service, the more rapidly does it approach the time when a crash program may be needed. Our record is less dismal than one might guess. The Civilian Conservation Corps was our major successful mobilization program of youthful manpower for nonmilitary purposes. Within three months of the day it became law in 1933, some 275,000 young men were enrolled in CCC camps.

Although unemployment figures have not reached the crisis level of 1933, the combined effect of rising unemployment, youthful alienation, societal needs, and the lock-step of education appears to be leading us toward a crisis of similar proportions. While there is still time, it is only common sense to test a program designed to meet the basic needs of youth and society and which, as a byproduct, might avert the looming crisis. Moreover, such a test is long overdue. National service pilot projects were recommended in 1967 by the National Advisory Commission on Selective Service and by the National Service Conference, in 1969 by the Joint Commission on Mental Health of Children, and in 1970 by the President's Commission on Campus Unrest.

Skeptics of national service probably will look upon such projects as test cases, the results of these pilot projects to determine whether or not a full-scale program should be undertaken. National service proponents, on the other hand, will likely consider the results as a demonstration of the enormous potential of the national service concept.

Whatever the pilot projects prove to be, this paper looks upon them primarily as empirical research. A theoretical basis for national service has been defined. A national service concept has been put forward and examined, the expected benefits tabulated, the costs estimated, the probable impact on

the draft, on education, on society, considered. Viewed as a seed, national service has been quite thoroughly analyzed. Now it is time to plant seed, several of them, in different kinds of soil, and in various types of weather. Then, when the fruit has been harvested, we can determine what next for national service.

Before designing test projects, we must first ask what it is we want to discover. Then we can design the projects to most efficiently meet our objectives.

#### ASSUMPTIONS

This paper is based on the kind of national service program outlined in a ten-point *Statement on National Volunteer Service*,<sup>1</sup> which has drawn the endorsement of many of the strongest advocates of national service. The statement reads as follows:

The zeal of young people to build a better society has never been clearer than it is now. Yet opportunities to work constructively for a better society are limited. Compared to national needs, relatively few jobs in the service fields are available to young men and women.

Still, the service needed by society—in such fields as education, health, conservation and municipal services—is enormous. Many of these needs could be met by young people, those who are asking for relevance in education, for a chance to meet their service responsibility outside the armed forces, and for first-hand experience with problems whose outcomes will determine the kind of world to be passed on to their children.

In order to meet many of our most pressing needs and to permit young men and women to become engaged in the building of a better society, we endorse a program of national volunteer service, which would have these basic features:

1. Service opportunities would be available to all young people. The main criterion for admission would be willingness to serve.

2. Each participant would both serve and learn. Learning would range from development of specific skills to growth in self-knowledge, problem-solving, and working with people.

3. Service activities would be directed and financed at the local level to the extent permitted by available resources, and would include projects organized and directed by young people. Thus, maximum local initiative would be encouraged.

4. Service activities would be underwritten by a public foundation at the national level. Such a foundation, which should be removed from political pressures but which would receive both Congressional appropriations and private contributions, would assure support for all needy projects.

5. The basic *raison d'être* for national volunteer service is the need society has for the service of youth. Main areas are tutoring, health and mental health, conservation, and various kinds of community and family service. By serving in these fields, young people would be able to test themselves through service to society and would receive valuable experience for their careers.

6. Young people who seem poorly qualified by conventional standards could serve effectively. High school dropouts are today serving as tutors, and doing a good job; others are receiving specialized training for responsible hospital positions. Each participant would be given the training and supervision needed for the assignment.

7. There would be a transition phase. Growth of national volunteer service would be constrained by identification of useful tasks, finding enough trainers and supervisors, and obtaining sufficient funding. The

<sup>1</sup> *Statement on National Volunteer Service*, Washington, D.C.: National Service Secretariat, August 3, 1970.

transition phase would permit experimentation with various techniques and activities.

8. Participation would be by means of a contract, voluntarily entered into by all parties. The contract would spell out the responsibilities of the participant, the sponsoring agency and the funding agency.

9. Duration of service would range from a minimum of one year to a maximum of four years. The normal contract period would be one or two years, renewable.

10. Participation in national volunteer service would be viewed as fulfillment of a person's service obligation. Thus, satisfactory completion of national volunteer service—for the same period of time as needed to complete one's military service obligation—would place participants in the same draft category as veterans of military service. Also, if armed forces manpower requirements were to be met solely by volunteers, there would be no need to relate civilian service to military service since both would be manned by volunteers.

#### PROFILE OF NEED

How many tutors are needed? How many to work on health projects? How many conservationists? How many to assist city officials in the delivery of human services?

In the absence of more recent data, major reliance for theoretical estimates of need is

placed on two six-year-old reports, one prepared by the National Commission on Technology, Automation, and Economic Progress, the other by Greenleigh Associates for the Office of Economic Opportunity. Both reports estimated the need for sub-professional workers in public service fields, as shown in Tables I<sup>2</sup> and II.<sup>3</sup>

Based on these estimates, a subsequent reordering of national priorities (e.g. beautification must now be subsumed under environmental concerns), and my experience with youth service programs, such as, the Atlanta Urban Corps, I compiled in 1970 a revised estimate of needs, as shown in Table III.<sup>4</sup> For purposes of planning pilot projects, it is suggested that Table III serve as the profile of need until harder data become available.

TABLE I

| Source of Employment:                          | Job Potential<br>(in millions) |
|--|--------------------------------|
| Medical institutions and health services ..... | 1.2                            |
| Educational institutions .....                 | 1.1                            |
| National beautification .....                  | 1.3                            |
| Welfare and home care .....                    | 0.7                            |
| Public protection .....                        | 0.35                           |
| Urban renewal and sanitation .....             | 0.65                           |
| Total .....                                    | 5.30                           |

TABLE III.—ESTIMATED NEEDS AND EDUCATIONAL REQUIREMENTS FOR NATIONAL SERVICE PARTICIPANTS  
(In thousands)

|                                      | Minimum academic background |                      |                       |              |                   |                                  | Minimum academic background |                      |                       |              |                   |
|--------------------------------------|-----------------------------|----------------------|-----------------------|--------------|-------------------|----------------------------------|-----------------------------|----------------------|-----------------------|--------------|-------------------|
|                                      | Need                        | High school dropouts | High school graduates | Some college | College graduates |                                  | Need                        | High school dropouts | High school graduates | Some college | College graduates |
| Total .....                          | 4,030                       | 1,340                | 1,470                 | 935          | 285               | Social services .....            | 560                         | 110                  | 210                   | 210          | 30                |
| Educational services .....           | 1,000                       | 205                  | 420                   | 270          | 105               | Day care aides .....             | 200                         | 30                   | 100                   | 65           | 5                 |
| Tutors .....                         | 600                         | 100                  | 300                   | 180          | 20                | Welfare aides .....              | 200                         | 30                   | 50                    | 110          | 10                |
| Teacher aids .....                   | 300                         | 100                  | 100                   | 80           | 20                | Parole and probation aides ..... | 20                          | 5                    | 10                    | 5            | 5                 |
| Teachers .....                       | 60                          |                      |                       |              | 60                | Prison aides .....               | 20                          | 5                    | 10                    | 15           | 5                 |
| Public media aids .....              | 40                          | 5                    | 20                    | 10           | 5                 | Geriatric aides .....            | 50                          | 20                   | 20                    | 10           | 5                 |
| Health services .....                | 900                         | 215                  | 405                   | 230          | 50                | Settlement house aides .....     | 50                          | 20                   | 20                    | 10           | 5                 |
| Health aides .....                   | 800                         | 200                  | 350                   | 210          | 40                | Legal aides .....                | 20                          |                      |                       | 5            | 15                |
| At hospitals .....                   | 600                         | 150                  | 250                   | 170          | 30                | Protection services .....        | 300                         | 60                   | 155                   | 65           | 20                |
| Outside hospitals .....              | 200                         | 50                   | 100                   | 40           | 10                | Police aides .....               | 200                         | 25                   | 120                   | 45           | 10                |
| Mental health aides .....            | 100                         | 15                   | 55                    | 20           | 10                | Fire aides .....                 | 50                          | 20                   | 15                    | 10           | 5                 |
| At institutions .....                | 50                          | 10                   | 25                    | 10           | 5                 | Highway safety aides .....       | 50                          | 15                   | 20                    | 10           | 5                 |
| Outside institutions .....           | 50                          | 5                    | 30                    | 10           | 5                 | Other services .....             | 470                         | 150                  | 170                   | 110          | 40                |
| Environmental services .....         | 800                         | 600                  | 110                   | 50           | 40                | Public works aides .....         | 200                         | 100                  | 70                    | 25           | 5                 |
| Conservation aides .....             | 500                         | 400                  | 50                    | 30           | 20                | Recreation aides .....           | 100                         | 20                   | 50                    | 25           | 5                 |
| Pollution and sanitation aides ..... | 100                         | 60                   | 20                    | 10           | 10                | Library aides .....              | 50                          |                      | 15                    | 30           | 5                 |
| Beautification aides .....           | 100                         | 70                   | 20                    | 5            | 5                 | Mayor's aides .....              | 20                          | 5                    | 5                     | 5            | 5                 |
| Park development aides .....         | 100                         | 70                   | 20                    | 5            | 5                 | Others .....                     | 100                         | 25                   | 30                    | 25           | 20                |

Instead of being drafted into the armed forces, suppose every person, male or female, could spend one year working in some way for his country to solve its problems. For which of these would you be willing to work a year? (Answer only one.)

A. Poverty: slums, ghettos, welfare programs, housing, etc.

B. Conservation: air, water, pollution, etc.

C. Education: improve and expand

D. Race problems: provide equal opportunity

E. Some other than above; or would not be willing to work a year<sup>5</sup>

Four years earlier, in April 1966, the Gallup Organization asked college students this question:

VISTA is a federal program made up of volunteers who live and work among the poor in depressed areas of the nation. Do you think you would have any interest in working in this program, either on a full-time or a part-time basis?<sup>6</sup>

<sup>5</sup> A. C. Erlick, "People Problems: Population, Pollution, Prejudice, Poverty, Peace." Report of Poll 89. Purdue University: The Purdue Opinion Panel, 1970.

<sup>6</sup> Attitudes of College Students Toward VISTA. Princeton, New Jersey: The Gallup Organization, Inc., 1966.

Results for a selected group of teen-age girls are found in a survey conducted for *Seventeen* magazine in February 1969. It asked a sample of their subscribers this question concerning voluntary national service:

Would you personally volunteer to serve for a year in such a program?<sup>7</sup>

These and related questions in the three surveys yielded responses which suggest theoretical answers to several questions that pilot projects could be expected to answer empirically:

1. All three polls indicate a majority in-

<sup>2</sup> "Technology and the American Economy," in Report of the National Commission on Technology, Automation and Economic Progress. Washington, D.C.: U.S. Government Printing Office, Vol. I, February, 1966, p. 36.

<sup>3</sup> A Public Employment Program for Unemployed Poor. New York: Greenleigh Associates. November, 1965, pp. 28-29.

<sup>4</sup> Donald J. Eberly. The Estimated Effect of a National Service Program on Public Service Manpower Needs, Youth Employment, College Attendance and Marriage Rates. New York: Russell Sage Foundation, 1970.

<sup>7</sup> "National Service Survey," *Seventeen* Magazine, March 1969, p. 5.

TABLE II

| Field of Service:                                     | Theoretical Potential |
|---|-----------------------|
| Health, including hospitals and mental health .....   | 1,355,000             |
| Education .....                                       | 2,016,900             |
| Day care .....  | 14,000                |
| Recreation and beautification .....                   | 136,000               |
| Libraries .....                                       | 62,700                |
| Public welfare .....                                  | 65,000                |
| Probation and parole .....                            | 16,000                |
| Institutions, dependent and delinquent children ..... | 38,500                |
| Public works .....                                    | 150,000               |
| Police and fire .....                                 | 50,000                |
| Prisons .....   | 24,000                |
| Defense .....   | 350,000               |
| Total .....   | 4,278,100             |

#### WHO WILL SERVE?

What young people will choose to participate in national service, Will they be rich or poor? Black or white? Male or female? High school dropouts or college graduates?

Survey data are available on these questions from three polls taken in recent years. Poll Number 89 of the Purdue Opinion Panel asked a representative sample of high school students this question:



ple would volunteer for national service in very nearly the same proportions from all regions of the country.

The surveys are not helpful in forecasting how many men would opt for civilian service as against military service. At any rate, the major determinants, such as, war and level of unemployment, would not be controllable by pilot project administrators.

Should the nation decide to commit itself to the draft and to national service, then pilot projects should test the influence on enrollment of such controllable variables as rates of pay, duration of enlistment, and postservice benefits.

Should the nation decide to commit itself to a volunteer military force and a standby draft only, the pilot projects should test the option plan for national service to discover how much money in incentive pay and amenities for persons in the military could be saved by instituting a program of national service.

#### WHAT WILL BE ACCOMPLISHED?

This is the most difficult area to take measurements. What is the value to a person learning at age twenty, instead of age fifty, that a career in which he serves his fellow man would be more rewarding? What is the value to society of motivating 1,000 young people to enter legitimate careers instead of the world of crime? What is the value to the economy of looking after 4,000,000 infants of working mothers?

The direct financial aspects of these acts could be estimated fairly accurately. The social and personal benefits, however, do not lend themselves to easy quantification. One approach is to compare the cost of national service benefits to the cost of the same benefits obtained through alternative means.

Consider, for example, a National Service Highway Safety Patrol Corps. Although Corps members would carry no guns and have no power of arrest, it is postulated that their presence on the highways would deter speeders and reduce fatalities. Corpsmen would administer first aid to accident victims and with the aid of helicopters attached to each Corps unit assist in rushing victims to hospitals.

Benefits to participants would include training in auto mechanics, first aid, electronic equipment maintenance, helicopter operation, and career guidance. Attitudinal changes on such subjects as age, race, nationality, education, and family income could also be examined.

The total benefits accruing from the Patrol Corps and comparable programs in other major areas, such as, education, health, and conservation, would be quantified, and the cost compared with the cost of achieving the same benefits through alternate methods. The results would indicate those areas in which national service was the most economical means to a set of objectives and those in which it was the most costly.

To be useful, project goals must be fairly specific. With the highway safety project, for example, the objectives might include the items in Table IV.

Clearly, if goals are to be measured with a fair degree of accuracy and have significance, the test projects would have to be concentrated. It would be very hard to measure the impact of 1,000 highway safety patrolmen spread throughout the country, but relatively easy to measure their impact if confined to one state.

#### DESIGNING A PILOT PROJECT

Although numerous questions have been posed on the national service concept, they cannot be answered independently of each other. National service is not simply the provision of manpower, such as, the assignment of a highway safety patrolman to a dangerous intersection. It is not simply the education offered to participants. Nor is national service simply an opportunity offered young people

to experiment with public service careers, to travel, to find alternatives to the draft and the lock-step of education. National service is all of these things, and the profile of motivations and benefits of a national service experience would be unique to each participant. So, if national service is to be tested properly, the experiment must be comprehensive and conducted on a fairly large scale.

Table IV

1. Number of lives saved.
2. Number of injuries avoided.
3. Reduction of damages to automobiles (dollar value).
4. Provision of training:
  - (a) In first aid.
  - (b) In auto mechanics.
  - (c) In radio.
  - (d) In helicopter operation.
5. Facilitation of career choice:
  - (a) As highway patrolmen.
  - (b) As helicopter pilots.
  - (c) As medical personnel.
  - (d) As auto mechanics.
  - (e) As electronic technicians.
6. Reduction of societal costs resulting from Corps participation:
  - (a) Penal system.
  - (b) Welfare system.
  - (c) Unemployment.
  - (d) Educational system.
  - (e) Health system.

As indicated earlier, the main thrust of this empirical research project appears to fall into the following three categories:

- What are the needs?
  - Who will meet them?
  - What will be accomplished?
- Sequentially, these topics are interrelated as shown below:

[Chart referred to not printed in the Record.]

In practice, then, an integrated pilot project can be designed in which the persons who enroll in the Resources Project can fill the positions identified in the Needs Project, and their accomplishments measured in the Results Project.

Before designing a pilot program to test our hypotheses, however, we have to recognize three possible limiting factors.

First, all national service projects will involve the interaction of national service participants and other human beings. Hence it will be important for the participants not only to be needed, but also to be wanted by the local residents. Ideally, a community would initiate a request for a test project, would design the project, would provide for training and supervision of participants, and would evaluate the completed project. The actual sponsor, which might be the board of education, a local hospital, or a new consortium, would have to demonstrate broad-based community support.

Proper receptivity to national service cannot be overstated. For this reason our test criteria cannot be too rigid. It would be preferable, for example, to test national service in an area that is 25 percent black and receptive than one that is precisely 11 percent black and hostile. This factor is not simply the hope of a national service protagonist. Testing national service in a hostile area means a built-in negative bias, probable failure, and the likelihood that the national service researchers will never have their questions answered.

The second constraint concerns finding an adequate number of competent, middle-level personnel to fill positions created by a test project. In our highway safety project, for example, we would need a helicopter instructor and a number of other supervisory personnel. No doubt they can be found, but if we have to go outside the test area to locate such individuals, it is likely that we would not yet be ready to launch the highway safety program on a nationwide basis.

A third constraint arises if the number of

positions and the number of applicants are unequal. To permit a need to go unfilled, or an applicant to be rejected for lack of opportunity, would damage the credibility of the whole operation. Reservoirs should be established. If needs exceed participants, the project should be able to recruit outside persons and to include them in the project. If participants exceed needs, similar projects elsewhere should be started.

These fringe considerations probably would entail higher unit costs, but they are, nevertheless, essential to a thorough test of the idea. For they are what differentiates national service from VISTA and other limited programs. Young people must be guaranteed a chance to serve. And public service agencies must be assured the help they request. Without such guarantees the project degenerates into another token effort. With them, we can discover whether national service is as powerful a program as it is an idea.

#### THE RESOURCES PROJECT

Several possibilities exist for the Resources Project. To determine the size and nature of the universe of persons who would enroll, national service could be open to all whose birthdays fell on a specified date, or whose last name began with a certain letter. Either of these approaches would assure recruits from all over the country. In terms of local impact, however, either alternative would dilute the pilot project. So few persons would enroll from any single area that it would be difficult to measure the effect on schools, business, crime rate, and so on.

The most useful approach from a research viewpoint would open the pilot project to all young people in a given geographic area. By mean of the gerrymander principle, a standard metropolitan area could be expanded to include some rural areas, thereby defining a population whose socioeconomic characteristics typify the United States as a whole. Not only would such an approach facilitate studying the impact of national service, but it would also reduce the costs of recruitment and otherwise add to the efficiency of the test project.

The minimum population of the test area should be 1,000,000. This writer has earlier suggested that a national service program would enroll some 2,000,000 young people, or about 1 percent of the total population.<sup>8</sup> Let us assume that we could expect to enroll 1 percent of the population in the pilot project. With some 10,000 participants, the project should yield results that would be predictive of a nationwide national service program.

Do the prescribed test areas exist? They certainly do. According to the 1970 census, 15 states and 54 metropolitan areas have population totals between the suggested limits of 500,000 and 2,000,000. These examples are cited not to rule out other test sites, such as multistate regions and individual city boroughs, but merely to indicate the number of options within a fairly narrow population range.

A firm decision on the test project would have to be made a year before the operation begins. Even before the decision is made, however, cooperation with the local citizenry would have to be secured and the funds appropriated. In the year after the decision, the staff would set up the necessary machinery, an independent research team organized to make measurements, and positions found for the estimated 10,000 participants.

In designing and implementing the pilot projects, it will be helpful for planning purposes to have some national figures. A solely qualitative approach would result in great variations in the assumptions of staff members as to the number of participants. A possible breakdown for the Resources Project is given in Table V.

<sup>8</sup>Eberly, *op. cit.*

## THE NEEDS PROJECT

By definition, the Needs Project must be concentrated. Places for 2,500 educational aides could easily be found throughout the country, but that experience would tell us little about total nationwide demand. Hence the Needs Project should be undertaken in an area comparable in size to the Resources Project.

Unlike the Resources Project, however, the Needs Project can be divided by category. In fact, more accurate estimates of nationwide demand probably would result from conducting sub-projects in separate localities than from having all projects in the same place.

TABLE V

| Number                                  | Variation<br>(percent) |           |
|---|------------------------|-----------|
|   | In-crease              | De-crease |
| Total population of area                | 1,000,000              | +100 -50  |
| Minority group population               | 110,000                | +100 -20  |
| Number of applicants, 16 to 30          | 25,000                 | +100 -50  |
| Number rejected                         | 250                    | +100 -50  |
| Number opting out                       | 14,750                 | +100 -50  |
| Number of participants                  | 10,000                 | +50       |
| Number of dropouts                      | 500                    | +50       |
| Age of participants:                    |                        |           |
| 16 to 17 years                          | 1,500                  | +35       |
| 18 to 19 years                          | 4,000                  | +25       |
| 20 to 21 years                          | 2,500                  | +30       |
| 22 to 25 years                          | 1,500                  | +35       |
| 26 to 29 years                          | 500                    | +50       |
| Educational background of participants: |                        |           |
| High school dropouts                    | 2,500                  | +20       |
| High school graduates                   | 4,000                  | +15       |
| Some college                            | 2,000                  | +20       |
| College graduates                       | 1,500                  | +25       |
| Sex of participants:                    |                        |           |
| Male                                    | 4,000                  | +30       |
| Female                                  | 6,000                  | +25       |

By having each of the Needs Projects tested in different communities, different administrative approaches could be tried, and it will not be an all-or-nothing proposition. By encouraging local officials to use the administrative procedures that seem best for their needs, it would be possible to examine the similarities and differences in procedure, and to determine which matters should be made a condition of participation in national service projects and which should be set locally. Furthermore, project dispersal would place less strain on the communities where the sub-projects took place. If all were concentrated in one locality, it would be comparable to launching a nationwide program of 2,000,000 participants with no build-up period!

One of the Needs Projects should be tested in the same area as the Resources Project. In doing so, we should be able to determine the number and types of young people who opt for local service, and to examine the comparative results of such service.

Just how the projects would be divided would depend heavily on the nature of the proposals. An advisory board to the pilot project could review the proposals and award contracts in a manner to most nearly achieve a nationwide program in miniature.

[Figure I chart referred to not printed in RECORD.]

Participation in each sub-project should cover the socioeconomic spectrum, although individual sub-projects would often show distortions from the norm. For example, the average educational level of participants in an educational project would likely be somewhat higher than in a conservation project.

## THE RESULTS PROJECT

While the sponsoring organization in each participating community would be responsible for basic recordkeeping, an independent agency should be engaged to audit such records and otherwise to evaluate and interpret the results.

Such an agency would conduct its research in accordance with the project objectives. It would fully describe the resources and needs

and explain in detail the extent to which the objectives were met. Evaluation studies would begin when the sites were chosen and would continue throughout the life of the project.

In addition, provision should be made for other persons wishing to evaluate the national service pilot project. The aforementioned advisory board could rule on the legitimacy of such requests and minimize the effect of the Heisenberg Uncertainty Principle by keeping research studies from seriously affecting the project itself.

In summary, we have designed a pilot project to test the national service concept. Always difficult to define simply, the three components of the project are shown graphically in Figure 1. Such a three-dimensional matrix suggests the interrelationships among the components and could be an informative way of presenting data on the project.

## PRAYER AMENDMENT

## HON. ARTHUR A. LINK

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. LINK. Mr. Speaker, on Monday, November 8, 1971, I voted against House Joint Resolution 191, the prayer amendment. I voted against the amendment because of my faith in the wisdom of the founders of our Nation, who knew oppression and hungered for freedom. Through the Bill of Rights they sought to establish and preserve the freedoms they felt were fundamental to a new kind of democratic society.

Some of their most bitterly felt oppression resulted from the combined authority of church and state. Under the guise of religious teachings and beliefs, government officials were able to direct the lives of citizens. The fact that the very first article of the Bill of Rights states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;" is a positive statement of their desire to insure this basic freedom.

The measure that was defeated on Monday severely threatened this freedom. Many citizens responded to this threat by urging Members of Congress to vote against the proposal. The comments by one of the pastors in my State of North Dakota came to the very crux of the matter:

Present laws permit a time for silent meditation which is all that should be permitted in a pluralistic society such as our own. . . . If this opposition to prayer in school seems strange on the part of the church, you need only reflect on why there were large groups of people immigrating to this country years ago for religious reasons: it was not because of a lack of religion in their homelands, but because well meaning rulers thought they could make people good by enslaving their consciences.

The proponents of the resolution severely weakened their case, when only minutes before the end of debate, they offered an amendment to change the wording from "nondenominational prayer" to "voluntary prayer or meditation." We should not tamper, on a spur-of-the-moment decision, with our Nation's most precious heritage, the Bill of Rights. In this case, I believe I voted to preserve one of its most fundamental principles.

## BUSH REPLIES TO YOST: IN DEFENSE OF THE TWO-CHINAS POLICY

## HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. SPRINGER. Mr. Speaker, some days ago, Charles W. Yost, former U.S. Ambassador to the United Nations made comments with reference to the outcome of the vote on the admission of Red China to the U.N.

George Bush, our present Ambassador to the U.N., replied to Mr. Yost in an editorial in the Washington Evening Star of Sunday, November 7. I am sure that all of my colleagues will want to read this editorial:

BUSH REPLIES TO YOST: IN DEFENSE OF THE TWO-CHINAS POLICY  
(By George Bush)

Recent comments of my predecessor at the United Nations, Ambassador Charles W. Yost, regarding the outcome of the U.N. vote on the China admission question need rebuttal, although I am normally reluctant to engage in this sort of debate.

The ambassador has offered his analysis of the vote and a number of arguments as to why the United States was on the losing side of the issue. I cannot agree with many of his reasons and I am unable to draw the same conclusions as to the results.

The ambassador asserts that the reaction of the Nixon administration and others to the ouster of the Republic of China tasted of sour grapes. While conceding that a feeling of disappointment over the expulsion was a "natural" reaction and to be expected, he accuses the supporters of the Nationalist Chinese seat in the United Nations of overreacting to its elimination. In a word, the ambassador seems to be saying that it wasn't worth all the fuss.

The United Nations was formed out of the ashes of World War II as a forum for the peaceful settlement of international disputes. Today there are more than twice as many nations holding membership in the organization as there were when it was established over two decades ago. The more nations that recognize its validity and join its ranks, the greater are its chances of accomplishing its goals. It was precisely this proposition that moved President Nixon to seek more normal relations with the People's Republic of China and to encourage its admission to the United Nations.

Ambassador Yost's intimation that the President's decision to go to Peking, and Dr. Kissinger's timing of his second visit to that country were a signal to the U.N. membership to deliver the final blow to Taiwan's hopes, is incredible. The President reiterated his policy with respect to his visit to the People's Republic of China in July, August and again in September. At the same time our policy with respect to Taiwan's membership in the United Nations has been consistent from the outset. The U.N. issue and Dr. Kissinger's trip were totally unrelated and represented the continued implementation of our overall policy. The trip was planned when we had every reason to believe that the U.N. vote would take place well afterwards. The coincidence was probably as difficult for the People's Republic of China as it was for us.

In short, our cards were played in the open through every step in the evolution of this issue. In fact, the case can be made that Dr. Kissinger's presence in Peking at the time of the U.N. debate can more easily be interpreted as confirmation of, rather than chal-



lenge to, the consistency of our policy with respect to the China issue.

The United States did everything it possibly could do to convince the members of the United Nations of our earnest desire to see the Taiwan seat retained in the General Assembly. Our position was fully consistent with the desire for all peoples of the world to be represented in the United Nations.

I simply can't agree with the three arguments advanced by Ambassador Yost as to why America's friends voted against us on the China question. His first was that United States resistance to the admission of the People's Republic of China for 20 years precluded a favorable vote on our dual-representation formula. This nation had opposed the admission of Communist China not because we preferred her people to be represented by the Taiwan government but due to other historic imperatives well known to all.

The fact that circumstances and conditions have changed vis a vis China, and the United States now supports its admission to the UN, is, in our view, unrelated to the question of whether the Taiwan government should retain its seat. The crux of the issue in last week's vote was that these two questions should be separate.

His second argument that dual-representation would not have brought the People's Republic into the U.N. because Peking considered it an implicit recognition of the legitimacy of the Taiwan government, again shows a misunderstanding of the American position. The President was fully aware of the possibility that the People's Republic of China might not have entered the United Nations had Taiwan been allowed to remain, and was fully prepared to deal with that question when it arose. But neither the President nor I felt at any time that that was a legitimate basis to vote for the expulsion of the Nationalist Chinese. We made every effort to make that point clear to the membership.

We felt that Peking should be invited into the U.N.—but on the U.N.'s terms, not Peking's terms. If we are to condone the expulsion of a small member-nation to make room for a large non-member nation, we immediately expose the U.N. to the possibility of diplomatic blackmail. For example, it is now not inconceivable that a major nation will condition its future participation in the U.N. on the expulsion of some less significant adversary nation. That would be a disaster.

The third, and according to Ambassador Yost, the most important reason for the ouster of Taiwan, is simply that, since the U.S. was re-establishing relations with Peking, we could not expect other nations to vote in favor of an issue anathema to the Communist Chinese. They too would now be interested in bettering relations with the PRC.

The inconsistency of this argument is self-evident. The United States while re-establishing its relations with the Chinese government, not only voted for the retention of the Nationalist Chinese but worked actively to gain support for it among other nations as well. This we felt demonstrated (1) that we were serious and (2) that others might well be able to do the same thing—if these two positions are not inconsistent for us, why must they be inconsistent for our friends? The United States was not asking any government to do something that we ourselves were unwilling to do.

Ambassador Yost and I share the same view that the United Nations is a beneficial instrument of world peace and that it should be preserved and supported. Where we obviously disagree is in the significance of expelling a member-nation. Mr. Yost apparently feels (1) that the expulsion of a smaller nation is not of great importance if it facilitates the admission of a larger nation, and (2) that in the instance of the Taiwan government, the

expulsion was justified by the facts in the case. I believe he is wrong on both counts, and that this will soon become apparent to all.

## STALEMATE AT SUEZ

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. WOLFF. Mr. Speaker, Kenneth J. Pezrow, a friend and constituent, has called my attention to an excellent editorial column by William Randolph Hearst, Jr., editor in chief of the Hearst newspapers, titled "Stalemate at Suez." It is a fine assessment of the travail Israel has encountered and still faces in attempting to achieve peace in the Middle East.

I have introduced in this session of Congress legislation, supported by my colleagues on both sides of the aisle and from all parts of the country, expressing the sense of Congress that the United States should sell to Israel aircraft necessary to Israel's defense against the takeover of the entire Middle East.

That is what the Middle East crisis is all about. Russia is giving military support to Egypt. If a balance of power is to be preserved—which is the only way peace can be preserved—Israel must receive equal military support, and it can only come from us. Five successive U.S. Presidents have seen the relationship between Israel's integrity and survival, and U.S. national interests.

Editor Hearst points out that the United States advocates as a first step toward a peace settlement an agreement for the reopening of the Suez Canal, but that all that Israel has gotten from Egypt in exchange for its conciliatory attitude are impossible demands and threats of renewed warfare by the first of the year.

Mr. Hearst's comments follow:

### STALEMATE AT SUEZ

(By William Randolph Hearst, Jr.)

NEW YORK.—Every time the continuing Mideast crisis is discussed in this column—which is often, since it is so important to so many people of the world—invariably a number of largely unprintable letters come in accusing me of being biased in favor of Israel.

My pro-Arab correspondents can spare themselves the risk of writer's cramp today. I admit in advance what my regular readers know very well—that Israel has been a special interest of mine since its very beginnings, and that its national goals and aspirations have always had my sympathy and support.

Having said that, I contend that what you are about to read here today is as objectively fair an assessment as can be presented from the situation today.

That assessment, in a word, is that it is Israel which thus far has sincerely opened the door to a possible Mideast peace settlement. Egypt, by provable contrast, has offered nothing but unreasonable demands.

Before getting into the subject, which has preoccupied the United Nations and my own attention most of the week, an apology may be in order for not giving column priority to the flood of domestic news recently emanating from Washington.

No slight is intended. President Nixon's

post-freeze program, the latest developments on his China visit, congressional action on his tax bill and the military appropriation measure—all are important and inviting subjects.

My general comment is that the President, by and large, has had a pretty good week.

Speaking specifically, I note that opposition to the tax bill and criticism of the post-freeze program mostly springs from political or similarly predictable points of view.

The major objection is that the Nixon Administration allegedly is doing more for industry than it is for labor and my reaction to this is—why not?

You don't need to be an economist to know that labor can only prosper if industry does. Or that a healthy industry is the only real cure for unemployment. Or that the government already—rather effectively—"controls" profits by taking 50 percent of them, if any there be.

So—let's get back to those Arab-Israeli quicksands.

It is not my nature to be pessimistic. You can find reason for hope in almost any dismal situation. Yet there seems very little cause for optimism in the current status of the Mideast peace negotiations being led by the United States.

The position of the U.S. was outlined in a complicated, six-point program urged by Secretary of State Bill Rogers in his UN address last Monday. Unfortunately, Israel and Egypt cannot agree on its most basic proposals.

What the U.S. advocates as a first step toward a final peace settlement is—quite sensibly—an agreement whereby the Suez Canal might be cleared and restored to operation as the waterway of immense value it once was.

Israel has made a major concession to this end. It has indicated it is willing to withdraw its troops some 10-15 miles back from the canal on two conditions: (A) That no Egyptian military forces move across the canal into that bank area, and, (B) that its ships be guaranteed passage through the reopened facility.

To this, to date, Egypt has given a big fat no. It insists that its military forces be given access to the east bank. It hedges on the idea of giving Israel immediate use of the reopened waterway. Most important, it demands a written pledge from Israel that any Suez settlement will mean that Israel agrees to return all Arab territory it took in the 1967, six-day war.

You can forget all the side issues in that six-point program of Mr. Rogers. The crux of the problem right now is whether Israel and Egypt can ever agree on such a relatively simple first step as getting the Suez Canal open.

The big stumbling block is that Egypt refuses to accept the fact that it lost the 1967 war it provoked. Having lost, it wants its marbles back and takes the position that Israel has no right to the territory it conquered.

In this it has the support of the UN. The contention is that Israel technically started the war and thus was the aggressor—a view which ignores the fact that Israel HAD to act to save itself from the imminent mass destruction prepared and announced by Nasser, the late Egyptian president.

The technicality is basically irrelevant to reality since it also ignores the most fundamental rule of warfare—that to the victor belong the spoils.

Israel thus may agree to return some holdings in the interests of peace—as it has—but it has no more intention of returning all of them than Russia has of giving up the Eastern European nations it took over in World War II.

Russia, for its own safety, occupied and established those nations as satraps whose

chief function is to serve as a buffer zone between itself and any attack from the West. Israel has done much the same thing.

Before the 1967 war, for example, Egyptian bombers were only five minutes away from Tel Aviv while Israel's planes were a half hour or so from Cairo. Today the tactical advantage is reversed.

The point is that land ownership has changed hands because of an armed conflict which Egypt caused and lost. That is an accomplished fact, and no amount of pressure is going to force Israel to return anything it considers vital to its security.

All of this, to me, underscores the fundamental importance of Israel's offer to withdraw some 10 to 15 miles so the Suez Canal might be reopened under wholly reasonable conditions.

The offer is a major concession, obviously made because Israel earnestly wants to help solve the deadlock. Any way you look at it, the proffered withdrawal entails a calculated risk.

In exchange for its conciliatory attitude, Israel has gotten precisely nothing from Egypt except impossible demands and threats of renewed warfare by the first of next year.

According to Cairo, Israel will have to pull back nearly 30 miles instead of 10 or 15. As mentioned earlier, it will have to permit Egyptian troops in the vacated territory. It will have to wait and see under what circumstances it may use the Suez Canal.

Above all—and here we repeat the nuts and bolts of the whole problem—Israel will have to agree in advance that any settlement on Suez automatically means its agreement to return every single inch of conquered Arab territory.

Israel simply will never do this.

Egypt, in turn, shows not the slightest sign of easing up on its total withdrawal demands.

It would seem to be a wholly insolvable problem if it were not for the fact that Israel has made its first step offer toward a potential compromise.

The next step is up to Egypt.

Until Egypt responds in a similar spirit of cooperation, the Mideast powder keg will sit there in constant danger of a truly catastrophic new explosion.

**CORNELIUS J. HAGGERTY**

**HON. CHARLES J. CARNEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 9, 1971*

Mr. CARNEY. Mr. Speaker, it is with deep regret that I learned of the death of Cornelius J. Haggerty, who had retired last May as president of the Building and Construction Trades Department of the AFL-CIO.

Mr. Haggerty had served in that position for 11 years, during which time he represented 17 unions with a total membership of 3.5 million. His election to the presidency of this great union climaxed a long and fruitful career in the labor movement, which he joined in 1915 as a member of the Lathers Union. He became president of his local and finally president of the California AFL-CIO. He served in this position from 1937 to 1943, when he became the secretary-treasurer of the AFL-CIO.

In addition to these offices, Mr. Haggerty was a member of the Advisory Committee of the Office of Price Admin-

istration and the Manpower Commission, and was appointed by California Gov. Earl Warren to the Board of Regents of the University of California. He thus became the first representative of organized labor to serve on the Board of Regents.

Mr. Haggerty's tenure as president of the Building and Trades Department was marked with a dedication to the highest standards of equity and fair play. He had opposed wage controls unless price and profit controls were also imposed. He advocated a program for the hiring and training of Negroes and other minority group members. Mr. Haggerty had also worked against the use of poor quality materials in construction projects and had urged his workers to give a fair day's work for their pay.

Mr. Speaker, this outstanding American demonstrated unusual leadership abilities while working for the right of the people he represented. In recognition of his total dedication to these high goals, the Building and Construction Trades Department Executive Council passed a resolution in his honor at their recent general convention in Chicago, and I include this resolution in its entirety in my remarks:

#### RESOLUTION

Whereas, the Executive Council and the Officers of the Building and Construction Trades Department, AFL-CIO, the General Presidents of the seventeen International and National Unions affiliated with the Department and their more than 3,000,000 members have learned with profound sorrow of the death October 10, 1971 of Cornelius J. (Neil) Haggerty; and

Whereas, C. J. Haggerty served with distinction and dedication as President of the Building and Construction Trades Department from 1960 until May 6, 1971, when, for reasons of health, he resigned to become President Emeritus of the Department; and

Whereas, C. J. Haggerty was a faithful, industrious, intelligent member and leader of the trade union movement from the start of his career as a building tradesman, when he joined Lathers Local Union No. 72 in Boston in 1915; and

Whereas, C. J. Haggerty spent his adult life in furthering the aims and objectives of the trade union movement as a business manager of his local union, a Vice President of the Wood, Wire and Metal Lathers International Union; Secretary of the Los Angeles, California, Building and Construction Trades Council; Vice President of the California State Federation of Labor, AFL; Secretary of the California State Federation of Labor, AFL; Secretary-Treasurer of the merged California Labor Federation, AFL-CIO, and President of the Building and Construction Trades Department, AFL-CIO; and

Whereas, C. J. Haggerty devoted himself to many civic, cultural and educational causes, including the Federal Advisory Council on Employment Security, the Board of Directors of the National Housing Conference, the National Planning Association, the Latin-American Unit of the International Confederation of Free Trade Unions and the Joint United States-Mexican Trade Union Committee; and

Whereas, this warm, friendly, courteous, sincere gentleman was the first labor man in the history of the University of California to be named a member of the Board of Regents of that great University; and

Whereas, the federal government recognized the talents of C. J. Haggerty by calling him to service on a variety of important Presidential Committees and Commissions, including missile sites, traffic safety, youth

employment, fine arts, peace corps, rehabilitation of the industrially injured and apprenticeship and training; and

Whereas, C. J. Haggerty embodied the finest type of leader in his unstinting efforts to provide equal employment opportunities for trained citizens of his nation, regardless of race, religion or creed; and

Whereas, the trade union movement and the United States of America have suffered a loss in the passing of this splendid labor leader now, therefore

Be it resolved that the Officers, the Executive Council and the General Presidents of the Building and Construction Trades Department, AFL-CIO, in behalf of the men and women they represent, extend to Margaret Kelleher Haggerty, his lovely wife; their two sons, Cornelius J. Haggerty, Jr., and Donald P. Haggerty, and their seven grandchildren and six great grandchildren the most sincere sympathy and, further,

Be it resolved that a copy of this resolution be sent to his wife, sons and all state and local councils and the Building and Construction Trades Department, AFL-CIO.

Mr. Speaker, I would like to express my sympathy at this time to Mr. Haggerty's widow and family. Their sorrow in his passing will certainly be shared by all his many friends in the labor movement.

#### SENSIBLE ACTION ON FOREIGN TRADE

**HON. ROBERT H. MOLLOHAN**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 9, 1971*

Mr. MOLLOHAN. Mr. Speaker, 2 months ago, this Nation finally took some sensible actions on the question of foreign trade. We recognized that the relative strengths of the economies of the major nations of this world had changed over the last 25 years, and we insisted that there be a change in the valuations of currencies to reflect the present day, where there are several highly industrialized and highly skilled trading countries which have experienced enormous growth in the past two decades.

I hope, Mr. Speaker, that this is just the beginning of our search for the realities of today's international trade picture. Over the past few months and years, when we have sought to work out a more realistic trade policy, we have thought almost exclusively in terms of quotas and tariffs, of goods and services, and of trade balances and deficits.

Yet, today we must be talking about capital exportation, about the transfer of vast technologies to other countries, of relative tax structures, and above all about jobs and the equities on behalf of American workingman and consumer.

For, today, we are a major exporter of capital—in the 20 years between 1950 and 1970 our overseas investment increased from \$19 billion to \$108 billion. And because of this, we have lost jobs not only because foreign goods which come into the United States compete against goods manufactured here, but because U.S. capital has gone abroad to manufacture goods in foreign lands with the result that foreign goods produced with American capital compete against



American-made goods in foreign markets.

Our steel industries, for instance, are hurt not only when raw steel is imported competing for orders in American firms, they are also hurt when foreign cars are sold here instead of American models, because those cars have foreign, not domestic steel. But they are hurt yet another way—when the American auto manufacturer goes to Germany or Britain and manufactures cars to sell in those nations which compete against American-made cars. The injury goes yet another step as well—when an American auto manufacturer produces cars abroad to be brought back to the United States for sale.

The problems we face, Mr. Speaker, are not limited to protecting our industries against the inflow of foreign products though that certainly is one of the key questions. It also involves the question of the exports of capital and jobs. For when capital which could be used at home to produce jobs is exported overseas, we lose the jobs which that capital could have generated.

And for that reason I am introducing legislation today which will address itself to both problems. It would impose quantitative restraints on imports by establishing a quota level based on the average annual imports during 1965-69. Where there is a voluntary government-to-government agreement in effect, the provisions would not apply. It would change the way in which we deal with dumping problems as well.

Presently, there are two departments involved in any antidumping case. The Treasury Department must find the existence of dumping—the practice of selling products in the United States at less than the price they were sold in the producing country. Then the Tariff Commission investigates the extent of the injury.

The bill I am introducing would establish a three-man commission to determine both within 4 months of the time the complaint was filed.

Another provision would change the requirements for receiving relief from imports. This legislation would require that increased imports contribute substantially to causing or threatening severe injury instead of requiring that the injury be the result of trade agreement concessions.

This legislation would also impose limitations on the flow of both investment and patented technology overseas. It would give the President the power to regulate the outflow of funds for private investment and would prohibit any holder of a U.S. patent from producing the patented product abroad at the risk of making the patent unenforceable in the U.S. courts.

This legislation would also change the tax treatment of American operations overseas to bring the treatment in line with their domestic operations.

Mr. Speaker, there are several things that must be done on the question of foreign trade, and this legislation attempts to accomplish those things. We must stop dumping practices, and we

must halt the increasing rate of imports in some industries.

We must encourage American industry to strengthen its investments here in the Nation and discourage the flight of capital to other countries. We have more than 5 million people looking for jobs in this Nation, and yet the capital which could create those jobs continues to move overseas. Foreign goods continue to flood our markets in certain categories and eliminate even more jobs. It is time to put a stop to this, and I hope my colleagues will join with me in the formulation of an effective and comprehensive trade policy that will meet the needs of this country throughout this decade.

#### VIETNAMESE TRAINEES GIVEN SOMETHING EXTRA BY SPONSORS

**HON. G. ELLIOTT HAGAN**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 9, 1971*

Mr. HAGAN. Mr. Speaker, war uproots many people and creates unusual situations. One of these has to be the experiences of fighting men who are sent to faraway places to fight or get ready to fight.

Hunter Army Airfield in my district is the training ground for Vietnamese who are preparing to fly helicopters in the war back home. The manner in which the people in the area of the airfield have taken into their lives these young pilots is highly commendable. When they return to Vietnam they will not only know how to maneuver helicopters, but will be well informed about things American, especially the home life of our country. Over 1,400 Savannahians have participated in sponsoring cadets.

I include in the RECORD the following account from a special section of the Savannah Evening Press of October 29, 1971:

**DISCOVERING THE UNITED STATES, TOO—VIETNAMESE LEARN MORE THAN FLYING**

Every two weeks a new group of eager Vietnamese Air Force Cadets arrives at Hunter Army Airfield to begin their final phase of rotary wing flight training. Each student will spend 20 weeks at Hunter learning and perfecting new skills before returning to the Republic of South Vietnam as a qualified helicopter pilot.

While undergoing their final phase of flight training, these students also participate in two programs very different from their flight training. These are the Department of Defense Informational Program and the Vietnamese Sponsorship Program.

The average Vietnamese student is 23 years old and comes from one of the metropolitan centers in Vietnam (Can Tho, Dalat, Saigon, Da Nang, and Hue). Their social backgrounds are as varied as a comparable group of American students. About 10 per cent are married and about 15 to 20 per cent are Christians (mostly Catholic). All students speak English.

The Department of Defense (DOD) Information Program familiarizes the students with the American way of life, including government, education, business and the news media. This program is implemented through formal classes and through local tours in the Savannah area. Vietnamese stu-

dents are currently enjoying local tours to such establishments as Armstrong State College, Grumman Aircraft Company, WKLT-TV, and National Gypsum Company. In addition to the local tours of Savannah, students are taken on a three-day visit to our nation's capital. These tours are invaluable in helping the Vietnamese students to understand our country, our economics and our way of life.

The Sponsorship Program brings the students into contact with the American home life, something which cannot be taught in the classroom. Potential sponsors are contacted by the Foreign Liaison Office (352-5426, 352-5922) at Hunter. Those persons who want to act as sponsors are paired with students for the 20-week period. Normally two students will be paired with one sponsor couple.

The Sponsorship experience is probably the most important period in the students' learning process. The benefits to the students are two-fold. They are given an opportunity to obtain much relaxation from their strenuous course of training and to learn something of the non-military aspects of our way of life on a person-to-person basis.

On the other hand, the sponsors and their families are afforded the opportunity to learn much about an older and very different culture. In fact, many sponsors feel that they and their children gain a great deal more from their family's participation than the students, and many lasting friendships are formed before the students return to their homeland.

If you are interested in the Sponsorship program, please call the Foreign Liaison Office at any time. The Sponsorship Program has received strong support from the Savannah population in the past. (To date over 1400 Savannahians have participated in this worthwhile experience). With the holiday season fast approaching, why not share your holiday spirit with two young men far away from home? You can be an ambassador right here in your own community.

#### THE VOTES AGAINST BUSING

**HON. MORGAN F. MURPHY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 9, 1971*

Mr. MURPHY of Illinois. Mr. Speaker, the reaction to the House decision last week to prohibit the use of Federal funds for busing to achieve racial balance has been loud and varied. The controversy surrounding this issue has been one filled with deep and often bitter emotions. I think an editorial in the Chicago Tribune published this past Monday contained a very sensible and rational analysis of the problem.

This editorial pinpoints the overriding issue in this area: the quality of our public education system. This must always be our primary concern. I believe it is not feasible to place the entire burden of integration on our schools, especially at the expense of the quality of education our children receive.

The editorial notes there were some congressional votes motivated by racial prejudice and opposition to integration. Sadly, this is probably true. But I am convinced that the majority of the Members of this body are committed to solving the critical problem of racial isolation in our country. The rejection of

busing was, therefore, a rejection of the means rather than the end.

Let us remember that on the same day we disapproved busing we approved \$1.5 billion to aid in the desegregation of public schools. We must continue to be receptive to new proposals aimed at achieving racial harmony. Busing was not the answer but that should not be a signal to discontinue the search for a more comprehensive solution.

I insert a copy of the editorial for the benefit of my colleagues. I believe it is a timely statement in light of our recent actions:

#### THE VOTES AGAINST BUSING

By decisive votes of 235 to 125, 233 to 124, and 231 to 126, the House of Representatives added to a pending bill riders taking the federal government out of the business of busing students to achieve school integration. The approved measures not only prohibit use of federal money for that purpose but also restrain federal officials from making such busing by states or districts a condition of receiving federal grants. As Elliot L. Richardson, secretary of health, education, and welfare, said, "The House was expressing an attitude."

In fact, the House was expressing several attitudes. One attitude, no doubt, was unworthy racial prejudice in general and a yearning for racially segregated schools in particular. But no one should think that that was the only attitude expressed. There are good reasons, entirely free from racial animus, for wanting to minimize moving school pupils about the landscape.

Busing is tremendously expensive in terms of money, time, and energy—all of which can be better used than by making premature commuters out of school children. As long ago as July 31, 1969, Rep. Edith Green [D., Ore.], in a notable speech in the House, questioned busing as an effective means to good ends. Speaking as a legislator who had "voted for every civil rights act that has been before this House," Mrs. Green said: "Emphasis on integration and housing unaccompanied by a demand for academic excellence is worthless. This is what we ought to be concerned about—the quality of the programs." She deprecated "placing the major responsibility for integration on one institution," the public schools, and suggested that busing between black and white neighborhoods can discourage rather than promote integrated housing. Events since 1969 have done much to confirm what Mrs. Green said.

In the old dual school systems of the Deep South, the contrast between schools for whites and schools for blacks was often extreme. Some busing there no doubt was required to give black pupils access to adequately funded schools. Inequitable contrasts between schools exist in the North, too, even if they have been less deliberate and less emphatic than in the South. But a strong, unprejudiced case can be and has been made, by President Nixon and others, against calling on the schools and their pupils, bus drivers, and teachers to undertake the whole job of preventing calamitous racial isolation in this country.

The House approved appropriating \$1.5 billion to help schools desegregate. With or without busing, applicants for grants will be active. The bill in question, sponsored by Illinois Rep. Roman Pucinski, speaks of many undertakings—programs and projects and personnel to counsel, guide, teach, organize extracurricular and community efforts for the sake of reducing racial segregation and isolation. Part of the intent is to discourage the flight to the suburbs by strengthening city schools.

Once the \$1.5 billion appropriation, which is for several years, goes into action [if it does], Illinois will be getting \$70 million a year, and Chicago \$42 million of that. With busing eliminated, all of this money will be available for improving the quality of education. We hope the money will be well spent. It could be.

But the basic message of the antibusing votes is that Congress has turned away from the idea that the schools can be expected to be the sole agency for increasing racial integration in American society. The schools never should have been burdened with this expectation, and it is good that they are being relieved of it.

#### THE CHANGING ROLE OF THE CALIFORNIA MILITARY FORCES: AIR AND ARMY NATIONAL GUARD

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. JOHNSON of California. Mr. Speaker, for the past several decades, since World Wars I and II, the different branches of the armed services have been, quite naturally, associated with wartime activities, both in action and in reserve, during times of combat as well as peacetime. More recently, they have been brought into focus during times of violent social unrest as a force to quell civil disturbances, by force or merely by their presence, on our college campuses and in the streets of our cities. As a result, through no fault of their own in most cases, the branches of the Armed Forces have come to be looked upon by a great number of the civilian population with particular emphasis on the young, as an arm of the "establishment" reaching out with an iron fist to stifle dissent and quiet voices calling for a new course in human events.

Recently, however, I have had occasion to note a new direction which has been taken by a branch of the Armed Forces in my own Golden State, under the direction of Commanding Maj. Gen. Glenn C. Ames, the California Army and Air National Guard. I would like to cite for you now, Mr. Speaker, their participation in domestic action programs, ranging from ecology and reclamation projects to human service programs directed at the needy and underprivileged, not to mention a substantial list of special projects such as the support of community and governmental agencies, including Project Headstart, and very frequently, the many Scout posts throughout the State. I would like to insert in the Record some examples of the Guard's new activities.

In ecology and reclamation projects, some 216 California National Guardsmen and 8,529 community volunteers participated on 24 separate occasions in such activities ranging from "river bottom" cleanups and junk car removals to planting pine tree seedlings. These projects have been coordinated with and in support of various ecology collection centers in California in recycling waste material and removal of litter.

In the category of support to the Needy and

Underprivileged, there were 308 participants of the National Guard, 61 of whom sustained varied programs in this category during the period 1 January through 30 June 1971. Projects included collecting and repairing toys, holding picnics and arranging to take needy children to a circus. The Guard maintains the organizational structure of the Army Champs program which was fostered during this period primarily for the underprivileged.

Perhaps the greatest National Guard involvement can be cited on behalf of their support to community service organizations. The variety of civic, religious and educational organizations extends to lodges, churches, teams, associations, post and troops. On 91 occasions throughout the state of California, a total of 442 Guard personnel participated along with 15,398 townspeople in activities with these service organizations. The community service organization supported most frequently were the Scouts (Cub, Girl, Boy, Posts) with 25 separate activities, many on a continuous year-round basis. Some National Guard units sponsor and run their own troops. The largest number of people at a single event, other than Scouts, was the Guard support to a Walk-a-thon for the March of Dimes. Over 2,000 people were involved with the Guard providing drivers, buses, ambulances, medics and five manned rest stations.

On 42 different occasions during the period 1 January through 30 June 1971, which this report covers, the California National Guard was requested to assist governmental agencies which were instituted to provide educational, protective, utility and medical services for local communities and surrounding areas throughout the State. Requests from all levels of government involved 376 guardsmen assisting 11,156 people. Projects included Guard medical teams treating and consulting inmates in the San Francisco City Jail, Guardsmen patrolling the community with law enforcement personnel, construction projects requested through municipal agencies, and the provision of food for families in the Head Start Program.

Guard-initiated Service Programs also merit considerable recognition. While these involve some slight overlapping with other divisions due to coordination which may be necessary with either a civil or governmental organization, the essential difference is that the program or project is Guard inspired, initiated and promoted. These activities involved over 9,500 local citizens and Guardsmen on 149 separate occasions. The largest and most frequent activities are tours conducted by the National Guard Missile and Air base personnel. This was done on 122 occasions and involved over 8,000 people. Other programs included providing range facilities and instructors for hunter safety classes, equipment displays and aid to needy children.

Mr. Speaker, I am gratified to be able to testify for the extensive and comprehensive efforts being made by these State military forces to bridge the gap which has been created through the years with respect to the men in uniform, and through these commendable actions, allow for a new concept of "keeping the peace" to be born.

The times call for men of reason and moral courage to work together to attain the same goals which are vital for the national interest and of significance to each of us, student, soldier, the businessman, farmer, and laborer, all of whom are brothers, each seeking to live out their lives in peace and contentment, achieving what fulfillments they can.



Through the efforts of the Army and Air National Guard in lending a hand in domestic programs which constructively touch the lives of so many, the tragic memories of confrontations and discord of the past can be pushed aside, and this "peacekeeping" league can begin to create and share the tranquility and amity which comes to a city, State, and nation whose citizens combine their energies to instill reason, understanding, and a common passion for unity and brotherhood. And, while one must always respect the duties of the National Guard during times of social unrest and states of emergency as they risk and even spend their lives for protection of the citizenry, I believe the rapport which is being established by this new direction will overcome, to a great extent, the course of events which posed the men in uniform and much of the civilian population in contention through the cross-fire of social change. I am confident that my colleagues here in the House of Representatives will agree that to see this fellowship and participation in these activities and programs is to realize that this is truly the meaning of "peacetime," a calm and public quiet which can maintain itself without the use of force.

Mr. Speaker, I submit that the California National Guard should be commended and encouraged in their course of action.

**PALO ALTO TIMES SUPPORTS  
EQUAL RIGHTS AMENDMENT**

**HON. DON EDWARDS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. EDWARDS of California. Mr. Speaker, as you will recall, on October 12 the House of Representatives passed the equal rights amendment by an overwhelming majority of 354 to 23. This large vote in favor of the amendment demonstrates the widespread recognition that discrimination against women is inconsistent with the basic principles of our democracy and should be eliminated.

During the course of our debate on the proposal, opponents of the equal rights amendment attempted to confuse the issues before us by raising the question of so-called protective labor laws that purport to benefit women and children. In addition, they also raised the question of the effect of the equal rights amendment on compulsory military service. I believe that during the course of our debate both of these issues were dealt with effectively.

Mr. Speaker, as floor manager of the equal rights amendment, it was gratifying to me to read in the Palo Alto Times of October 15, 1971, an excellent editorial summarizing our debate and commenting on the significance of the issues that were raised. The Palo Alto Times should be commended for this editorial.

So that all of our colleagues may have the benefit of the editorial, I include it in the RECORD at this point.

**ON WITH WOMEN'S RIGHTS AMENDMENT**

For the second consecutive year the House of Representatives has approved and sent to the Senate a constitutional amendment to guarantee equal rights to women.

Last year, the proposed amendment was allowed to die in the Senate, never getting out of committee. It should not meet a similar fate again.

Despite a favorable House vote, 354 to 23, the amendment is expected to meet stronger opposition in the Senate. Opponents argue that approval would not only wipe out protective labor laws for women but would also make women subject to military draft. Both these arguments need review in light of modern developments.

Protective labor laws were adopted to benefit women and children in the era of sweat shop industry. With today's technological advances, physical strength and endurance are less important on most jobs. Many "protective laws" have become tools for discrimination, prohibiting women from doing work that provides higher income and opportunity for promotion.

The debate over drafting women for military service has received more attention than it deserves. It may even be a moot point. The peacetime draft itself is an issue which Congress will have to take up again in two years.

Should there be a national emergency, women could be drafted to serve in a variety of capacities—as they did voluntarily and well in World War II.

The Senate is not expected to take action on the equal rights amendment until some time next year. Then, it should receive immediate, affirmative action so it can be sent to the states for ratification.

**THE SCHOOL PRAYER VOTE**

**HON. HASTINGS KEITH**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. KEITH. Mr. Speaker, yesterday, the House defeated House Joint Resolution 191 which would have permitted prayers in public schools. I was among those who voted against it.

I had felt for some time that there was considerable merit to the proposed amendment. I had thought, "What harm could come from such a change?"

As yesterday's debate developed, however, I asked myself: "Who, or what agency of Government, would make the decision concerning the propriety of an acceptable 'nondenominational prayer?'"

For example, I could conceive of three or four separate prayers being authorized simultaneously, of divisions of the student body into denominational groups, and of rosters and room assignments being published on bulletin boards.

I believe that the administration of the act could promote more dissension than Divinity; so I agree with the logic of the distinguished Speaker of the House, who said:

Any interference by any official at any level is a violation of freedom of religion. I am not prepared to let the meddling hand of government at any level in any degree be placed on any man's altar.

My logic was quite similar to that expressed in a splendid lead editorial which

appeared in today's Washington Daily News. I commend it to the attention of my colleagues:

**THE SCHOOL PRAYER VOTE**

Despite heavy pressure from some well-meaning but ill-informed people, the House has rejected a constitutional amendment that would have jeopardized religious freedom in America.

As it came before the House yesterday, the proposed amendment would have added these words to the Constitution:

"Nothing contained in this Constitution shall abridge the right of persons lawfully assembled in any public building which is supported in whole or part thru the expenditure of public funds to participate in non denominational prayer."

Rep. Chalmers P. Wylie, R-Ohio, sponsor of the amendment, said its sole purpose was to make it possible for school children voluntarily to take part in nonsectarian prayer.

But the innocent-sounding phrase "non denominational prayer" actually was loaded with danger. Religious bodies never have been able to agree on a definition of "non denominational prayer" and never will, for the simple reason that there is no such thing.

The very act of praying presupposes the existence of a God who hears prayers, and that in itself, from the viewpoint of an atheist or agnostic, is a sectarian belief.

In the absence of consensus, the final decision on which prayers were sufficiently "non-denominational" to be prayed in public buildings obviously would have had to rest with some government agency. And that would have given government precisely what government must never have—authority in the realm of religion.

When this pitfall was pointed out in House debate, Rep. Wylie made a last minute attempt to salvage his amendment by substituting the word "voluntary" for "non-denominational." This had the effect of making the proposed amendment meaningless.

The U.S. Supreme Court has never denied public school children—or anyone else—the right to engage in voluntary prayer at any place or at any time.

All the court did in its widely misunderstood rulings of 1962 and 1963 was to hold that a school or other governmental body may not require any child to pray or prescribe the form of prayer to be used in a public school classroom.

The existing First Amendment has safeguarded religious liberty in America for nearly two centuries by maintaining a wall of separation between church and state. Tampering with this precious guarantee, in the name of "restoring" a right that has never been lost, would have been an act of folly.

**PRESIDENT NIXON IS KEEPING  
HIS WORD**

**HON. ROBERT MCCLORY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. MCCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 5,500 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 191,100 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

PEOPLE SHOULD HAVE PRIORITY  
OVER PAPERWORK IN MEDICAL  
CARE

**HON. KEITH G. SEBELIUS**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. SEBELIUS. Mr. Speaker, in enacting health care legislation, congressional intent has been to improve health care and to expand the scope of our health care delivery system.

However, for some time now, we in rural areas have experienced a decline in health care services, and I am most concerned over a most ironic situation. Part of our problem in rural and small town America stems from the Federal health programs conceived to answer our problems.

The situation has become so acute and severe that those who have to live with the situation have even labeled Federal health care regulations and restrictions as "bureaucratic harassment."

I am sure that administrative regulations to implement Federal health care programs are conceived by well intentioned career officials who unfortunately are not aware of the practical and realistic situation confronting our beleaguered rural doctors.

The blunt fact of the matter is that these arbitrary and unrealistic regulations threaten the very existence of established health care services in many areas. These regulations have also forced an unnecessary escalation of health care costs.

The problem really seems to be reduced to one basic premise: We must reaffirm the priority of patient care over paperwork in our health care programs. Physicians and local health care officials must be given latitude to satisfy local health care requirements with local resources.

We must begin to reduce the bureaucratic redtape and burdensome reports and, most important, we should replace the negative attitude on the part of our Federal agencies and bureaucrats and implement positive programs of advice, flexibility, and technical assistance.

Mr. Speaker, in my congressional district, the community of Medicine Lodge is gratified to have the services of a young doctor, Larry Ball. Dr. Ball has launched a one-man fight to publicize what should be obvious—that people should have priority over paperwork in medical care.

To clearly illustrate the urgency of this problem that confronts all family practitioners in our rural areas, I insert the following article in the RECORD. The article is by Gary Noland, a knowledgeable and enthusiastic editor of the Barber County Index. This well-written article, entitled "A Doctor Protests Bureaucratic Interference With Patient Care" clearly states our problem. I submit to my honorable colleagues it is time for some answers:

PAPERWORK VERSUS PATIENT CARE—A DOCTOR  
PROTESTS BUREAUCRATIC INTERFERENCE WITH  
PATIENT CARE

(By Gary Noland)

A young doctor here is taking a stand against "bureaucratic" red tape, paper work,

and controls that he feels threatens the ability of physicians to provide proper patient care.

Dr. Larry Ball feels bureaucratic harassment is such a threat to his ability to function as a physician that he is personally taking a public stand against what he considers the arbitrary authority of bureaucrats to stifle his attempts to provide adequate patient care.

"Patients care above paper work" is the creed the young doctor has adopted in his fight against bureaucracy in the health field.

"They'll have to give me something I can live with, or I cannot practice private medicine," Dr. Ball stated during an interview in which he complained of the increasing burden of paper work, much of which he feels is unnecessary.

Dr. Ball, one of three physicians in this community, has a fine record of compliance with required paper work and records. This is the opinion of Gene Shirley, hospital administrator, and Lloyd Clarke, chairman of the Medicine Lodge Memorial Hospital Board.

But for years Dr. Ball has been troubled by the increasing load of paper work and feels that it has reached the point where it interferes inordinately with the time he needs for patient care.

I've let the community become aware of this problem, a problem particularly encumbersome to rural physicians as opposed to their urban counterparts, Dr. Ball explained.

Indeed he has undertaken a campaign, almost single-handedly, to alert local citizens of what he feels is a threat to adequate health care and the existence of hospitals in rural areas.

He has spoken before the congregation of the Methodist Church here and before a county meeting of Farm Bureau members. In addition, he has fired off letters to public officials and state health officers protesting the encroachment of bureaucrats in his private practice. Pending, but not yet mailed, are letters to rural physicians across the state seeking their support against the problem.

A letter from the Kansas State Administrator of Medicare citing deficiencies in medical records and threatening decertification of the local hospital for Medicare if compliance was not immediately forthcoming prompted Dr. Ball to take up his campaign.

Many of the deficiencies cited pertained to records Medicare requires the physician to keep.

In a letter to the state administrator, W. J. Burns, Dr. Ball replied: "To do this (what Medicare requires) will require a great deal more physician time. Since we are already swamped with more patient care than we want, this means we will either have to give less time to our patients and thus cause a deterioration in patient care, or else, more likely, we will be forced to tell patients we can't take care of them."

"How do you tell a wife whose husband is having chest pain that you can't see him because you have records to fill out? Also since fewer patients are seen this means that charges have to be increased for each patient."

"Thus, for the patient it means higher charges and the possibility of less personal care so that everything can be recorded . . ."

Dr. Ball concedes that record requirements are more sensible for physicians in larger urban hospitals.

There with more teamwork and coordination of specialists, the need for more detailed records is apparent. Also city hospital administrators can exert more pressure on doctors to keep records by threatening to bar them from practicing in the hospital.

In a rural community with only three doctors the requirement to keep so many detailed, and, in his opinion, many useless records, is senseless and only deprives the physician of time for real patient care.

Dr. Ball came here 10 years ago from Wesley Hospital in Wichita. "I came to a small town to escape someone constantly breathing down my neck, and I've escaped it for 10 years," he said alluding to the present tightening of regulations on rural doctors.

The problem, the doctor explained, is that if the physicians do not meet all Medicare requirements on records, the hospital will not be eligible to receive federal payment for Medicare patients. Without the federal payments, the hospital might cease to function, unable to meet financial costs.

Hospital administrator Shirley confirmed that the normal patient load runs from one-third to one-half Medicare patients.

The problem is one directly confronting physicians, Dr. Ball said. "The hospital administrator and board are trapped," he explained. "They are interested in keeping the hospital open, as they should be."

Local administration can only exert pressure on the doctors to comply. This they have to do to comply with state and federal pressure.

There is no battle here with local officials or persons, Dr. Ball explained. The fight is with state and federal bureaucracy.

What measure would make it possible for him to function as he feels he must?

"Let's just put patient care above paper work" is Dr. Ball's answer.

There is a definite need for some records. Without medical histories and physicals a doctor is helpless, he added. But bureaucrats are insisting on extensive, detailed accounts for patient admittance, frequent detailed progress reports, consultation reports, dismissal accounts and on and on, he complained.

The problem is economics to a great extent, he said. The Medicare program is costing much more than anticipated and now bureaucrats are tightening reporting procedures and forcing doctors to become policemen in an attempt to cut costs.

"If I thought perusal of these records would save the government money, it would not be so disturbing, but you are not going to make people honest by passing laws," he said.

What does Dr. Ball hope to gain by a one-man stand against the medical bureaucracy?

He hopes to gain some public support and support from more physicians. But he does not delude himself. The possibility of a physician in a small rural town speaking out against state and federal bureaucracies with any success is almost nil.

But for Dr. Ball, the conflict has required him to make a personal decision, one of deep conscientious conviction . . . a decision that compels him to speak out against the system as it is and as it threatens to become.

"This is not a good solution for me. I enjoy Medicine Lodge and my practice here. But I have to live with myself. The way things are is not morally right (in my mind)," he stated.

"I feel the only way this can be fought is by taking the issue to the consumer (of medical services) who faces the problem," he added.

CONGRESS SHOULD ACT ON  
BEHALF OF SOVIET JEWRY

**HON. JAMES H. SCHEUER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. SCHEUER. Mr. Speaker, the plight of three and a half million Jewish citizens of the Soviet Union is a source of continuing concern to many Americans.

Soviet citizens of the Jewish faith are denied the rights guaranteed to them by



the Soviet Constitution and the United Nations Universal Declaration of Human Rights, to which the Soviet Government is a signatory. They are the victims of a deliberate, Government-sponsored policy which denies them far less cultural and religious freedom than virtually any other of the 120 officially recognized nationality or religious groups in the Soviet Union.

Today, the Subcommittee on Europe of the House Committee on Foreign Affairs held one of a series of hearings designed to inquire into the problem. I was privileged to testify at this hearing and I wish to include my statement at this point:

STATEMENT OF REPRESENTATIVE JAMES H. SCHEUER BEFORE THE SUBCOMMITTEE ON EUROPE OF THE HOUSE COMMITTEE ON FOREIGN AFFAIRS ON THE SOVIET GOVERNMENT'S TREATMENT OF ITS JEWISH CITIZENS, NOVEMBER 9, 1971

Mr. Chairman, many times throughout our history, we, as Americans, have expressed our sympathy for oppressed citizens of other countries. Examples from our early days as a nation include American sympathy for and support of the French Revolution. More recently, we have voiced concern and support for the people of Greece and Vietnam, and for the minorities in Rhodesia and South Africa.

It is true that these expressions of sympathy have been made at times when here at home we have failed to live up totally to our deeply held ideals of freedom, opportunity, equality, cultural diversity, and justice under law. Nevertheless, it is the policy of all branches of our government—legislative, executive, and judicial—to abide, at times more closely than at others, by these ideals at home and we have done much to ensure a greater enjoyment of these rights in other lands.

In light of this history, it is perfectly appropriate and consistent for the United States to express its sympathy for Soviet citizens of the Jewish faith.

There is no doubt that the three and a half million Jewish citizens of the Soviet Union are suffering from a policy of oppression and discrimination which denies them certain basic human freedoms and the full package of rights and privileges enjoyed by the other 120 officially recognized minority groups in the Soviet Union.

While it is true that many Jews in the Soviet Union are placed in physical danger solely because of their ancestry, they in no way appear to be in the danger that Jews all over Europe faced during the infamous holocaust of the Third Reich.

Rather, today, Soviet Jewry suffers from a policy of forced assimilation—a deliberate, government-sponsored effort to stamp out all vestiges of Jewish religious and cultural heritage.

Synagogues have been systematically closed down for the past 30 years. Less than 70 synagogues remain to serve a population of three and a half million Jews. This compares with the 120 synagogues in Chicago which serve a Jewish population of only 200,000. Moreover, through the use of police informers, those Jews who wish to attend the remaining synagogues are intimidated and made afraid to do so.

The study of Hebrew is consistently and forcibly discouraged. Recently, Moscow's only Hebrew teacher was imprisoned on vague charges of "hooliganism."

The Soviet government informally, but nonetheless rigorously imposes a ban upon the manufacture or importation of Jewish religious objects.

Jews who manifest a desire to emigrate to

Israel are fired from their jobs and harassed both officially and unofficially.

Mr. Chairman, I could go on, but you will no doubt hear more on the specific manifestations of Soviet policy from others who are more expert than I. The broad outlines of the situation are clear, however. Jews are the subject of intense cultural, religious, and job discrimination in the Soviet Union not visited on any other single minority group.

In many respects, this fact is not new. The Soviet Union has a long history of anti-semitism which has been manifested in years past by bloody pogroms in all sections of Russia and Eastern Europe.

What is new today, however, is that peoples of all nations are viewed as possessing rights which were unthought of years ago. This new consciousness of human dignity is exemplified by the UN Charter, the Universal Declaration of Human Rights, and the constitutions of many nations including that of the Soviet Union. World opinion will no longer tolerate violations of these rights, let alone the murderous pogroms of a hundred years ago in Russia and Poland, and a generation ago in Germany.

It is also true that discrimination against all forms of religion in the Soviet Union is not particularly new. Beginning with the Bolshevik Revolution, the Soviet Union has discriminated against those who are religious or otherwise viewed as dissenters from official policy.

But, here again, what is new is the changed state of affairs. Shortly after the Six Day War in the Middle East, Jews in the Soviet Union experienced a tremendous heightened interest in Israel and in Jewish religious culture and tradition. In part, the Soviet government viewed this increased interest in the same threatened way as it views any expression of dissent. In part, the government viewed this revived interest as contrary to the government's policy of support for the Arabs in the Middle East.

These two forces converged and led to an intensified campaign of discrimination against Jews so that today they are victims of far more intensive discrimination than that experienced by any other religious or cultural group in the Soviet Union.

Jews, unlike other minority groups, are not permitted to establish their own schools. Jews, unlike Muslims, for example, are not permitted to leave the Soviet Union for religious study. Jews, unlike other minority groups, have been placed on trial for "hooliganism," and other crimes. All of these facts indicate that the Jews have been singled out for "special treatment."

At a crucial point in Russian history, Lenin wrote a tract entitled, "What is to be Done?" We ask the very same question today.

I have spoken with a number of Jews who recently left the Soviet Union, who indicate that the Soviet government is sensitive to world opinion and that unofficial expressions of concern do have a beneficial effect upon the policy of that government if they are peaceful and lawful, and do not involve violence or destruction of property. It is unmistakably clear that official expressions of concern would be even more meaningful.

The time has come, therefore, for the United States to make known its disapproval of the Soviet policy towards Russian Jews. The President should make his personal concern known through both formal and informal channels. I have written the President to this effect together with 41 of my colleagues. The response of the President to this letter was less than encouraging. In fact, the President simply noted that he had issued a statement last January 11th to American Jewish leaders expressing this country's commitment to freedom of religion, cultural diversity, and the right to emigrate. The President should make this commitment known in frequent and forceful public state-

ments addressed to the Soviet government and to Soviet officials.

Moreover, the United States should express its concern through the Voice of America by means of Yiddish language broadcasts to the Soviet Union. Again, I have joined in letters to this effect sent by a number of my colleagues to Mr. Frank Shakespeare, Director of the United States Information Agency. And, again, the response has not been encouraging. It fact, the Agency has refused to broadcast in Yiddish.

Voice of America broadcasts in Yiddish could have a great beneficial effect upon the morale of the Jews in the Soviet Union. Moreover, broadcasts of this nature would be a clear signal to the Russians that our country is deeply concerned about Soviet treatment of its Jewish citizens.

Mr. Chairman, these are only two actions which our government can take to help ameliorate the plight of Soviet Jewry. There are many other ways in which our country could make its concern known. I therefore support the resolutions before this committee which call upon the President to take appropriate, forceful steps immediately.

The Soviet Union must be made to realize that, as an established power which does not face any real external threat, it need not fear competitive ideas; it need not fear those who criticize Soviet society or those who seek to recall their cultural heritage.

Finally, it must be made to realize that the detente it apparently seeks with the United States can only be furthered, not stymied, by granting to Soviet Jewry as well as others in the Soviet Union, the full rights of worship, cultural diversity, and migration enjoyed by citizens in all freedom-loving nations.

## SOVIET STRENGTH IS GROWING

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. CRANE. Mr. Speaker, at the very moment when Soviet leaders were visiting in such Western countries as Canada and France, and at a time when the Soviet Union is preparing for the visit to that country of President Nixon, the fact is that the U.S.S.R. is, by its actions, showing its commitment, not to peace, but to war.

Consider these facts, for example, with regard to naval power. Since the Soviet navy launched a massive buildup after the Cuban crisis, it has become, as "Jane's Fighting Ships" notes, "the superpower of a superpower." Moscow's growing strength at sea has long since been observed in the Mediterranean and in the Indian Ocean. The northern fleet, the smallest in the Soviet navy at the end of World War II, is now the biggest, and looks forward to the time when it will be in control of the North Atlantic.

Operating out of Murmansk, the northern fleet has an estimated 560 ships, including 160 submarines, more than 65 of them nuclear powered. By contrast, the entire U.S. Atlantic Fleet has 358 ships, of which 40 to 50 are assigned to the 6th Fleet in the Mediterranean. Since 1968, the U.S. command has been cut back 25 percent in ships and 19 percent in men, and it is scheduled to lose another 10 ships by next summer. Norway's Rear Adm. Magne Braadland states that:

The threat to the United States is not coming from Vietnam and not from Central Europe either. It is sailing from Murmansk.

The same facts are true with regard to missile strength. By 1973, according to Secretary of Defense Melvin Laird, Russia will have a fleet of missile-firing submarines the equal of our 41 nuclear-powered Polaris submarines. A recent editorial in the Chicago Tribune points out that:

Their arsenal of intercontinental ballistic missiles (ICBM's), many of them packing more nuclear potency than ours, is now more than half again as large as the 1,054 figure stabilized during the early Johnson Administration by former Defense Secretary Robert S. McNamara.

The Tribune also commented about the dangerous situation facing us in the North Atlantic:

Soviet superiority on NATO's northern flank is even more crushing. There the alliance is outnumbered four to one on the ground, seven to one in aircraft and six to one in ships. . . . In effect, the Soviet Navy is demonstrating that Norway, without any land connection to its NATO partner, is at the mercy of whoever controls the waves.

While the Soviet Union speaks of peace, while we negotiate at the SALT talks for an arms limitation agreement, and while President Nixon prepares to visit Moscow, the Soviet Union is itself rapidly moving ahead of us in all strategic areas. Our own country, more and more, appears to speaking and negotiating from weakness, a perilous position for any country.

I would like to share with my colleagues this important editorial from the Chicago Tribune of October 18, 1971, and insert it into the RECORD at this time. [From the Chicago Tribune, Oct. 18, 1971]

#### THE POLITICAL POWER OF MISSILES

Despite Moscow's efforts to portray the Soviet Union as a peace-loving nation interested only in detente with the non-Communist West, there is little evidence of any slackening of the Soviet surge for military superiority.

Far from easing up on the strategic arms race, the Soviets have stepped up their production of land-based and sea-based missiles, even while the Strategic Arms Limitation Talks [SALT] are in progress. Secretary of Defense Melvin Laird told a press conference recently that the Russians are "far outdistancing" the generous estimates of their missile production he gave Congress in March.

By 1973, a year earlier than his prediction of seven months ago, he says Russia will have a fleet of missile-firing submarines the equal of our 41 nuclear-powered Polaris submarines. Their arsenal of intercontinental ballistic missiles [ICBM's], many of them packing more nuclear potency than ours, is now more than half again as large as the 1,054 figure stabilized during the early Johnson administration by former Defense Secretary Robert S. McNamara.

Numbers, of course, are not the only criterion of military supremacy. Technological quality is equally or more important. Even more pertinent in today's world is the leverage Soviet military power provides in reaching political objectives. As Secretary Laird has said:

"If the Russians have a superior military force, they can gain their political objectives throughout the world without the use of weapons. There is no military advantage to overkill, but the political gains are tremendous."

No one is more aware of these facts of life than members of the North Atlantic Treaty Organization [NATO], particularly those who face Communist ground and air power in Central Europe and Russia's immensely powerful Northern Fleet on NATO's vulnerable northern flank.

In Central Europe, where the NATO alliance has reduced its force 25 per cent in the past five years, the Communists have beefed up theirs. They now weigh in with 58 military divisions [31 Soviet], 855,000 men and 13,650 tanks as against the Western forces in West Germany and Denmark of 26 divisions [4½ U.S.], 703,000 men and 6,600 tanks.

Soviet superiority on NATO's northern flank is even more crushing. There the alliance is outnumbered four to one on the ground, seven to one in aircraft and six to one in ships. Russia's Northern Fleet, based on the ice-free port of Murmansk, totals 400 ships and 160 submarines, 65 of them nuclear. This far outnumbers the entire U.S. Atlantic Fleet, including the 6th Fleet in the Mediterranean. Moscow also counts on the 1,045 ships and 65 submarines in its Baltic Fleet and those of East Germany and Poland.

These are formidable Communist naval forces. When they put to sea for naval exercises in the Norwegian Sea or adjacent NATO waters, as they frequently do, the Soviet warships carry an unspoken message that carries far more import than the usual "show the flag" maneuver.

In effect, the Soviet Navy is demonstrating that Norway, without any land connection to its NATO partners, is at the mercy of whoever controls the waves. The obvious implication is that Norway might do better to consider the advantages of neutrality, at least to the point of remaining outside of Europe's Common Market, whose growing economic power is feared by Moscow.

The greater Russia's military superiority in the North Sea area, the more unmistakable—and perhaps inescapable—this message will become, not only on Norway but on other European countries as well.

#### DRUG ABUSE TREATMENT

#### HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. BURTON. Mr. Speaker, with the ever increasing concern about drug dependency and abuse in our society, I was pleased recently to read a report entitled, "Evaluation of Current Approaches to Drug Abuse Treatment" which outlines a new approach and offers new rays of hope. This report deals with advances made in this area by Mr. Harlan Antler.

Mr. Antler is presently the director of the Orange County Training and Counseling Center and was most recently commended for his outstanding work in a resolution adopted by the California State Senate.

I am pleased to place in the RECORD at this time the full text of both the resolution and the report.

The articles follow:

THE SENATE, CALIFORNIA LEGISLATURE  
RESOLUTION OF THE SENATE RULES COMMITTEE  
(By Senator Mervyn M. Dymally)

Whereas, Harlan Antler is one of California's foremost experts on drug rehabilitation and training of adolescents; and

Whereas, Mr. Antler's leadership and exper-

tise in working with youth has been recognized by the officers of the Community Delinquency Control Project, who lauded him for outstanding management of the California Youth Authority "Half-Way House" where the recidivism rate was reduced 50 percent; and

Whereas, He has served as a delegate to the California Council on Children and Youth, and has directed an experimental Continuation High School Program for the City of Antioch, which has resulted in several former high school dropouts returning to the regular public school system; and

Whereas, Mr. Antler has been praised for his direction of the experimental Training-Furlough Program in the Rehabilitation Center at Clayton, under which inmates received extensive basic education, attitudinal training, and job placement; and

Whereas, In addition to his many other constructive activities he developed and conducted statewide training seminars for parole officers, probation officers, and teachers dealing with "hostile youth"; and

Whereas, He is a member of the Vocational Counselors of California, and has coauthored group training and therapy texts used nationally in federally funded manpower training programs; and

Whereas, Mr. Antler has been honored by appointment as "Special Deputy Sheriff" in Contra Costa County; now, therefore, be it

Resolved by the Senate Rules Committee, That the Members commend Harlan Antler for his valuable contributions to the public good and for his outstanding and constructive community involvement in working with youth and inmates of penal institutions; and be it further

Resolved, That a suitably prepared copy of this resolution be transmitted to Harlan Antler.

Senate Rules Resolution No. 439 adopted August 16, 1971.

JAMES R. MILLS,

Chairman.

MERVYN M. DYMALLY,

Senator, 29th District.

#### EVALUATION OF CURRENT APPROACHES TO DRUG ABUSE TREATMENT

This is the first in a series of evaluations of current alternative solutions to social problems prepared by the research team from the Central California Applied Social Research Organization. This study, under the direction of Robert Weber, Associate Professor of Sociology at Fresno State College, was initiated to assist interested individuals and organizations carrying on the struggle against the ever-increasing menace of drug abuse.

#### WHAT IS DRUG ABUSE?

Lack of sufficient historical data makes it difficult to accurately determine when or where man first started using drugs for purposes other than medical. Data does show that beer was produced as far back as 7000 B.C.<sup>1</sup> and the effects of the poppy plant (heroin and morphine source) were described in the pharmacology text of Dioscorides in the first century A.D.<sup>2</sup>

While we know that man has used drugs for thousands of years, it is interesting to note that not until recent times has this use reached epidemic proportions. It is no longer just an "interesting social problem." President Nixon recently concluded that the magnitude of drug abuse requires that this problem be given top national priority. Drug abuse is clearly a modern crisis.

We have defined "drug abuse" as the use of any synthetic or organic compound which threatens the physical, mental, or emotional well being of the individual. The "drug abuse problem" is defined as the inordinate amount of drug abuse which threatens the well being of our society.

Footnotes at end of article.



The inordinate amount of drug abuse is indicated by the following statistics:

Between 1960 and 1965 the drug abuse crime rate rose 36%.<sup>2</sup> In New York City between 1965 and 1966 the drug abuse crime rate rose 40%.<sup>4</sup>

In California between 1958 and 1967 the crime rate for drug abuse among juveniles rose 1,528.9%.<sup>5</sup>

With these rises in drug abuse come rises in related crimes. This includes crimes committed to support habits and crimes committed because of the effects of dangerous drugs.<sup>6</sup>

Since 1966 drug abuse has become widespread. It is no longer limited to the ghettos of our country.<sup>7</sup> Drug abuse reaches every segment of our society. For example, a startling survey done by the San Francisco Chronicle in 1970 indicated that one in every four business executives had tried drugs.<sup>8</sup> Studies done at almost every high school and college campus in California show that 40 to 80% of all students have at least tried drugs.<sup>9</sup>

Not only are many more people in more walks of life using drugs today than just five years ago, but more varieties and greater quantities of drugs are available. Barbiturates and amphetamines (depressants and antidepressants), virtually unheard of 25 years ago, are now mass produced and have, according to recent medical opinion, replaced heroin and opium as the two most dangerous drugs.<sup>10</sup>

Taken together this data points to a hard fact: until a few years ago a few thousand people were taking a handful of different types of drugs, now several thousand people from all segments of society are taking hundreds of different types of drugs.

To further emphasize just how widespread drug abuse is consider the fact that at no other time has drug abuse been so great a problem among military personnel that soldiers leaving a battle zone had to be checked for addiction and many placed in rehabilitation programs. This has happened in 1971 to the military personnel in Viet Nam.

The increased use of drugs among our youth has reached staggering proportions in the last few years. The use of amphetamines, barbiturates, hallucinogens, opiates and marijuana is not only common practice, it has become acceptable behavior among the young. If a child is not a regular user himself then he is a part time user, experimenter or is adversely affected by the drug culture.

Even private industry, the bulwark of American economic strength, suffers from drug abuse. It is difficult to find entry level employees who are not victims of drug abuse. Turn-over rates among entry level employees in industry are staggering and very costly to business. Industry has been searching desperately for methods of obtaining or developing reliable employees. Although industry is not trying to attack the drug problem per se, it is trying to find methods for developing positive attitudes among employees. Drug abuse is a major barrier to the development of such attitudes.

#### TREATMENT METHODS CURRENTLY USED IN THE FIELD OF DRUG ABUSE

In our attempts to find the most effective techniques for rehabilitating people affected by drug abuse, the research group studied three basic methods: chemical therapy, individual therapy, and group therapy.

##### Chemical therapy

Chemical therapy for drug abuse is used strictly for heroin addiction. The methadone treatment is the most popular. This treatment allows for the heroin addict to have his physical craving satisfied without leaving him in a "doped up" state that prevents him from being a constructive member of

society. This treatment costs only a few cents a day.

But methadone itself is addictive. In fact reports from drug abuse facilities in New York and Lexington indicate that methadone is a more difficult addiction to cure. The Lexington facility also reports that nine out of every ten patients return to heroin after leaving that treatment center.<sup>10</sup>

Cyclazocine is the other drug used to combat heroin addiction. This chemical is a long acting opium antagonist that blocks the effects of heroin. It has been used effectively in Europe and, unlike methadone, is non-addictive. Cyclazocine has been used on a pilot basis in New York City.<sup>11</sup>

##### Individual therapy

Although all therapy is to some extent individualized, the one to one doctor-patient relationship is totally individualized. But those patients who can afford the cost of such attention are faced with another dilemma: whom to see? The medical profession is already over-burdened with treatment of the physical ailments of the population. Psychologists and psychiatrists are relying more and more on the group methods of therapy to handle their enormous case loads.<sup>12</sup>

##### Group therapy

One of the first breakthroughs in the field of group therapy for drug abusers came with the opening of Synanon in 1958. Charles E. Dederich started Synanon with the aid of a handful of heroin addicts, whom he led out of "their formerly encapsulated lives of drug addiction, crime and prison."<sup>13</sup>

Synanon has focused mainly on hard-core heroin addicts. "Attack therapy," good food, a bed, and a peer group to which the addict can relate comprise the Synanon picture.<sup>14</sup>

The major technique employed by Synanon is the foster reliance on the Synanon group—a group which advocates "staying clean."<sup>15</sup> By March, 1964 there were 400 drug-free persons affiliated with Synanon.<sup>16</sup>

For the extremely tough, hard-core, criminal addict the equally tough approach of "attack therapy" seems to be effective. Whether these attack methods could be used on a confused 14-year-old child who is an occasional user remains doubtful.

(Note: The following group therapy approach has been extensively documented, as it is the approach our researchers found to be most capable of handling almost all areas and degrees of drug abuse.)

The plight of industry, described earlier in this paper, demanded that techniques be developed to turn destructive, negative individuals into creative, positive individuals who could hold down a job. The problem here was not only drug abuse but also basic attitude.

In 1969 Mr. Harlan Antler, working in conjunction with United States Research and Development Corporation (a New York-based management corporation which handles adult education projects throughout the country) developed a new group therapy approach to changing negative attitudes to positive ones, taking into account the problem of drug abuse.<sup>17</sup>

"Because most of the trainees at the center (a U.S.R.&D. adult education center in Antioch, California) were drug users, any techniques which we developed for handling general attitude problems also had to cope with drug addiction."<sup>18</sup>

The formula Mr. Antler developed was based on the assumption that drug abuse and other negative behavior in individuals began with the individual's belief that he was "worth nothing, couldn't compete in society and had no alternatives."<sup>19</sup>

Mr. Antler designed an attitudinal training package which concentrated specifically on individual attitudes. One of our re-

searchers attended a group training session held in Sacramento in April of 1970 to train people in the use of these new techniques. Our researcher reports that he went to the session "expecting to be lectured to about the new methods of group training. But in three days I learned that I was there as a teacher myself. No one person, including Mr. Antler, pretended to have all the answers."

"This attitude pervaded the entire session. I quickly learned that this only served to reinforce the idea that I was an individual with a great deal of positive information. This was more than my personal fears had allowed me to believe of myself previously."<sup>20</sup>

Mr. Antler's techniques do not cause the individual to become reliant on the group, but rather to become self-reliant. The process of achieving this self-reliance takes three steps:

1. The group is used to reinforce the positive strengths of each individual.
2. The idea that each individual can be positive and creative is reinforced.
3. Each individual begins to believe he is positive and creative and doesn't have to remain in the negative environment he has created for himself. Thus negative attitudes are replaced with positive ones.

As simple and straight-forward as these techniques are, they had tremendous impact at the Antioch Center and in the community. This unprecedented success is verified by a superlative Bank of America evaluation of the Antioch program:

"Unquestionably, the results are unparalleled in this area of California and by any standard are extraordinary, bordering on unbelievable. To move a person destined for a life of poverty and misery to a college career in ten weeks is an achievement without comparison. And to continue on the basic mission of providing a formerly skeptical industrial community with productive workers while cooperating with the school system to reduce drop-outs, is a demonstration that private industry can successfully apply its techniques to the problems of society. That the results are replicable is perhaps the most significant aspect of the program."<sup>21</sup>

Mr. Antler strongly believes that this technique can be used in other community problem areas. For example, the people in the center used all kinds of drugs to varying degrees. Mr. Antler's techniques proved capable of getting these people off of drugs. Since the clients at the Antioch center were mainly from a single socio-economic level, our researchers were interested in the impact of this basic attitudinal training method on other socio-economic levels in the community. Because Mr. Antler was able to apply his techniques to some other community problem areas letters from many people affected by the training were made available to us through U.S. R&D.

Mr. Antler's training methods were used at Delta High School in Pittsburgh, California, a continuation high school and junior high school program. Mr. Eugene Douthit, principal of that school commented:

"The pilot study is a booming success. The IMC (Antioch center) approach and philosophy couple to bring about positive changes in attitudes and performance educators in continuation programs have sought after: a program which works!"<sup>22</sup>

Letters from members of the Diablo Valley College staff who participated in a three day training session in Mr. Antler's techniques are also enthusiastic:

"I think it will be useful to me as a department chairman, father and human being. It has helped me to learn how to be more open to information and to look for other alternatives of thinking and behaving." (Vince Custodio, counseling department, Diablo Valley College)<sup>23</sup>

"This is written on behalf of Messrs. Custodio, Henstrand and Lindsey who were par-

Footnotes at end of article.

ticipants in the Supervisory-Management Training Program conducted by you and your staff. These three men expressed great enthusiasm for the program and were high in praise of the personal and professional growth which resulted." (William P. Niland, President, Diablo Valley College)<sup>25</sup>

Verle C. Henstrand, Dean of Students at Diablo Valley College, saw clearly the problem of bringing "together people from different occupations and responsibilities," and praised the training session for accomplishing just that.<sup>26</sup>

City officials and employees were also very favorably impressed by the program:

"Your endeavors and accomplishments with the trainees enrolled at IMC are certainly to be commended. If either the Antioch police department or I can be of any service to you . . . please do not hesitate to call us." (E. A. Carlson, Chief of Police, Antioch, California)<sup>27</sup>

"I assure you that I have learned more about communicating with people in the last three short days than at any other time previously." (Edward Cavelli, Assistant Fire Chief)<sup>28</sup>

Favorable comments were also received from social welfare supervisors, city administrators and many from industry. The following letter indicates the type of comments received from these groups.

"At the outset, I thought the value of the training session would be questionable. However, it has been difficult for me to do anything since the training ended without thinking of the Industrial Manpower Center and the people associated with the center. Needless to say, I find myself enlightened and enthusiastically seeking "new alternatives" to the standard way of doing things." (T. G. Matosian, Supervisor, Education and Training, United States Steel Corporation)

#### CONCLUSION

No other program we have investigated has had the multifaceted success of the Antioch program. It was industry's need for an employee with a positive attitude that gave impetus to the search for an answer—an answer that could either help people off of heroin or turn them away from violence, poverty or a general negative self-image.

Since the Antioch project, Mr. Antler's techniques have been put into effect in other adult education projects throughout the nation, as well as at group homes for boys, continuation schools, regular public schools and college programs. All segments of the community have been aided by these techniques—fire department, police department, social welfare workers, banks, industry, city administration, college students, high school and junior high school students from all socio-economic backgrounds.

Though the other treatment methods discussed in this report are effective, they are oriented toward narrower goals that do not allow for a diversified approach to the diversified problem of drug abuse. For example, the methadone treatment could not possibly be used on a barbiturate user or a child who does not take drugs, but is adversely affected by the drug culture. It also does not seem feasible to teach Synanon's "attack therapy" to parents for use in dealing with their children.

A diversified problem needs a diversified approach. Mr. Antler's approach has proven effective with virtually all segments of the community and on many different types of problems. Probably the most important aspect of these techniques is that they can be transmitted easily from individual to individual, thus aiding many people, from parents to police, in handling the problem of drug abuse.

#### FOOTNOTES

<sup>1</sup> Blum, Richard H. and Associates. *Society and Drugs*. 1969.

<sup>2</sup> *Ibid.*

<sup>3</sup> President's Commission on Law Enforcement and Administration of Justice. *The Challenge of Crime in a Free Society*. 1967.

<sup>4</sup> Hentoff, Nat. *A Doctor Among the Addicts*. 1968.

<sup>5</sup> California Council on Criminal Justice. "Patterns of Juvenile Justice in California." *Report of the Task Force on Juvenile Delinquency*.

<sup>6</sup> President's Commission on Law Enforcement and Administration of Justice. *Op. cit.*

<sup>7</sup> Louria, Donald B., M.D. *The Drug Scene*. 1968.

<sup>8</sup> San Francisco Chronicle. File on Drug Abuse: Information from news articles of 1969-1970.

<sup>9</sup> McGrath, John H. and Scarpitti, Frank R. *Youth and Drugs*. 1970.

<sup>10</sup> President's Commission. *op. cit.*

<sup>11</sup> *Ibid.*

<sup>12</sup> Interviews by CCASR researchers in three California counties. 1971.

<sup>13</sup> Yablonski, Professor Lewis, *Synanon: The Tunnel Back*. 1967.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> President's Commission. *op. cit.*

<sup>17</sup> Bank of America. *Achievement Analysis: An analysis of the pilot training cycle of the Pittsburgh-Antioch Industrial Manpower Center, Antioch, California*. December, 1969.

<sup>18</sup> Comment by Mr. Harlan Antler in response to researcher question about the inception of the program. Letter dated March 13, 1970.

<sup>19</sup> Comment by Mr. Harlan Antler, training of trainers session held in Sacramento in May, 1970.

<sup>20</sup> Analysis of training session held in Sacramento, May, 1970.

<sup>21</sup> Bank of America. *op. cit.*

<sup>22</sup> Letter to United States Research and Development (U.S.R&D) from Eugene Douthit. November 20, 1969.

<sup>23</sup> Letter to U.S.R&D from Vince Custodio. September, 1969.

<sup>24</sup> Letter to U.S.R&D from William P. Niland. October 20, 1969.

<sup>25</sup> Letter to U.S.R&D from Verle C. Henstrand. January 12, 1970.

<sup>26</sup> Letter to U.S.R&D from E. A. Carlson. May 5, 1969.

<sup>27</sup> Letter to U.S.R&D from Edward Cavelli. September 26, 1969.

<sup>28</sup> Letter to U.S.R&D from T. G. Matosian. September 29, 1969.

#### CO-OP MONTH

#### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. OBEY. Mr. Speaker, as many of my colleagues know, during the month of October we celebrated Co-op Month. What many might not know is that the Cooperative League of the U.S.A. has declared the 1970's as the "Cooperative Development Decade," a time in which cooperatives across the Nation will work to make their services available to more people.

I would like to offer my congratulations to the cooperative movement and to the thousands of cooperative members in Wisconsin and throughout the country. I certainly wish them success in the future.

For many years, of course, those in rural areas have known the importance of cooperatives. Now they are becoming increasingly important to those in urban and suburban areas as well. It is clear

also that co-ops have entered into a new stage of development. They are emphasizing the fact that co-ops care, and by this they mean that co-ops care about tomorrow and the changes it will bring to co-ops and cooperators.

Cooperatives have taken it upon themselves to evaluate their relation to the socioeconomic problems of our decade problems like education, housing, and rural poverty. The movement has made it clear they intend to become more concerned with our total environment. They have recognized the need to provide more than improved prices and business services, and they are trying to identify community and member problems which co-ops can solve.

This expanding cooperative concern is not the result of Government mandate but a self-initiated effort to bring added relevancy to America's cooperatives. Furthermore, it includes an assessment by cooperatives of themselves.

Our cooperatives have moved forward largely through the leadership of the Cooperative League of the U.S.A. While individual co-ops have been trying individually to demonstrate the responsiveness of farm co-ops to the plight of urban and suburban areas, the league has brought this effort together. It has given urban co-ops a chance to develop under the protection of their established rural counterparts. In serving America, the combination of rural marketing and urban consumer co-ops will provide an increased income for the farmer while decreasing the product cost in the city. This urban-rural cooperation has long been needed in an economy faced with declining farm prices and increasing food costs.

But cooperative face serious challenges in the years ahead. Above all, it is obvious that co-ops cannot be satisfied with the successes they have known in the past.

During Co-op Month celebrations, Art Danforth, secretary-treasurer of the cooperative league spoke of these challenges to cooperatives. His speech was a thought-provoking testimonial to the qualities of cooperatives coupled with an appeal for self-examination. He highlighted the problems of leaving cooperatives down on the farm, and he carefully spelled out the role cooperatives must and should accept in the future. His address was a thoughtful interlude in a gigantic success story, and I ask that it be printed below so my colleagues will have the opportunity to read it.

The address follows:

#### CHALLENGE TO CO-OPS

Let me tell you something in strictest confidence: I have a disease. I hope it's contagious, but not fatal. But so you'll understand, let me describe a symptom: my wife and I will be sitting in a restaurant, paying no particular attention to conversation at other tables. Then someone two or three tables away uses a word. And I hear that one word, without having heard anything that went before. And my ears begin to strain.

You get only one guess as to what that word is.

Well, so much for my cooperative credentials. On to co-op development and the co-op development decade. But first let's make one honest admission:

We may not make it!



We may remain so fragmented and provincial and segregated that we die of self-induced anemia. We may give so little attention to member and employee co-op information and orientation that our spirits and our brains die from lack of blood. We may be so self-satisfied with internal accomplishments that we die of corpulence between the ears. We may be so unaware of changes in the social and economic environment around us that we might as well be dead—as indeed we soon would be.

Let me put it more brutally.

If our farmer co-ops remain unconcerned about urban co-op development, content to continue their excellent service to the 5% of Americans who are farmers, they will become increasingly irrelevant in our changing society. If our urban co-ops cannot learn to work with farm co-ops toward common co-op development objectives, they will never have the strength to grow. If independent local co-ops do not recognize in time—and we don't have much time—the need for consolidation and merger, major competitive forces will overwhelm them. If our cooperative leadership is primarily concerned with security and status, they will insist on maintaining weak parochial structures. If, within our larger co-ops, we do not develop sound representative structures so that member participation continues to be an "available option" (to use John Gardner's phrase), we become indistinguishable from other businesses. In short, for self-preservation we need growth, consolidation, and participation. And for all three we need a national co-op development program with major emphasis on developing user-owned cooperatives where they don't now exist: in the towns and suburbs and cities. Inner cities, by the way, included.

This doesn't for a moment suggest that we don't still have a job to do in strengthening the bargaining power of farmer-owned off the farm business. We need to find new sources of capital, of skilled management—and of member support—to move all farm co-ops into positions of greater market strength. And we need to do it in these first years of the decade of the 70's.

As an aside, one comment: farmers are losing their political clout to the increasing urban-suburban vote. As key Congressional chairmen, who hold on through seniority, are replaced, this clout will become weaker. Farmers need allies in the cities and suburbs. And there is no better way for farm co-ops to develop allies in the cities than to help develop user-owner co-ops there. End of non-partisan political speech.

So what do we do about it? Of course the jury is still out. But if we wait for action until all the evidence is in, we will surely be attending our own hanging. What we need to do is bring together the best we know, the best we have—and move forward today—ready to modify our course of action as new information develops. And that, really, is what the Co-op Development Decade is all about.

But how come this "Development Decade" develops within the League? Well, as you probably know, the League has within its membership nearly all kinds of cooperatives. We have more financial and membership support from farm co-ops than from any other kind because there are, in this country, so many more strong co-ops in rural areas. But we also have many other kinds in our membership: consumer goods, housing, insurance, credit unions, group health, student, consumer services, parents preschool, fishery, handcraft. Bound together by user-ownership principles we hold in common, in spite of some differences in language and interpretation. So, we get feedback from all these different kinds of co-ops.

One service we provide our members is our membership in International Cooperative Alliance—and ICA launched, about two years

ago, plans for an International Cooperative Development Decade. Returning from the ICA Central Committee, Stanley Dreyer, our President, wondered: maybe this idea, implemented within the United States, modified to suit our own needs, was that we needed to help us move forward in a really significant way. He proposed this to our Board, and to our 1970 Biennial Congress meeting in New York City. And received solid endorsement.

To make this mean anything, we had to have a feed-in of background and ideas from many different kinds of co-ops. We also needed to tap various kinds of expertise in communications, social sciences, operations. So we developed a kind of grid structure that combined representation from a wide variety of co-ops with professional expertise in a wide variety of fields. And from this, our Co-op Development Decade Council.

First steps, after appointment, was to develop some background appreciation of current and future social and economic trends—for we are looking to the 1980's not to today's world. And we brought in speakers who could describe for us these trends, improve our understanding of the world we are moving toward: a world with more youth—and yet with more retirees; a world with more working wives—and yet with more leisure time; a world with the ability to provide health and housing for all—but with continuing maldistribution of these and other goods and services; a world with increasing concentration in large cities and their suburbs—but with a threatening and dying core at the center of each; a world needing far greater attention to mass transit and housing and ecological problems—but with a fragmented political structure that makes attention to these problems extremely difficult.

Two brief quotes from Dr. Roger Blackwell, one of the consultants we brought in, will illustrate:

"The strategic target of the '70s will be people in the 25-34 age group. There will be more of them and in many cases both members of the family will be working. Education will give more income at an earlier age. More than half of high school graduates are going on to college. Firms have to work hard to keep older employee salaries above the level of newer, younger employees."

"Five trends are noticeable in family influence: An earlier school age, children live in different parts of the world from their parents, grandparents can't easily influence grandchildren, men and women roles are being redefined, and the weekend father. (Ninety-two per cent of drug users came from homes where the father was not around.)"

"These trends can be a disaster for many types of co-ops because of the mobility they reflect in our society. However, they may be a positive force if they mean that the co-op may be able to replace the family in the eyes of some."

"If co-ops had a national identity, the problem could be a strength. (This is one reason why national brands are important.) Personal recommendation is most important, when such national identification is lacking. (How does one carry one's AAA membership from one city to another?)"

In short, we sought a clearer understanding of the world to which cooperatives must become relevant, if they are to survive as significant user-owned organizations.

From all this, emerged four sub-councils; their names generally indicate their functions:

Growth components needed for cooperatives

Education and communication

Member relations

Relations between established and emerging cooperatives

Each of these has developed a brief preliminary report, sort of a thinkpiece, as a basis for further discussion.

The first subcommittee report, on *Growth Components*, headlines these factors:

Feasibility, Favorable Climate, Financing, Research, Training, Technical Assistance, Informed membership.

The second, on *Education and Communication*, suggests as objectives:

Greater teacher awareness and understanding of cooperatives

Programs of study leading to a degree in "cooperativism"

Greater general public acceptance of co-ops as a way to fulfill unmet needs

Greater member understanding of co-op principles—and of their rights and responsibilities

Formalized training programs within co-ops, to improve supply of qualified board members and managers.

And the third subcommittee, on *Member Relations* suggests:

"The challenge to cooperatives is to operate on sound economic policies while developing the cooperative as a vehicle through which members may mold a desirable environment rather than being forced to adapt to changing circumstances."

To implement this, we'll need more adequate ways to gather accurate information on member desires and needs. We'll need a vehicle through which members can improve factors other than prices and business service—we must be concerned for the *total environment*. We'll need more emphasis on identifying the community and member problems co-ops can help resolve. We'll need more co-op mergers, more employment of community organization experts, more inter-cooperative relationships.

And that's where we stand today.

What will it all mean? Maybe nothing. Maybe a set of reports that are embalmed in mimeo ink buried on the shelves. This sometimes happens, has happened before. But we intend to do what we can to provide life and vigor for them so long as we have it ourselves.

More hopefully, these reports can be the small beginning of the revolution in concept that our American cooperatives need to survive, to become really significant in that world of the future. Out of this League effort, can emerge a new American cooperative movement—a new cooperative moving together and a new cooperative moving ahead.

We have the resources, the skills, the leadership ability. It remains to be seen whether we have the vision to look beyond the confining walls we have at times erected between us. And the dedication to move out beyond them.

I am convinced that there is no activity, no purpose more important to the healthy future development of our country.

As I said at the start: We may not make it. But I am convinced that we can!

#### SOUTHERN GOVERNORS CONFERENCE HAILS CONGRESS FOR NATIONAL EFFORTS TO CONTROL WATER POLLUTION

HON. JOE D. WAGGONER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. WAGGONER. Mr. Speaker, the Southern Governors Conference recently sponsored a Spotlight Conference on the Environment. And at this conference, Congress was hailed for national efforts to control water pollution, and a statement was adopted that encourages continuance of indepth study of performance

in the field of water pollution control at both the State and National levels.

In view of the scope and clarity of the statement, and knowing my colleagues would have a deep-seated interest in this topical matter, Gov. John J. McKeithen of Louisiana sent me a copy of the statement that I might somehow bring it to the attention of the Congress. Therefore, I would like to insert it in the RECORD so all my colleagues might study and consider its proposals and position on this most timely topic:

STATEMENT ON NATIONAL WATER POLLUTION CONTROL LEGISLATION ADOPTED BY THE SPOTLIGHT CONFERENCE ON THE ENVIRONMENT, SPONSORED BY THE SOUTHERN GOVERNORS CONFERENCE

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 advocates 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 intending 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 administered 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.

## PRICE URGES U.N. EXPULSION OF BYELORUSSIA AND THE UKRAINE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. PRICE of Texas. Mr. Speaker, I rise today to cosponsor a resolution calling on the President to take the steps necessary to seek the expulsion of the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic from membership in the United Nations General Assembly.

It is often said that truth is stranger than fiction, but I know of no more perfect example of this than the continuous perpetuation of the myth that somehow the Ukraine and Byelorussia are eligible for membership in the United Nations. The fact is that their presence arose out of a political deal cooked up during World War II when President Roosevelt, Prime Minister Winston Churchill, and Soviet boss Joe Stalin laid out plans for the post-war years. Stalin, who was continuously throwing roadblocks and curves into allied efforts during the war, had proposed giving a General Assembly seat to each of the 16 Soviet provinces, attempting to justify such a move on the basis that the Soviet constitution allowed each state to maintain independent diplomatic relations with other nations, and also as a "consolation prize" for the great wartime sacrifice of the people living in the various Soviet provinces. Although Churchill supported the multiseat formula, because of Britain's own imperial system, Roosevelt threatened to counter the Russian proposal by demanding a seat in the General Assembly for each of the 48 American States. Of course, to maintain that our American States are sovereign entities in the field of diplomacy would be an utter absurdity, and yet Roosevelt eventually agreed to giving Stalin two extra seats in the General Assembly, one each for Byelorussia and the Ukraine.

Mr. Speaker, the point so obvious here is that by the furthest stretch of the imagination, Byelorussia and the Ukraine have never been and are not now rightfully eligible for the seats they have continued to occupy in the United Nations. It is a well-known fact, that Soviet claims notwithstanding, neither the Ukraine nor Byelorussia has been sovereign since the Communist takeover in 1918; neither has diplomatic relations with any other nation in the world, nor does either of these provinces conduct



foreign relations separate from those of the U.S.S.R.'s.

If ever a case more clearly underlined the need for expelling the Ukraine and Byelorussia from the United Nations, it is the incredible action taken a few weeks ago by the General Assembly in expelling the Government of the Republic of China. For if the General Assembly by the very furthest indulgence in fantasy could somehow justify expelling a charter member of the United Nations, a member which has abided by the principles of the charter, then there is no way possible to rationalize the legitimacy of the continued presence of Byelorussia and the Ukraine which were never deserving of membership in the first place.

Mr. Speaker, I strongly support this resolution. If the United States is to continue its participation in the United Nations, let us correct the glaring inequities which undermine our relative position of strength within that mischievous organization.

#### A BILL TO FORBID INTERSTATE TRANSPORTATION OF ANIMALS INJECTED WITH DIETHYLSTILBESTROL

**HON. OGDEN R. REID**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. REID of New York. Mr. Speaker, I am introducing in the House today a bill making it unlawful to transport in interstate commerce any animal that has been fed or injected with diethylstilbestrol—DES—or any food product thereof.

DES is an artificial female sex hormone used in the United States to promote rapid weight gain in cattle. Its usage can increase the market weight of an animal by almost 20 percent. Under current regulations, farmers are required to comply with an established 7-day withdrawal period before slaughter, and an established maximum dose of 20 milligrams per pound of feed.

Earlier this year, the Committee on Government Operations of the House of Representatives held hearings on whether or not the usage of DES in the United States should be outlawed, since there is increasing medical evidence that DES can cause cancer. No action was taken as a result of these hearings, and beef cattle growers have been allowed to continue feeding DES to steers. There are a variety of reasons for this. According to a recent study by the Department of Agriculture, if DES were banned from beef feeds, retail prices would probably increase 2½ cents to 3½ cents per pound. Dr. C. D. Van Houweling, Director of the FDA's Bureau of Veterinary Medicine, sets a higher price tag on banning DES, and has stated that "people would rather eat a little of a carcinogenic chemical than pay the extra 20-percent cost of beef" that would incur if DES were totally banned.

The other reason given at the time for not outright banning DES is that the livestock producers had agreed to partici-

pate in a voluntary, nationwide program "designed to further assure consumers of consistently safe and wholesome meats." I admit I was skeptical at the time that such a program was being entered into with the proper spirit by cattle producers when I read an article in The American Beef Producer called "Drug Withdrawal, If We Don't Do It, The Government Will," in which it was stated that "the same society that 'pops pills' from morning to night does not want drugs in its meat." I feel that the fact the withdrawal period has had to be increased from 2 days to 7 days is conclusive evidence that this program was a failure. I do not have evidence at this time as to how closely this program was monitored by the Department of Agriculture, but it was pointed out at the hearings that during the latter 6 months of 1970 approximately 540,000 cattle were slaughtered each week, yet only 90 samples of cattle tissue were examined for DES residues.

During the hearings that I mentioned, Dr. William B. Buck, an Iowa State University professor who raises cattle stated that many farmers tend to ignore the original required 48-hour withdrawal period regulation. He stated that within 12 hours after a farmer decides the price is right, his cattle are likely to be at the slaughterhouse, and also that most farmers feel it is too much trouble to clean out for a 48-hour period the elaborate feeding machinery already stocked with DES supplemented feed. Twenty-one countries, including Argentina, Australia, Denmark, Ireland, West Germany, France, Italy, Poland, South Africa, Sweden, and Switzerland, have outlawed the usage of DES as a growth promotant.

For the past 15 years, a number of medical experts have been claiming that DES can induce cancer. Uterine tumors have frequently been found in guinea pigs given as little as 1.5 mg. of DES in subcutaneously implanted pellets, and it has been learned by extensive animal experimentation that intermittent administration of very large doses of DES is far less effective in inducing tumors than is a continuing exposure to an extremely minute dose. As far back as 1956, during the Symposium on Medicated Feeds in New York City, it was brought out that—

A great body of evidence shows that cancer-inducing chemicals can exert their effects on catalytic quantities, inducing changes in cells which are mediated by unknown substances transmitted from cell to cell long after the original cancer-inciting material ceases to be demonstrable in the tissues. No assurance of the absence of such substances can be offered consumers of tissues from animals treated with or fed a carcinogen, such as diethylstilbestrol.

Only recently, a most pertinent example of the possible aftereffects of this hormone was pointed out in the New England Journal of Medicine 1 month after the March 1971 hearings were held. A very rare form of cancer in young women—adenocarcinoma of the vagina—clear-cell or endometrial type—was found in eight young women between the ages of 14 and 22 in Vincent Memorial Hospital between 1966 and 1969. The unusual occurrence of this tumor led to an

investigation into possible causative factors, and it was found that seven of the eight mothers of patients with carcinoma had been treated with DES early in their pregnancies in order to ward off possible miscarriages. From the results of their investigations, the medical researchers reached the conclusion that "it is possible that stilbestrol—DES—alters fetal vaginal cells in utero, with changes that do not become manifest in a malignant form until years later."

Thus far, medical evidence has determined only that direct ingestion by human beings, mice and guinea pigs can induce cancer. There has been insufficient time to acquire evidence as to whether or not the indirect ingestion of DES—that is, by eating meat products from animals which were fed with DES fortified feed—can induce cancer in human beings. However, from the evidence which does exist there would appear at least a substantial possibility that such indirect ingestion could cause cancer. This risk requires legislation to protect the American consumer.

My bill provides that any individual, partnership, corporation or association knowingly acting in violation of its provisions shall be fined not more than \$50,000 or imprisoned not more than 5 years, or both. In light of the potential cancer causing properties of DES, I do not feel that this penalty would be excessive.

#### COLONIAL PIPELINE RECOGNIZED AS PACESETTER IN ENVIRONMENTAL CONTROL

**HON. JAMES M. COLLINS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. COLLINS of Texas. Mr. Speaker, among the foremost leaders of research and innovations for environmental control in the petroleum industry is Colonial Pipeline. Colonial has been recognized with a first-place award in Petroleum Engineer and Pipeline and Gas Journal for its program to eliminate contaminants from the discharge at pump stations and tank farms.

The subject of environment is of vital importance to all Americans. We salute Colonial Pipeline for their developments toward protecting our country against pollution. Innovations in environmental control development from the petroleum industry plus the Nixon administration's progressive policies of cooperation with industry spell a bright future for pollution control in our country.

The award to Colonial Pipeline states:

Elimination of contaminants from the discharge at pump stations and tank farms was the objective of this program planned and executed by Colonial Pipeline Co. To accomplish this, equipment has been installed and drainage revised at all major locations. Contamination usually resulting from withdrawing water from the sumps of storage tanks was eliminated by discontinuing the use of the tank water draw-off line and installing a closed piping tank line stinger system.

All tank switching manifolds were original-

ly constructed on a lower elevation than the tank bottoms and the tank lines are sloped on an even uphill grade from the manifold to the tanks. Stingers were installed adjacent to the manifold or at the low point in the tank line, and were inserted through the top of the tank line pipe to extend down inside the pipe to within an inch of the bottom where any water in the tank or line will accumulate. Weight of the product in the tank causes the water to be pushed out through the stinger and into an oil-water separator.

Any oil present is skimmed off and returned to a tank while the water flows by gravity to a concrete retention basin for inspection. Outlet from this concrete basin is 2½ ft below the liquid surface to insure that only water will leave the basin.

To insure that all water leaving a tank farm contains no contaminants, retention ponds varying in size from a fraction of an acre to several acres have been constructed at major facilities to retain all water, including that from tank dikes, oil/water separators and surface drainage. Some facilities required considerable grading, terracing and the installation of large diameter drain lines to divert the flow into a retention pond for inspection before leaving the property.

Bottom or baffled drain lines from the ponds are designed to maintain a constant liquid level and hold several feet of product on top of the water should an accidental discharge into the pond occur. Most of these ponds have been stocked with game fish and ducks to prove the purity of the water.

Pump stations and smaller facilities are being equipped with a compartment-baffle type of oil/water separator, or a retention pond, or both, depending on the calculated risk and terrain.

Total cost of Colonial's water reclamation program has been about \$1,000,000.

#### POLISH PRIEST ON WAY TO SAINTHOOD

#### HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. PUCINSKI. Mr. Speaker, recently Pope Paul VI conducted a ceremony in Rome to beatify a Polish Franciscan priest, Father Maksymilian Kolbe, thus paving the way for this humble man to become a Catholic saint.

Father Kolbe is a saint indeed. He sacrificed his life so that another could live, and inspired a multitude of others around him.

During World War II at the Auschwitz concentration camp, the Nazis selected 10 men to die as a reprisal for those who had escaped. One man selected, Franciszek Gajowniczek, opined that it was a pity to leave his wife and children. Father Kolbe stepped forward and asked to replace Mr. Gajowniczek.

Father Kolbe and the nine other prisoners died slow and painful deaths. He gave solace and comfort to the other prisoners. He was the last to die.

Mr. Gajowniczek attended the beatification ceremonies in Rome. He is 70 years old today, and has recounted for us the very stirring story of the supreme sacrifice made by Father Kolbe on his behalf.

Mr. William Willoughby, of the Washington Evening Star, recounts Mr. Gajowniczek's heartrending story, which I place in the RECORD today.

The story follows:

#### NAZI VICTIM REMEMBERS—POLISH PRIEST ON WAY TO SAINTHOOD

(By William Willoughby)

VATICAN CITY.—Franciszek Gajowniczek has been carrying around one big regret for the last 30 years. Back at Auschwitz concentration camp, the Pole had been selected as one of the 10 men to die. A Polish Franciscan priest stepped forward, offering to die in Gajowniczek's place.

Things happened so quickly that day in August, 1941, and prison regulations were so tight that the man who got this most unlikely reprieve could not indicate his thanks even with his eyes to the priest.

Franciszek is a visitor in Rome today—a man of 70. He was one of the many thousands watching Pope Paul VI conduct a ceremony beatifying Father Maksymilian Kolbe for the extreme sacrifice in behalf of his fellow countryman. Kolbe thus is on his way toward becoming a Catholic saint.

Gajowniczek told the Associated Press in Brzeg, Poland, his hometown, that he prays to the saint every night. The man understandably could have made the priest a saint in his own mind even if the Catholic Church had never taken steps to do it.

Franciszek tells the story this way: Some prisoners had escaped from the prison which eventually was to claim the lives of four million persons. The prisoners always cringed when there were escapes. The Nazis would select from a lineup 10 persons at random to die. It was a slow, agonizing death in which the victims starved.

While the Nazis were searching for the escapees, the prisoners were made to stand from 6 in the evening, on through the night and until 11 a.m. the following day. In the heat of it all, they were given no food, no water. Some died while going through this ordeal. Guards beat some who had trouble standing.

Then came the moment of truth. The SS officer stepped forward and announced 10 were to be selected to die. He would come to one and then another and guards would jerk the ill-fated ones from the line for their slow, merciless doom.

Four had been picked when the SS officer stood by No. 5659.

"When he stood facing me, I knew that was the end," Franciszek said.

"It's a pity I must leave my wife and children," the doomed man said. That's all that came out.

Father Kolbe had been standing nearby and heard Franciszek's words. There was no hesitation. He broke the line and stood, smiling, in the face of the officer.

"What does this Polish swine want?"

Kolbe put it simply. "I am a Catholic priest, rather elderly. I want to go instead of that chosen prisoner. He has a wife and children and is needed by his family."

Franciszek couldn't believe it first of all, that the priest had made a selfless offer and second, that the officer actually accepted it. There was no way the grateful man could show his appreciation.

Kolbe and the nine others were put in a cell without furniture or without windows to starve to death. The priest inspired the dying to sing hymns and he consoled them in the words of Christ. After two weeks had passed, six had died. The Nazis needed the building for another purpose and shot poison into the rest. Kolbe, at 47, was the last to die.

"Kolbe never once tried to shirk his priestly duties in those nightmare days," Franciszek said. "He was very often beaten for it and the guards would laugh at him, but he regularly held prayer services for prisoners and heard their confessions."

What did it do for Franciszek once he was released? He had an intense desire to help unfortunates. He did voluntary work for the poor.

If one ever wants to know what made the early Christians such fanatics for Jesus, the

answer lies in an exemplary degree in this touching story out of the hell of Auschwitz. Those who came to understand the Gospel could see the guard staring them in the face. They knew "This is the end."

Then, as their Gospel beliefs taught them, out of this hopeless situation of the soul, Christ stepped forward, putting His life on the line for them.

Kolbe preached his most profound sermon that day in August. His words became flesh—his very own.

They carried echoes of an even more profound message made flesh one Good Friday afternoon.

For all the No. 5659s of the world.

#### DC-10: A REAL SMOOTH BIRD

#### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. HOSMER. Mr. Speaker, when the first McDonnell Douglas DC-10's began rolling off the line in Long Beach, Calif., and taking to the skies, pilots were almost unanimous in their praise and admiration for this big new bird.

Its instant acceptance and success augers well for the U.S. aviation industry, the company, and for my congressional district.

For a pilot's eye view of the DC-10, I call attention to an article in the November issue of Air Line Pilot magazine, reporting on a trip by the Air Line Pilots Association evaluation team from San Francisco to Washington.

The article follows:

#### WHAT PILOTS WANT TO KNOW ABOUT THE DC-10

There on the Long Beach, Calif., ramp, it looked big as a mountain to pilots of DC-8 and DC-9 class of jets. Each step closer created that feeling of being at the bottom of a canyon looking up to the rim. With three DC-10s on the line, the first impression of size was magnified threefold.

Airplane number 8, painted in the red, white and blue stripes of the McDonnell Douglas Co. has flown 290 hours since rollout last year. This was the third ALPA's DC-10 evaluation team that would fly to end its Phase Two evaluation of the aircraft since it began work with Douglas and the wide-bodied jet concept three years ago.

To the DC-8 and DC-9 pilots there were similarity and familiarity features to which they have long been accustomed; to some pilots of brand-X jet transports, it was a whole new formula. It had been easy to comprehend paper plans and even the mock-up, but upon meeting the real DC-10, the size was still a surprise and there was an inner thrill knowing they had been associated with its birth. Team members felt some modest pride in having contributed a little something to its being a better airplane than the state of the art has produced to date.

The 11-man team, headed by Captain Ray Lahr, was accompanied by Douglas flight executive A. G. Heimerdinger and test pilots Don Mullin, Cliff Stout and Jim Stuart. The group had completed detailed progress and flight test briefings the day before. Now on Aug. 13, it would fly. Three days later, ALPA President John J. O'Donnell, First Vice President Al Bonner and Captain Don McBain would fly it too. Their assessment would echo the reactions of the ALPA team.

With Cliff Stout occupying the right seat, they took turns at flying during the three-hour period. Whether at the controls or kibitzing from the flight deck, they checked



every major feature of the 50-ton bird: approaches to full stalls, landing and takeoffs with engine idle (engine out) conditions, in taxi operations, control-navigation-pressure systems checks, fuel system operations, etc. They did everything the line pilot needs to do to gain an honest, comfortable feel of a new jet slated for service.

The most immediate feature that drew accolades from all, was cockpit visibility. Compared to in-service jets, the DC-10 is a veritable greenhouse. Up, down, forward and backward, the sky can be swept visually from both sides of the flight deck with easy, comfortable movements. Since the wing sweep back is 37 degrees, however, the tips of the wings cannot be seen from the cockpit.

To an observer, watching pilots take over the left seat for the first time with ease and confidence while flying in the Marine fighter base airspace surrounding Yuma, Ariz., it was obvious that this single feature will improve terminal area eyeballing efficiency many times over that of present day jets. Even on high altitude climbouts, forward visibility is impressive.

Perhaps the most outstanding high praise, next to visibility, had to do with handling on the ground and in the air.

Numerous other comments and recommendations have been reported by the team. A few are reported here:

Engine starting is as automatic as it can be. Two manual actions are required: twisting the ignition knob and momentary depressing of the "start" switch on the overhead panel. The next move is to set fuel control lever on the throttle quadrant, holding it in open position until the engine fan speed reaches 10% or more.

Pretaxi and pretakeoff check-list items have been reduced.

Nosewheel steering is the answer to a pilot's prayer. The technique is easy to grasp. Steering is a little on the sensitive side but this is considered desirable. Nosewheel effectiveness, when coupled with the 10-degree rudder-steering capability, provides for safe and smooth roll-out and turn control. First timers at the controls encountered little difficulty with turns because of the pilot's perch being 20 feet ahead of the nosewheel.

Weighing in at 370,000 pounds, the DC-10 requires about 31% power to start the taxi roll. It can be maintained with engine idle thrust. Some carriers suggest saving the third engine until reaching the run-up position at takeoff.

There's very little lag between throttle advancement and delivered thrust. It takes less than 5 seconds to accelerate from idle to full power. Takeoff power on the flight was 102.7%  $N_1$  at 23°C. Cruise power used was 98.3%  $N_1$  at 19°C.

Shortly after breaking ground, climb speed stabilized well at 2,500 feet per minute. And at 8,000 feet, with flaps retracted, and 250 knots airspeed, rate of climb was 3,000 feet per minute.

During cruise operations—380 knots at 15,500 feet, the Mach beeper horn sounded as the gait nudged past Mach 0.85. A Dutch-roll recovery without yaw dampener on was demonstrated; although dampening was slow, recovery was firm. The autopilot was engaged and the auto throttle action held the speed at 320 knots. Spoilers worked smoothly and delivered relatively little vibration at low settings.

Approaches to the stall were made with the aircraft clean at 14,000 feet. The stick shaker became effective at 177 knots. The combination of lights, noise and physical vibration in the steering wheel makes it inconceivable that the stall warning could ever be ignored. Slats were deployed automatically. With 18 degree flaps, the near point of stall was 130 knots. Although full stalls were not made, the aircraft handled well to the point of fall off. Aileron and rudder-elevator control was effective. Except for the stick shaker action, each pilot could have easily

been stalling a Cessna 172. The flight deck feel was the same.

Landing approaches: In this area, the big craft was exceptional, that solid feel denoting excellent stability. At 200 knots, flaps were set at 20 degrees and power setting was about 60%. Small adjustments in power to hold approach speed were easy for the first-time DC-10 pilot. Without exception, each ALPA pilot made the first touchdown with ease, despite the higher perch of the cockpit—15 feet as compared to 20½ feet for the DC-8 and 11 feet for the DC-9.

On final to Yuma's 21R, approach power rounded out at 73% to hold a steady 145 knots and a 600 feet-per-minute rate of descent. The temperature was 100° F and the wind was 270 degrees at 8 knots. The usual rough air surrounding Yuma at midday had little effect upon the DC-10's level flight stance.

During several touch and go takeoffs Douglas's Stout or Mullins would pull outboard engines and only a small amount of rudder pressure was needed to hold direction; in one case a 5-degree bank into the good engine compensated for rudder pressure to maintain straight flight. Center engine out caused no marked change in trim. There was no noticeable change in cockpit noise or flight conditions as power was retarded.

Direct lift control, a Douglas innovation to provide precise speed, attitude and rate-of-descent control, was used on several landing approaches. To the observer, there was no improvement apparent. Each pilot, however, expressed satisfaction with its function and, of course, the real value will accrue when CAT II and III systems are operative.

Other landings were made with various systems inoperative to demonstrate redundancy and the high degree of selectivity available to the pilot during emergencies or equipment failure.

Since it is difficult to observe wing tips from the cockpit, ground guidance is essential while taxiing in tight places. The center windshield is expected to be a good ice collector and indicator for wing icing.

Alternate system operation with regard to environmental control was demonstrated. An emergency descent was made at 300 to 330 knots, at the rate of 10,000 feet per minute.

Fuel system operation with fuel boost pumps off on outboard engines demonstrated many options available for fuel transfer and trim in case of pump failure.

No-flap approaches and landings were made. All pilots expressed satisfaction with performance in this department. In fact, a two-engine out approach with no flaps, but with slats extended, was made at 184 knots. Speed at the threshold for landing was 180 knots.

Without question, the team's response to the five hours of flying, praised Douglas for the many improvements and innovations that enhance flight safety and comfort for the crew as well as the passengers. Some items suggested for further study or improvement included:

Better identification of the various beeps and warning horns that require instant recognition by the flight crew.

Hot air blast from the auxiliary power unit is questioned as a possible problem for the ramp areas.

Reduction of sound in the cockpit air-conditioning system is desirable and Douglas indicates action is underway at this time.

Some other specific cockpit items praised included engine-failure lights that activate when 10% differential in power exists between engines; the aircraft operated well under crosswind conditions; brakes are adequate and very smooth in operation; the Goodyear wheel, brake and antiskid system produced an average stopping distance of about 2,200 feet at landing weight of 360,000 pounds. The aircraft is certificated for operation on airports with runways as short as 5,200 feet, the same as the DC-9.

This rundown, at best, is a summary of some of the more detailed items pilots noticed during their first exposure to the DC-10. Further flying, of course, will give a finer assessment of its performance and capabilities, which are due to make this aircraft one of the most productive jet transports ever placed into operation.

Flight checks of the autoland system were not possible since this equipment was not installed in number 8. In addition to the autoland system, the company offers some intriguing extras: an automatic engine trim system that holds power trim between the three engines to within plus or minus 1%. This is far more precise than can be set manually.

Under development is a performance and failure assessment monitor, a small cathode ray screen that shows an imaginary runway and predicts the touchdown point on the runway.

In the cabin, reaction of the stewardess representative, Mya Shelton, was excellent. Operational use has already demonstrated the value of Douglas' human factors research. As with any new automobile, boat or airplane, however, there are a few items recommended for attention. Removable type lights are needed near doors. The front hatch where the ladder exists from the lower galley requires a hinge or tether on it. Exit doors require two different operations to open and the front door seems to require more muscle than the others.

There is a question about the possibility of doors being opened in flight when cabin pressure is 0.4 inches or less. A window would be a welcome addition in the galley to guard against possible crew claustrophobia. The noise level in the galley, especially with gear down, is higher than desired. It is recommended that all carts be stowed in the galley for landings. The jump seat appeared to be good for the time available to check it.

At the time of the ALPA team's flight, there were five test aircraft in the program. They had completed 929 flights for total time of 1,554 hours 40 minutes. Number one DC-10 completed 455 hours of flight to certification in 10½ months—120 hours less than the DC-9 program, which required 14 months.

An immediate payoff, a surprise to everyone, is the substantial reduction in pilot checkout time. Through the use of DC-10 simulators, flight time for type rating has been reduced to less than two hours. This is a savings of more than three hours from the 747 average of five hours.

During its first two months of service, daily utilization rate for American Airlines and United exceeds 14 hours.

The Big Bird from Mc-D has a great future. Every pilot who has flown it, walks away with a broad grin and an "I don't believe it" shake of the head. They call it a real s-m-o-o-t-h bird.

#### EFFORTS OF CREW OF U.S.S. "RANGER" TO SAVE LEUKEMIA VICTIM

HON. WILLIAM S. MAILLIARD  
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. MAILLIARD. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following:

I am sure my colleagues will be pleased to note the efforts of the crew of the Alameda, Calif., based U.S.S. *Ranger* to save the life of a 4-year-old leukemia victim.

Four-year-old Christopher Campbell of Phoenix, Ariz., has been undergoing

treatment for leukemia at St. Joseph's Hospital in Phoenix.

In addition to two visits per month to the hospital to receive intravenous medication, the child must have a blood transfusion at least once a month, depending on his current condition and response to treatment. Christopher's mother, Mrs. G. L. Campbell, said that she had received little help from residents of Arizona in getting blood donations for her son.

Quite unexpectedly, the Irwin Blood Bank of the San Francisco Medical Society began collecting blood donations. The blood drive was spearheaded by a former crewman of the U.S.S. *Ranger* who learned of the child's plight through a friend of Mrs. Campbell's family in San Francisco.

As of September 15, *Ranger* men have donated 88 pints of blood in San Francisco.

Following is a letter from Mrs. Campbell expressing her deep appreciation to the *Ranger* men:

Up until a couple weeks ago, it was my feeling that compassionate acts of one man for his neighbor were only to be found in history books. It seemed to me that today's world was too fast and cold for these acts to exist. Then I learned of a group of men, whom I have never met, spearheaded by a Mr. Vance M. Olliver, who had begun a drive for blood donations for my son Christopher who was stricken by leukemia last year.

I don't really know how these men knew of our plight with medical expenses, etc., nor why they went so far to help a family they had never heard of before, but I thank God for everyone. In this day and age, such acts of genuine love and kindness are all too few and far between, and it is refreshing to know that at least the act of compassion is still free.

In our hearts there will always be a place of special significance for the men of the U.S.S. *Ranger*. I know in my heart you will all be richly rewarded when the material things of this world have long passed. May God bless you all abundantly and send help to you in your time of need.

THE LATE HONORABLE  
SPESSARD L. HOLLAND

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1971

Mr. ROONEY of New York. Mr. Speaker, I was saddened to learn of the passing of the Honorable Spessard L. Holland, who for almost a quarter of a century so ably represented the people of Florida in the U.S. Senate. Senator Holland served on the Senate Appropriations Committee and over the course of the years we had many a discussion at House-Senate conference meetings. We did not always agree on things, yet we became good friends and I had nothing but respect and admiration for Spessard Holland. He was a man who spent his entire life in public service, first as county prosecutor, as a judge, as a member of the Florida State Senate, as Governor of Florida, and for 24 years as Senator from Florida, leaving the other body finally,

because of ill health. He was a gentle but forceful man, a dedicated man, a man with many friends. He will be sorely missed by all who knew him.

To his lovely wife and family I extend my deepest sympathy.

#### YOUNG VOTERS LOOKING FOR COMMON POLITICAL GROUND

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, young Philadelphia voters looking for common political ground met recently to explore the possibility of establishing a forum for action and discussion of the issues affecting their lives. Under leave to extend my remarks, I wish to insert the following story related to their activities and a copy of the position paper on pollution control prepared by the Young Philadelphians:

[From the Philadelphia Tribune,  
Oct. 23, 1971]

#### TEMPLE CONVENTION HOPES TO SPUR YOUTHFUL VOTERS

The voice of the young voter will be heard for most of the day at Temple University's Thomas Hall, Broad and Norris Sts., tomorrow (Saturday, October 23rd).

The occasion will be a conference sponsored by the Young Philadelphians, an organization which has formed to maximize the political leverage of youthful voters.

Co-chairmen of the organization are Johnson Collins, a center-city resident, and Ken Platt, of West Philadelphia. Collins, 28, and Platt, 27, outlined the aims of the convention in a Tribune interview this week.

"The Young Philadelphians will attempt to develop some sort of common ground among young voters. Through its permanent organization, we will work on voter education, direct political activity, lobby in Harrisburg, Washington and City Hall and monitor City departments with our own expert people," they said.

One of the goals of Saturday's conference is to attract at least 1,000 young voters. During the convention, which is scheduled to run from 9 A.M. until 9 P.M., a platform on the November 2nd election will be hammered out and voted on.

Both major mayoralty candidates have been invited to speak and make their appeal for the youth vote.

Collins, Platt and Bob Mulligan, co-director for public relations, emphasized that the convention was not directed for or against any political candidate.

#### WARNING

However, Collins added that there was little sense in a candidate claiming that he has the majority of the youth vote if that candidate is not concerned enough to come forward and make an appeal for it.

The question that the candidates will be asked to respond to is "why should the young people of Philadelphia vote for you and not your opponent?"

Following the hoped for question and answer session with the candidates, the delegates will relax for two hours of entertainment.

Registration for the convention will cost \$2. The registration period will be from 9-10 A.M. Following the close of registration, the delegates will be welcomed by a spokesman from the Young Philadelphians. After that, a nationally prominent speaker will discuss

the role of young people in urban change. From 11 A.M. until 2 P.M., a series of workshops on various topics of concern to youth will be held.

The platform will be debated and adopted or amended by the general assembly shortly after. Following a dinner break at 6 P.M., the candidates for mayor will be heard.

#### DIRECTORS

Task force directors for the convention are Miriam Gafni—Criminal Justice system; Henry Stein—Drugs; Debra Wiener—Education; Jack McCormick—environment; Ganga—Harold Haskins; Allen Beckman; Joan Ferreira—Government-Community Relations and Political Action; Health and Social Services—Dr. Edward Foulks; Housing—Shirley Dennis; Vietnam and its impact locally—Pat O'Reilly; Recreation and Culture—David Katzev, Roger O'Dell; Taxation, Employment and Economic Development—Carl Francis, Paul Oldroyd, and Transportation—John Schumann.

Collins, Platt and Mulligan said that the concerns of the Young Philadelphians reach far beyond the November election.

"Philadelphia is at a turning point. The young people have a stake here. Most of us are ready to spend our lives in this city. However, the city is suffering from a 'brain-drain' which will continue as long as we have to bang our heads up against a stone wall of indifference and powerlessness. The city can grow or it can become an Appalachia because it has driven its youth out," they said.

#### POSITION PAPER ON AIR POLLUTION CONTROL IN PHILADELPHIA

(Presented by Olivia Hall)

#### INTRODUCTION

I am Olivia Hall, Co-Director of The Task Force on Environment of The Young Philadelphians.

The Young Philadelphians has as its prime objective the maximization of the political leverage of the young people of Philadelphia. To accomplish this goal, our organization has established twelve Task Forces. The function of these Task Forces is to develop and advocate solutions to the major problems which are of concern to the young people of our City.

#### DEFINITION OF THE CONCEPT

As you are, of course, aware, young people have been largely responsible for bringing to the attention of the American people the urgent need to conserve and improve our environment. We, The Young Philadelphians, are concerned with the totality of man's environment.

The environment consists of much more than just the air we breathe and the water we drink. We are concerned not only about the natural environment, but also the human environment and the made-made environment. We are concerned with the gang violence and drug addiction which are making waste of the lives of hundreds of young Philadelphians each year. We are concerned about the 40,000 vacant and abandoned houses in this city. We are concerned about the absence of adequate public transportation. We are concerned about the unavailability of jobs. We are concerned about the deplorable conditions in our schools. In short, we, The Young Philadelphians, are concerned about the quality of life in our City and we are working to help achieve for Philadelphia the quality of life which our people deserve.

Air pollution is definitely having a detrimental effect on the quality of life in our City.

#### DESCRIPTION OF THE PROBLEM(S)

Air pollution adversely affects health. Daily levels of air pollution—measured in terms of levels of particulate matter accompanied by sulfur dioxide—have been positively correlated with indices of mortality and morbid-



ity. The effects, which are most noticeable in persons who are suffering from cardiac or respiratory conditions, are observed within a few hours after a deterioration in atmospheric conditions and are frequently evident even with small increases of pollution.

Air pollution has a number of significant adverse effects on the economy. Some of the more obvious ones are the soiling of materials by dustfall, which necessitates additional expenditures for cleaning; and corrosion of materials, which necessitates replacement and application of protective coatings. Particulate matter suspended in the atmosphere contributes to the haze and turbidity which reduce sunlight; thereby decreasing illumination and reducing visibility. Reduced visibility can create transportation hazards. Oxides of sulfur together with fine grain particulate matter necessitates extra expenditures for medical care and result in lost workdays, reduced productivity and sometimes loss of life. Automobile exhaust emissions contain poisonous carbon monoxide. They also contain hydrocarbons and oxides of nitrogen and contribute to the production of smog. Oxidants formed by various combinations of pollutants in the atmosphere can be detrimental to humans and damaging to plants and animals.

Air pollution, like war, is unhealthy for children and other living things.

#### DISCUSSION OF THE CAUSATION OF THE PROBLEM (S)

Some degree of air pollution is an inevitable and unavoidable concomitant of an industrial society. The preponderance of air pollutant emissions is the result of (1) transportation, (2) industrial operations, and (3) power generation facilities.

In Philadelphia during 1966, approximately 720 tons of sulfur dioxide, 190 tons of particulate matter, 310 tons of nitrogen oxides, 570 tons of organics and 2,600 tons of carbon monoxide were discharged into the air daily. Of this, about 60%, mostly carbon monoxide, was due to automotive sources.

#### RECOMMENDED NEW APPROACHES TOWARD SOLVING THE PROBLEM (S)

Philadelphia's major air pollution problem is caused by automobiles, trucks and buses. This problem can be solved; but the present City Government is doing very little to deal with the problem of automotive exhausts. Under a program instituted approximately two months ago, one or two Air Management Service Inspectors are on the streets at all times—riding around with policemen—issuing citations to the drivers of vehicles emitting excess pollutants. So far, approximately 125 citations have been issued.

In view of the fact that automotive vehicles are responsible for about 60% of the pollutants emitted into Philadelphia's atmosphere, this program is almost ludicrously inadequate.

The only ways to make a serious impact against automotive pollution, at the present time, is to reduce the number of cars in use and to require the installation of the best available air pollution control devices.

We must cut down on the number of, and the need for, cars in the City by improving the mass transit system.

We must break up the Highway Trust Fund which channels all of our gasoline tax revenues into highway building and, instead, spend our tax money to create efficient, clean and safe public transportation. Last year, Pennsylvania spent \$500 million on highways and \$12 million on mass transit.

Furthermore, Pennsylvania does not require the installation of pollution-control devices on automotive vehicles and the Commonwealth does not inspect them to check their efficiency. Obviously, this must be changed.

The Air Pollution Control Board and Air Management Services must make certain

fundamental changes in their policies and procedures with respect to private, quasi-public and public industrial polluters.

Greater use must be made of the leverage held by the Air Pollution Control Board and Air Management Services.

In insuring pure air for our citizens, it is neither necessary nor desirable to drive industry away from our City. However, a stronger, more affirmative posture must be adopted by these City agencies. These agencies must monitor, on a continuous day-in, day-out basis, Philadelphia's major polluters. Furthermore, the major polluters must be persuaded to take significant action to reduce their pollution emissions in the shortest time possible.

This type of posture would, of course, require more air management personnel. But in view of the fact that the City's Budgetary appropriations for the Management of Air Resources has increased by nearly 200 percent in the past two years (Fiscal 1970—\$655,079; Fiscal 1972—\$1,731,904, Air Management Services has the fiscal capability to hire the necessary personnel immediately.

Finally, the victims of air pollution—the citizens of Philadelphia—must be brought directly and actively into the process of managing our City's air resources.

One afternoon of public hearings, given once a year, during "Clean Air Week" is obviously grossly inadequate as a method of insuring significant citizen participation.

Why can't housewives be employed as Air Pollution Inspectors?

Why can't high school students be employed in Air Pollution Work-Study Programs?

Why can't programs be established in area colleges and universities to train Air Pollution Control para-professionals?

Why can't these steps be taken?

#### CONCLUSION

In 1802, when England was in the midst of the Industrial Revolution, the poet, William Wordsworth, wrote the following lines concerning the City of London:

"Earth has not anything to show more fair:  
Dull would he be of soul who could pass by  
A sight so touching in its majesty:  
This City now doth, like a garment, wear  
The beauty of the morning; silent, bare,  
Ships, towers, domes, theatres and temples  
lie  
Open unto the fields, and to the sky;  
All bright and glittering in the smokeless  
air."

Ladies and Gentlemen, I ask you: "Will anyone ever be able to describe our City as: 'All bright and glittering in the smokeless air.'"

Thank you.

#### THE LATE WINFIELD K. DENTON

#### HON. JOHN BRADEMAs

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1971

Mr. BRADEMAs. Mr. Speaker, I take this time to pay tribute to a warm friend and outstanding public servant, our late colleague, Winfield K. Denton, of Indiana.

Mr. Speaker, I had the privilege of serving in Congress during several of the eight terms which Mr. Denton served in this body.

I have met few persons in public life more hard working or more devoted to the public good than Winfield Denton.

Mr. Denton gave outstanding service on the Appropriations Committee of the

House of Representatives and was chairman of the Subcommittee on Appropriations for the Department of the Interior and related agencies.

A man of great personal warmth, Winfield Denton was characterized by a deep sense of responsibility as a Member of Congress. Along with all who had the privilege of serving here with him, I shall miss him.

#### CONGRESS MUST TAKE CLOSE LOOK AT PENDING OEO LEGISLATION

#### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. ASHBROOK. Mr. Speaker, an editorial in the Washington Star of November 8 made reference to legislation now working its way through Congress, namely the extension of the Office of Economic Opportunity Act, as "social legislation of monumental nature." As a member of the House Education and Labor Committee which handled this legislation and now as a member of the House-Senate conference presently considering the OEO package I have had ample opportunities to closely scrutinize this proposal.

From my vantage point the Star's reference to this legislation as "monumental" is no ill-considered exaggeration. The Child Development Act, which is now part of the package and to which the Star editorial has reference, of itself deserves serious consideration. But combined with the other controversial provision in the package, that of the Legal Services Corporation, the scope and seriousness of this legislation can hardly be overestimated.

In my Washington report of November 10, I attempted to bring to public attention the potential danger to parental rights and responsibilities which could accrue from Federal abuses in the area of child development. As indicated, some amendments have been worked into the legislation, but I still view it as dangerous legislation.

Also apprehensive about the ramifications of the Child Development Act is Human Events, the Washington newsweekly which oversees and reports on congressional activities with an eagle eye. From the standpoint of financing the program, Human Events in its November 13 issue provides some projected figures which the taxpayer might well face in future years as an added feature of his tax burden.

In the same issue of November 13, Human Events gives reasons and cases to support the premise that the legal services provisions of the OEO package could be just as big a headache as the child development proposals. Past experiences in the legal services field make it mandatory that a tight rein by Congress be exerted to prevent radicals and extremists from establishing a ready beachhead in this highly vulnerable program. It is generally conceded here in Congress, but not appreciated outside, that the oversight duty of Congress, which is to

monitor and correct abuses in congressional programs, is rarely exercised adequately due to a shortage of both time and personnel. Thus, the administration of programs by executive agencies does not have the congressional supervision originally intended. For this added reason, adequate safeguards at the outset are necessary in the legal services area if a sophisticated, legalistic chaos is to be avoided.

I include at this point the four items mentioned above; the Star editorial, the Washington report of November 10, and the two items from Human Events:

[From the Washington Star, Nov. 8, 1971]

#### DAY-CARE DILEMMA

Once again this week, House-Senate conferees will try to settle their differences over the Child Development Act, which is now part of legislation to extend the life of the Office of Economic Opportunity Act. If they can't do any better than they have so far, they might as well give up. Which is to say, President Nixon would have ample reason to veto the whole package.

No one should underestimate the potential impact of the child-care bill. It is social legislation of monumental nature. It promises to alleviate the lot of millions of American women who work but have no suitable arrangements for care of their children. It promises a national commitment to comprehensive early childhood education. In light of the estimate of some six million preschoolers whose mothers work, and in light of the further estimate, thought to be conservative by some, that it will cost about \$1,600 per child for adequate full-time care, it is easy to see that the total price tag of such a program would run into billions of dollars annually.

Congress, then, might have been expected to approach the subject with a measure of caution, at least to the point of trying to create the best possible administrative mechanism for guiding where the money will go, and how the new child-care centers will take shape. No such thing happened. What has emerged instead threatens an administrative mess. This occurred in part because the biases of the child-care lobbying groups fit in so neatly with the political instincts of so many congressmen. The chief example: Liberal groups tend to distrust state governors; fine, said Congress, and it pork-barreled the child-care bill to the point that thousands of large and small communities will be able to get money directly from the federal government to run day-care centers. It's as if no one has learned anything from the failures of similarly-constructed social welfare programs of the past.

The conference committee can do little about these defects. But it does have great discretion over what kind of families will be eligible for full or partial subsidies. So far, the conferees have tentatively decided that free day care should go to children of families of four with incomes of less than \$5,250 annually. Reasonable enough, but then the formula goes from there to provide partial subsidies to families making up to and, in some cases, well beyond \$20,000 a year. It's this kind of thing that should be corrected.

No one can disagree with the statement of Senator Mondale that "in a country where more and more women are working, we better start worrying about what's happening to their children." It's precisely because this issue is so important that an extraordinary effort should be made to construct a program that is both feasible and defensible.

AS THE TWIG IS BENT  
(By JOHN M. ASHERBROOK)

As if the federal government did not have its nose in enough of our affairs, we are

now faced with a federal bid to take over control of our children. The threat to the family of the child development programs now being considered by a House-Senate conference committee on which I sit cannot be overstated.

Strangely, up until recently this proposal had not received much attention outside of the Congress. But as more and more people realize the breadth and ramifications of the child development plans, they have become increasingly alarmed at how this program could undermine the structure of family life.

At the outset, I think most Members of Congress believed this was nothing more than a plan to establish day-care centers for working mothers. It is far more than that, however. The bill contemplates, ultimately, federal support of the entire range of services bearing on the development of our children.

As a member of the Education and Labor Committee and a House conferee on this legislation, I have directed by efforts to insuring that—since it seems we cannot prevent passage of the bill—adequate safeguards are included to protect the family unit, the sanctity of the American home and the traditional domain of parents.

Three amendments I offered which I think significantly improve the child care provisions were adopted by the Education Committee. These amendments provide safeguards to insure that the child care sections will not be interpreted to infringe upon the moral and legal rights and responsibilities of parents or guardians in the upbringing of their children.

Nevertheless, even with the inclusion of my amendments, the Child Development Act is very dangerous legislation. We have seen what has happened over the past decade as educators have determined it is their business to correct mistakes they feel are made in the home. Now we would have child-care "experts"—who think they know much better than the parent how the child should be treated—using the child development programs as vehicles to reach their social objectives.

By regarding our children almost as wards of the state, what the government feels to be adequate medical, educational, social, psychological, nutritional, and who knows what other kind of care would be available to each and every child in the Nation.

No one has any wish to deprive a child of every advantage possible. But a child who already has a home environment which provides him with love, care and the spiritual and moral guidance deemed in order by his parents has no need to be remolded in a mass-assembly government cast.

What do we need to do to provide for those children who do, in fact, need help while at the same time protecting the homes and families of those who are now receiving adequate parental care from unsolicited federal intervention.

[From Human Events, Nov. 13, 1971]

#### MULTI-BILLION-DOLLAR PROGRAM FOR BABY SITTERS

Pending legislation in a House-Senate conference committee would create a federal system of day care centers at astronomical cost.

Under the conference "compromise" proposal—more expensive than the already costly Nixon Administration plan—the cost of federal baby-sitting would be a soaring \$31.9 billion, if all 40 million eligible children participated. Even under the Administration's program, a 100 per cent participation rate would require \$20.3 billion.

While the Administration only wants children from families with incomes of \$4,300 or less to be eligible for free care, the conference committee would like the cutoff boosted to \$5,230. Earlier, the more generous Senate bill, sponsored by liberal Walter Mon-

dale (D-Minn.), would have given free day care to families of four making less than \$6,900.

Because the compromise bill authorizes that only \$1.2 billion be spent this year, just 3 per cent of the children eligible could take part in the day care scheme at first. But liberal lawmakers and social reformers would likely pressure Congress into raising the funds available to the centers so that a much larger percentage of children could participate. Mondale himself said: "The measure we have introduced contemplates a buildup over several years. . . ." Thus, fears of a \$30-billion day care system are not unrealistic.

The Administration's aim is to permit welfare mothers to go to work while their children are being cared for and influenced by a staff that receives orders from Washington. However, the cost to society of providing this day care would be greater than if the mothers were employed and no longer receiving federal welfare payments, according to a report by the President's Commission on Income Maintenance Programs published in November 1969. The panel, therefore, rejected the idea of providing federal day care centers for welfare mothers.

Moreover, the number of mothers who do work has increased 800 per cent in the last 30 years and now exceeds 12 million. Yet these women have managed without a multi-billion dollar baby-sitting program. Statistics show that more than half of the mothers with children between six and seven are working and about one-third with preschool children hold jobs.

Because of the unjustifiable costs and strong federal control involved, no national day care program seems reasonable. Local communities grappling with the indeed important problem of working mothers with children perhaps can devise a more realistic solution.

#### CONGRESS VERGES ON OK OF LEGAL SERVICES SLEEPER

While many members of Congress have been deeply concerned over the child development portions of the anti-poverty package before a Senate-House conference (see page 13), a number of lawmakers are now taking a closer look at an equally ominous feature attached to the same measure: the Legal Services Corp.

Bad as the present OEO-run legal services program is, say its detractors, the corporation threatens to become a high-octane engine for federally funded radical activity, a vehicle far more dangerous than the current setup.

Under the legal services program as now constituted, the governor of every state is at least equipped with a partial veto, but this veto is out the window in the proposed new legislation. Congress also has greater control over the current program—weak though that control is—than it would have under the independent corporation.

Just as disturbing is the fact that Congress, for some curious reason, repeatedly rejected or watered down efforts to establish important guidelines for lawyers funded through the new corporation.

The Nixon Administration, for instance, tried to limit the corporation's activities to "non-criminal matters," require that full-time legal services attorneys "refrain from any outside practice of law," forbid "partisan political" activity and establish "disciplinary action" for those violating the rules. But the bill that is likely to emerge from conference, say some observers, will probably be shorn of virtually any of these meaningful safeguards.

While the corporation set up would relax the present rules regarding legal services attorneys, the hard fact is that even the current rules have failed to prevent many legal services programs from developing into havens for radical activists.



Disturbing information from California, where an investigation of violence in state prisons is now going on, suggests, for instance, that the very same lawyers who are attracted into the federally funded legal aid program are the ones who are aiding and abetting convulsions in the penal system such as occurred this past summer at Attica, N.Y., and at San Quentin.

In a report to Gov. Ronald Reagan, the California Board of Corrections notes that members of the OEO-funded California Rural Legal Assistance program (CRLA) were among a group of activist lawyers who have initiated various legal actions on behalf of militant prisoner groups.

These legal actions, the Board of Corrections says, were "presumably intended to generate unfavorable publicity." The board notes that "one such action, filed on behalf of an inmate by a CRLA attorney, charged negligence and incompetence on the part of the medical staff at Folsom [prison]. The inmates charges of improper medical practice has been previously investigated by outside consultants and found to be false or inaccurate."

The Board of Corrections reports that CRLA also filed a federal court civil action for the conspiracy to commit murder, charging three Soledad employees with trying to get one inmate to murder another. It developed that two of the three employees named in the suit were not in the prison on the day when the murder was supposed to have occurred. The suit was later dropped.

There is additional evidence, still being further documented, which indicates that some of California's federally funded young legal eagles have been involved in encouraging strikes, riots and other disruptions in California prisons.

Supposedly, these "idealistic" young lawyers are pocketing federal paychecks in return for offering legal aid to the poor in civil matters ranging from divorce to consumer fraud to property disputes. They are required by law to steer clear of criminal cases. But in fact they have shown an alarming proclivity to inject themselves into cases involving radical violence and civil disruption.

Thus, for example, after a police raid on the headquarters of a militant group in the Los Angeles area, law enforcement officials were surprised to see a well-known lawyer from an OEO-funded program popping up in defense of the militants. "Oh, I'm doing this on my own time," was the attorney's explanation. "It's amazing how much of 'their own time' these guys have," says one Los Angeles law officer. "They must open their office to the poor a few hours a week . . . late at night."

Yet CRLA is only one of many controversial legal services projects that have blossomed across the country. The OEO in Washington, for instance, was forced to crack down on the Florida Rural Legal Services (FRLS) program which played a major role in chartering COBY, a militant youth organization steeped in radical activities. The FRLS not only provided assistance to COBY, but published its revolutionary newsletter, *Muck Rake*. Printed on FRLS equipment, *Muck Rake* has portrayed police as "pigs" and printed inflammatory cartoons of police officers beating up blacks.

As another random case in point, the Los Angeles Neighborhood Legal Services program (LANLS) was allowed to function at length until publicity forced Washington to put a halt to its revolutionary activism.

Particularly disturbing was that Kenneth Cloke, who had been closely associated with Communist and Communist-front groups, was an attorney on loan to LANLS. Cloke traveled to Tucson, Ariz., in November 1970 to represent Teri Ann Volpin, a friend who had been jailed for refusing to testify about a matter involving the transportation of dynamite by Weathermen. Miss Volpin had

been the Venice area representative to the LANLS board. Other attorneys connected with LANLS had similarly unsavory records.

Indeed, the legal services program seems to be a magnet for revolutionaries and radicals.

Stephen Bingham, who had been deeply involved with OEO activities, including Berkeley Neighborhood Legal Services programs, has now been indicted on five counts of murder in connection with the San Quentin prison violence in August.

Julian Tepper, a Washington anti-poverty lawyer who was on the negotiating committee during the Attica convulsion, is now justifying the prisoner revolt in speeches across the country. Speaking in Providence, R.I., recently, Tepper was quoted as saying it is impossible to condemn the prisoners for the revolt if one is for prison reform.

The prisoners, he went on, could no more be condemned for turning to violence to improve their living conditions than men of the Boston Tea Party. Tepper not only condemned the decision to use force to retake the prison, but strongly defended radical lawyer William Kunstler, who has applauded the prisoners for taking hostages at knife point.

Tepper, incidentally, is an official of one of the legal aid societies that would help govern the legal services corporation.

Federally funded attorneys, moreover, are also known to be cooperating closely with Fay Stender, a member of the pro-Communist National Lawyers Guild. Mrs. Stender is no stranger to left-wing and revolutionary causes. Her clients have included such Movement people as Jerry Rubin and Mario Savio, and it was her brief that recently obtained a retrial and release on bail for Black Panther Huey Newton.

Thus the current federally funded legal services program has become a cradle for revolutionary action. Yet the Congress now seems on the verge of passing a new legal services program possessing less restrictions on it than the present one. The new corporation, if not vetoed, will turn into a lethal revolutionary weapon aimed at bringing down the Republic—and the weapon will be financed with the taxpayers' dough.

#### DEVELOPMENTS REGARDING THE COMPREHENSIVE CHILD DEVELOPMENT ACT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. RARICK. Mr. Speaker, regarding the child development legislative programs, Dr. Edward P. Zigler, President Nixon's appointee to head the Office of Child Development, is reported to have said:

People don't recognize the monumental nature of this legislation and what effect it can have on the country in 20 years.

This incredible legislative proposal known as the Comprehensive Child Development Act has already passed both Houses but has not been reported back from the conference committee.

I feel certain that if this Comprehensive Child Development Act were fully explained to the American people and a referendum on it were held, the bill would be overwhelmingly rejected.

Why was this bill sneaked through in such haste? Why were no concerned parents groups called to testify at the

hearings? After all, parents have the most to lose should the bill be passed and implemented. But, as usual with many bureaucrats, parents are just supposed to provide the money and the children and to be satisfied with what the new American revolution is doing "for their own good."

And now we see more pressure from below in the form of a large half-page advertisement appearing in this morning's Washington Post urging that the Comprehensive Child Development Act be passed. The ad was sponsored by a so-called "Children's Lobby". The following names appeared below the ad:

Robert Aldrich, M.D., Vice Pres., Health Affairs, University of Colorado; Joyce Black, Pres., New York City Day Care Council; Arnita Boswell, Prof., Social Work, University of Chicago; Urie Bronfenbrenner, Prof., Human Development and Family Studies, Cornell University; Jerome Bruner, M.D., Director, Center for Cognitive Studies, Harvard University; Ricardo Callejo, Attorney, Spanish Speaking, Sur-Named Political Assn., San Francisco; Eli E. Cohen, Exec. Sec., Natl. Committee on Employment of Youth; and Raymond Cohen, M.D., Past President, Texas Pediatric Society.

Manuel Diaz, Jr., Vice Pres., New York City Urban Coalition; James Dumpson, Dean, School of Social Work, Fordham University; Marion Edelman, Washington Research Project Action Council; Donald Fink, M.D., Former, Dir., American Academy of Pediatrics Consultation Service; Marcus Foster, Ph.D., Superintendent, Oakland Public Schools; Glenn Gibson, M.D., Pediatrician, Baton Rouge; Elinor C. Guggenheimer, Policy Council, National Political Women's Caucus; and Dorothy I. Height, Pres., Natl. Council of Negro Women.

Francis Keppel; Reginald Lourie, M.D., Pres. Joint Commission on Mental Health of Children; Sanford Matthews, M.D., Regional Pediatric Medical Coordinator, Atlanta; Joseph Monserrat, Member, Board of Education, New York City; John Niemeyer, Chairman, Day Care and Child Development Council of America; Josephine Nieves, Dir., Puerto Rican Studies, Brooklyn College; Julius Richmond, M.D., Dir., Judge Baker Guidance Center, Harvard University; and Mrs. Alexander Ripley, Vice Pres., California Children's Lobby.

This advertisement sponsored by The Children's Lobby; Jule M. Sugarman, President, New York, N.Y.

One wonders who elected this vested interest group of social workers, youth directors, pediatricians, mental health and human development experts to lobby for America's children. I wonder how many of them even have children of their own. What is their real reason for being so vitally interested in the Federal Government's assuming the role of rearing America's children?

Another development in this area of Nixon's children is a little publicized amendment to the Higher Education Act of 1971, which passed the House after 2 o'clock last Friday morning, is the amendment to establish a National Institute of Education. While paying lip-service to the U.S. Constitution by admitting that "the direction of the education system remains primarily the responsibility of State and local governments," the amendment proposes that the Director of the Institute be separate from the Office of Education and be responsible directly to the Secretary of HEW, who is authorized to establish child development programs and serv-

ices as follows: Specially designed health, social, and educational programs—including afterschool, summer, weekends, vacation, and overnight programs. The times indicated include every hour of every day of the year.

Now what is this National Institute of Education? The "think-tank" command post for the comprehensive child development program? And what is it to do? It is to conduct educational research—basic and applied—and experiments. And who will be the human guinea pigs for the experimentation and to whom the research will be applied? No doubt they will be your children and grandchildren and mine as well as those of other American parents. And we can expect the experimentation with our children to begin at birth or perhaps age 1. We are told by a proponent of the amendment that "we are just beginning to learn of the critical importance of early childhood education between the ages of 1 and 5 when the rate of learning may be at its peak."

Or, it is possible that international experiments may be conducted with children from Russia, China, and Israel—countries where children are already controlled by the government from infancy.

Section 1407 of the amendment authorizes the Director of the Institute to enter into contracts or cooperative agreements with any international organization or agency—the United Nations, I might suggest, is such an organization—to carry out the purposes of the amendment.

So that our colleagues may refresh themselves on the amendment providing for a National Institute of Education, which passed the House by a 210-153 vote, I insert the amendment at this point in my remarks:

TITLE XIV—NATIONAL INSTITUTE OF  
EDUCATION  
SHORT TITLE

SEC. 1401. This title may be cited as the "National Institute of Education Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 1402. (a) (1) The Congress hereby declares it to be the policy of the United States to provide to every person an equal opportunity to receive an education of high quality regardless of his race, color, religion, sex, national origin, or social class. Although the American educational system has pursued this objective, it has not attained it. Inequalities of opportunity to receive high quality education remain pronounced. To achieve quality will require far more dependable knowledge about the processes of learning and education than now exists or can be expected from present research and experimentation in this field. While the direction of the education system remains primarily the responsibility of State and local governments, the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process.

(2) The Congress further declares it to be the policy of the United States to—

(i) help to solve or to alleviate the problems of, and promote the reform and renewal of American education;

(ii) advance the practice of education, as an art, science, and profession;

(iii) strengthen the scientific and technological foundations of education; and

(iv) build an effective educational research and development system.

(b) The purpose of this title is to establish a National Institute of Education to conduct

and support educational research and development and disseminate educational research and development findings throughout the Nation.

ESTABLISHMENT OF NATIONAL INSTITUTE OF  
EDUCATION

SEC. 1403. There is established in the Department of Health, Education, and Welfare a National Institute of Education (hereinafter referred to as the "Institute"). The Institute shall be headed by a Director who shall be appointed by the President with the advice and consent of the Senate. The Director shall perform such duties as are prescribed by the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") and shall be responsible to such Secretary and not to or through any other officer of that Department. The Director shall not delegate any of his functions to any other officer who is not directly responsible to him. The Director shall receive compensation at the rate prescribed for the Commissioner of Education.

FUNCTIONS OF THE INSTITUTE

SEC. 1404. (a) The Director, through the Institute, shall conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants of technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; promote the coordination of such research and research support within the Federal Government; and may construct or provide (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes. As used in this Act the term "educational research" includes but is not limited to research (basic and applied), planning surveys, evaluations, investigations, experiments, developments, and demonstrations.

(b) Not less than 90 per centum of the funds appropriated under section 1408 for a fiscal year shall be expended to carry out this title through grants or contracts with qualified public or private agencies and individuals.

EMPLOYMENT OF PERSONNEL

SEC. 1405. The Secretary may appoint and fix the compensation of such officers and employees as may be necessary to carry out such purposes. Such officers and employees shall be appointed in accordance with chapter 51 of title 5, United States Code.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL  
RESEARCH AND DEVELOPMENT

SEC. 1406(a). The President shall appoint a National Advisory Council on Educational Research and Development which shall—

(1) review and advise the Secretary and the Director on the status of education, educational research and the prospective educational needs of our society;

(2) advise the Secretary and the Director of the Institute on development of programs to be carried out by the Institute and on matters of general policy arising in the administration of this title;

(3) present to the Secretary and the Director such recommendations as it may deem appropriate for the strengthening of educational research, the improvement of methods of collecting and disseminating the findings of educational research and of ensuring the implementation of educational renewal and reform based upon the findings of educational research;

(4) conduct such studies as may be necessary to fulfill its functions under this section; and

(5) prepare an annual report to the Secretary on the current status and needs of educational research in the United States;

(6) submit an annual report to the Presi-

dent on the activities of the Institute, and on education and educational research in general, (A) which shall include such recommendations and comments as the Council may deem appropriate, and (B) shall be submitted to the Congress not later than March 31 of each year; and

(7) meet at the call of the Chairman, except that it shall meet (A) at least four times during each fiscal year, or (B) whenever one-third of the members request in writing that a meeting be held.

(b) The Council shall be appointed by the President and shall consist of fifteen members appointed for terms of three years; except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the members first taking office shall begin upon enactment of this title and shall expire as designated at the time of appointment, five at the end of three years, five at the end of two years, and five at the end of the first year. One of such members shall be designated by the President as Chairman. Members of the Council who are not regular full-time employees of the United States shall, while serving on the business of the Council, be entitled to receive compensation at rates to be determined by the Secretary, but not exceeding the per diem equivalent for GS-18 for each day so engaged, including travel time and, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. The Director of the Institute and the Commissioner of Education shall serve on the Council ex officio.

(c) The Secretary shall provide to the Council such professional, clerical, and other assistance as may be required to carry out its functions.

(d) The President may also appoint other Federal officials as non-voting ex officio members.

(e) The Council is further authorized to obtain services in accordance with the provisions of section 3109 of title 5, United States Code, and it may enter into contracts for the conduct of studies and other activities necessary to the discharge of its duties.

GENERAL PROVISIONS

SEC. 1407. (a) The Director, in order to carry out the purposes of this title, is authorized—

(1) to make, promulgate, issue, rescind and amend rules and regulations governing the manner of operation of the Institute;

(2) to accept unconditional gifts or donations of services, money or property, real, personal or mixed, tangible or intangible;

(3) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements or other transactions as may be necessary for the conduct of the Institute's work and on such terms as he may deem appropriate with any agency or instrumentality of the United States, or with any State, territory or possession, or with any political subdivision thereof, or with any international organization or agency, or with any firm, association, corporation or educational institution, or with any person, without regard to statutory provisions prohibiting payment of compensation to aliens;

(4) to acquire (by purchase, lease, condemnation or otherwise), construct, improve, repair, operate and maintain laboratories, research and testing facilities, computing devices, communications networks and machinery and such other real and personal property or interest therein as deemed necessary.



(5) to acquire (by purchase, lease, condemnation or otherwise), and to lease to others or to sell such property in accordance with the provisions of the Federal Property and Administrative Services Act, patents, copyrights, computing programs, theatrical and broadcast performance rights or any form of property whatsoever or any rights thereunder; and

(6) to use the services, computation capacity, communications networks, equipment, personnel and facilities of Federal and other agencies with their consent, with or without reimbursements. Each department and agency of the Federal Government shall cooperate fully with the Director in making its services, equipment, personnel and facilities available to the Institute.

(b) All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-5a). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 1332-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276(c)).

#### JOINT FUNDING WAIVER AUTHORITY

SEC. 1408. Where funds are advanced for a single project by more than one Federal agency for the purposes of this title, the National Institute of Education may act for all in administering the funds advanced and any such agency may waive any technical grant or contract requirement which is inconsistent with the similar requirements of the National Institute or which the National Institute does not impose.

#### APPROPRIATIONS AUTHORIZED

SEC. 1409. There are authorized to be appropriated for the fiscal year 1972, and for each fiscal year thereafter, such sums as may be necessary to carry out this title, which shall remain available until expended.

As information about the ramifications and the impact of the Comprehensive Child Development Act are more widely disseminated among the general public, more and more concerned Americans are speaking out against it. Much of the publicity being given to the Comprehensive Child Development Act can be credited to concerned grassroots citizens groups in various sections of America. I might add that mothers are taking the lead in this matter.

As additional evidence of concern by American citizens over the Comprehensive Child Development Act, I insert at this point in the RECORD a resolution passed and approved by the American Legion, Department of Washington, and sent to me by its commander, Mr. William J. Fortson; and a commentary on S. 2007 by Mrs. William J. Coonley, of Parents Involved in Legislative Action of El Paso, Tex.

#### RESOLUTION 71-2

Whereas, the bills for the Parent Replacement Program, mainly the Comprehensive Child Development, Day-Care, and Child Advocacy, usurps the parent's God-given rights and the parents authority to control, educate and direct their children, and are therefore unconstitutional, and

Whereas, these and other such programs emphasize the rights of the child rather than the needs of the child and the teaching of his responsibilities, and

Whereas, these programs are designed to

bring about social change and changes of moral attitudes, and

Whereas, these bills involve the expenditure of astronomical amounts of the taxpayer's money, thus increasing the national economic problem and causing greater inflation, and

Whereas, there is an insufficient number of qualified and trained personnel to implement the programs, and

Whereas, these programs are in fact experimental and use children in part, or in total (through pilot programs) as human guinea pigs, and

Whereas, these programs will supplant all other authority, (the parents, the church school, and the law enforcement agencies) and

Whereas, these programs will destroy the family unit and promote a "new society" that is detrimental and contrary to our American Christian-Judeo concepts upon which this nation was founded; Now therefore, be it resolved that The American Legion, Department of Washington, strongly urge:

a. All legislation and expenditures be stopped on these "Parent Replacement Programs".

b. All funding for progressive, (permissive), innovative, and social changing education of today, (eg. sex education, sensitivity training, alternate schools, etc.) be stopped.

c. The Department of Health, Education and Welfare be investigated thoroughly to list those promoting these programs and said promoters be permanently removed from office.

And it be further resolved that The American Legion, Department of Washington request National Headquarters of the American Legion to initiate the action requested above.

Passed and approved in regular meeting, quorum present, 18th day of October, 1971.

#### THE FREEDOM OF AMERICA'S CHILDREN

Bill S. 2007 provides for the "continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes." Read the bill carefully. Halfway through the bill, there is a reference to the Program Head Start. The program, Follow Through is also mentioned, along with Family Planning.

The important fact to recognize about bill S. 2007 is that it contains facets of the Child Advocacy/Child Development Program. The entire Child Advocacy/Child Development program should be consolidated so that it can be properly examined. In a sense, it has been consolidated in S. 1414 (Sen. Ribicoff, D. Conn) but as the proposed Child Advocacy/Child Development Program now exists, it will be implemented through the passage of a series of bills. The unsuspecting will not realize what has been implemented until the damage is done and the HEW sponsored program is in.

S. 2007 is one of this series of bills designed to usher in the "brave new world." At present, various facets of the Child Advocacy/Child Development Program exist and they need only be drawn into a cohesive whole, through the ratification of various bills, to implement an entire new social order for America. If an entire revolutionary social order is to be considered it must not be concealed within numerous bills.

These programs, which are particles of the greater whole, exist virtually unrecognized by most Americans. The concept is far-reaching and is the dream of various behavioral scientists, sociologists, psychologists, psychiatrists and social workers all headed up under the Department of Health, Education, and Welfare. Dr. Edward Zigler of the Department of Health, Education, and Welfare has stated that the Administration's children's program will consist of . . . "revolutionary new day-care centers developing

into programs for all children between the ages of one and six . . . serving children from all social and economic backgrounds . . . bringing these children together at an early stage in life (first six years) is one of the best ways to achieve socio-economic integration." (Seattle Post-Intelligencer 10/22/70)

Our society has many ills which need rectifying. This cannot be done overnight when we are dealing with America's children . . . America's future. Anyone who is a parent or who has a love and understanding for the young, knows the fragile ego of a child and the nurturing it needs. There are those children within our society who need shelter and it should be provided for them. However, the program should not be mandatory for all children.

Much of the source material pertaining to Child Advocacy/Child Development consistently states, "all of the children from all social and economic levels." This amounts to one thing . . . the collective society.

Some Americans would foster the malignant growth of the so-called collectivist and "classless society." Those who foster this society are divided between the well-meaning but not politically knowledgeable and those who seek to create a tremendous new bureaucracy of jobs, departments and positions at the expense of the American citizen as an individual and as a taxpayer.

The source material pertaining to Child Advocacy/Child Development constantly stresses a child's rights. The freedom of the American child is never mentioned. For decades we have witnessed the slow erosion of freedom. The Child Advocacy/Child Development program, which is slated to ride into our society on the shoulders of the Head Start Program is the greatest threat to our freedom today. The seeds of the collectivist society are planted.

Our nation is deluged with propaganda. One cannot determine whether he is reading *Good Housekeeping* or the official Communist publication, *Political Affairs*, when he reads of "Day Care Centers," and begins to glimpse the gargantuan hovering figure of bureaucratic "big government" smothering our children in a maze of Dewey-inspired education and social welfarism.

The push for government-controlled children has been advancing for a long time. In June 1969, *Political Affairs*, "Journal of Marxist Thought and Analysis-Theoretical Journal of the Communist Party, U.S.A." observed, ". . . what is now required in addition is a coordinated national effort for federal legislation that would make the nursery and child-care system an extension of the public school system. Such an endeavor could and should have the active support of the unions and the broadest range of community, civic and religious organizations."

The recent torrent of writing on Child Advocacy/Child Development and more particularly Day Care was best expressed by *The Humanist* (July/August 1971) in an article which stated, "Another question is, should day care be available to all, or only to low-income and welfare recipients? If it is made available to only the welfare recipient and working poor, it may acquire the stigma attributed to present public assistance programs."

In the official Communist newspaper, *The People's World* (World Magazine section, July 24, 1971) is an article entitled, "Nixon's Family Destruction Plan." The writer observes, "A leader of the independent forces at the White House Conference was Mrs. Therese Lansburgh, President of the Day Care and Child Development Council of America . . . she said 500,000 new day care spaces are needed annually between now and 1980—a total of 5.6 million. Mrs. Lansburgh urged nationwide support for a new movement called the "Children's Lobby" with offices at 110 Riverside Drive, New York City."

Again—the advocates of the collectivist society.

"The family, however, is not a psychological necessity . . . Today people are disturbed when the family is criticized or said to be declining because they see in it the only possibility for human warmth or sociability . . . the myth of the family blinds us to the dangers of our normal child-care practices." . . . states an article captioned, "Families Can be Unhealthy for Children and Other Living Things." (*Psychology Today*, August 1971)

Even *Good Housekeeping* (September 1971) has joined the chorus of those who would restructure life for American youth and following generations. An article describing, "Day Care Centers," states: "A portion of the article is devoted to the Women's Lib activists who advocate the working mother liberated from her children . . . Dr. Urie Bronfenbrenner (states). 'Nobody should have to live in the crazy world the modern woman with young children lives in without help.' Day Care, he believes, is part of the answer."

The article continues, "As the new day-care movement has gained momentum, there has been an upsurge of interest in operating chains of franchised centers for profit. Expectations that Congress might vote money for subsidizing construction and operating costs only increased the enthusiasm. One economist predicted Day Care might become as big a business as the automobile industry. At least 20 companies are currently involved in developing franchised centers . . . says a pediatrician, 'The plight of our elderly citizens in nursing homes that are run for profit provides a frightening example of what might happen to our children.' . . . franchisers cannot be expected to fade away. With large sums of money involved and the stakes high, battles will be fought by their supporters both in Washington, D.C. and on state and community levels . . . Some authorities believe that the expansion of national Head Start programs that are currently available only to children of lower-income families may offer the simplest and most practical solution. . . . They provide for the participation of neighborhood people and as public programs, are open to all children. In Washington, the Office of Child Development in the Department of Health, Education, and Welfare has assumed the task of setting standards for what Day Care should be . . . the director Dr. Edward F. Zigler, one of the original Head Start planners, admits that, 'We can't really set up more day-care centers overnight. I assure you that we can expand within existing framework as fast as funds and facilities become available.'"

The radical Chicano publication *Regeneration*, Vol. I, No. 10 entered the propaganda assault with an article entitled, "For All Women—A Proposal for Child Care," remarking, "In California there are a variety of child care programs; private, federal-state-community financed and children's Head Start centers . . . there is a jumble of programs . . . It seems clear to us that what must be done is to try to sort out the tangle and organize parents statewide to set up one child care program . . . We propose one agency representative of and responsible to the individual centers."

Norman Cousins's *Saturday Review of Literature* joined the hue and cry for the mass-produced child. In the August 21, 1971 issue in an article headed, "Who Raises Russia's Children?" the author cites the studies of the psychologist Dr. Urie Bronfenbrenner ("Two Worlds of Childhood: U.S. and U.S.S.R.") and compares Project Head Start to the Russian pre-school projects. The article hastens to point out an interview with the director of a nursery-kindergarten, "She seemed genuinely puzzled when I asked her for ideas on the problem of how to provide an equal educational opportunity for the child

of a scientist and the child of an unskilled worker . . . Waving a manual of instructions from the Soviet Education Ministry, she replied: 'All of our children are taught in the same way, according to carefully laid out principles. There is no difference in the way children respond to school; I worked in a factory neighborhood before I came to this nursery, and the children were exactly the same. Every child has the same chance, especially if he comes to the nursery when he is two or three years old . . . It would only confuse a child to see the person next to him doing something different. Children learn by imitating . . . The kindergarten has to offer excitement for a child's mind as well as training for collective life.'"

It is apparent that the United States is being inundated with a torrent of propaganda in order to "soften up" and prepare the people of this nation to surrender their children and deliver them into the hands of psychologists, psychiatrists, educators, behavioral scientists and even a large body of poorly trained personnel. It is obvious that there are not enough trained personnel to fill the posts of the gigantic program espoused by HEW.

Most American families give their children the proper care, love and training. Conversely, there are children within our society who suffer neglect, deprivation and even abuse. Perhaps the Child Advocacy Program would keep these children from becoming the derelicts and delinquents of tomorrow's society. Parents, citizens and legislators of the nation must work towards a tempering of the Child Advocacy/Child Development Program. With the aid of revisions, we must plug the legal loop-holes which constitute a possible threat to the equilibrium of American family life and leave a structure that would shelter the children who are in need of help.

First of all, anything pertaining to our nation's 50,000,000 children should not be concealed within a bill. Any proposed program should be made clear to our legislators and to the people of this country. Many of the hundred-odd bills pertaining to Child Advocacy/Child Development stress a child's rights—none of these bills mention the word *freedom* of America's children. Is the freedom of our children to be turned over to the "master planners?"

Today's adults are responsible for the future of today's defenseless children. Bills pertaining to our children must be out in the open and carefully studied. We must scan every line of every bill regarding our children, their education and their futures.

## TWENTY-SIX DISASTROUS YEARS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mrs. ABZUG. Mr. Speaker, the Senate's action last week to defeat the foreign aid bill points up the reality of acknowledged consensus concerning American foreign policy. Americans are communicating to their duly elected officials their desire to restructure and reorient American goals and appropriations in order to sort out a foreign policy shrouded in inconsistencies and inundated with cold war strategies now long outdated. This change of attitude is not limited to youth groups, or antiwar groups but is found within the military as well.

I insert into the RECORD an article by retired Brig. Gen. Hugh B. Hester of the

U.S. Army who points up the disaster of our foreign policy, not in the past 5 years of the past decade, but a policy riddled with deception for the past 26 years. I think my colleagues will find this article of considerable interest.

The article follows:

### TWENTY-SIX DISASTROUS YEARS

(By Hugh B. Hester, brigadier general, U.S. Army, retired)

As a result of the recent Pentagon disclosures, even the most extreme supporter of the military and foreign policy of the United States can no longer successfully deny the charge that successive Washington administrations since World War II (WWII) have deliberately deceived the American people and the Congress, particularly in matters pertaining to war and peace. These disclosures denote progress, but they are not enough. A disclosure of the deceptions of the Truman Administration must be promptly added, for these laid the foundation for the deceptions that followed. And those of the Nixon Administration must be kept current by constant and energetic probing.

Actually, nothing new of very great importance has been disclosed by the Pentagon Papers. Many competent students and some of the mass communication media had previously reported the facts. The basic trouble has been an uninterested or lethargic public and an elite class of leaders, civil, military, and business, who do not trust the people. What is new and shattering, however, to the uninformed and silent majority is that the king's own diaries have disclosed how horrible and shoddy they really look without clothes. The following will, I hope, give a glimpse of the present and past not covered by the Pentagon Papers.

One aspect of the tragedy of our genocidal war in Vietnam is disclosed in this comment by Dr. Stephen E. Ambrose, now the Eisenhower Professor of War and Peace, Kansas State University:

"We have dropped more bombs on that tiny land (Indochina) than all the (other) targets in the whole of human history put together . . ."

And Professor Ambrose continues, "Indochina contains enough bomb craters to occupy an area greater than Connecticut's 5,000 square miles . . . We have released more than 100 million pounds of chemical herbicides over more than 4 million acres . . . some experts speculate that Vietnam can never recover from the ecological effects of the American bomb and chemical air offensive . . ."

Professor Ambrose says further, "Two American medical doctors, recently returned from Vietnam, estimate that South Vietnam has suffered 4 million casualties . . ."

If this not genocide, then you name it.

The ugly tragedy occurring in Indochina has its roots in the past. Each succeeding President in turn has contributed his share toward that disaster. An all-too-brief analysis of what I choose to call "Twenty-Six Disastrous Years," makes this clear.

Gar Alperovitz, a distinguished American scholar, in his book, *Atomic Diplomacy: Hiroshima and Potsdam*, completely demolished the Truman claim that dropping the atomic bombs on Japan, August 6 and 9, 1945, saved a million American lives. This book discloses that the top military leaders of Great Britain and the United States are on record as stating there was no military necessity for dropping the bombs, as Japan was already trying to surrender. The conclusion is, therefore, inescapable that the decision to drop them was a political one: a warning to the Soviet Union. This marked the renewal of the Cold War which had been swept under the rug for the duration of WWII. (See also, *Yalta, Prelude to the Cold War*, by Diane Shaver Clemens, Oxford Press.)



The late Korean expert and American scholar, George McCune, born in Korea of American missionary parents, in his book, *Korea Today*, describes how Korea was united and then divided shortly after the war in the Pacific ended, August 15, 1945. McCune, because of his Korean expertise, was sent to Korea very early. Upon arrival, he found that a provisional Korean Government had been set up in Seoul immediately after the war ended, representative of every important Korean group, and that they had disarmed the Japanese military forces and were actually governing all of Korea when he arrived. General Hodge, however, according to McCune, dismissed this government upon his arrival in mid-September 1945, and turned the administration of South Korea back to the Japanese and their Korean collaborators, pending the arrival of Truman's puppet, Syngman Rhee.

This ended Korean unity for an indefinite period and cleared the way for the Korean Civil War, June 1950, a war which the Truman Administration immediately converted into a U.S. war to "contain communism," camouflaged under the name of the United Nations. Immediately thereafter, it also intervened in China's Civil War by placing the Seventh U.S. Fleet in the Formosa Strait, under the pretext of protecting the southern flank of its military forces. This was also in violation of the United Nations Charter. Having succeeded in forcing the United Nations to intervene in a civil war in violation of its own Charter, the Truman Administration then forced the United Nations to accept its puppet, Chiang Kai Shek, located on the tiny island of Taiwan, as the U.N. representative of all of China. These stupid acts finally forced the real China into the Korean War in defense of her core interest, North Korea.

This writer was stationed in Berlin, Germany, September 1945 to November 1947, as head of a program designed to provide the German people in the U.S. Zone with enough food to prevent starvation and unrest which might threaten the security of U.S. forces. From this observation post, I watched at close range the disastrous results of Truman's revived Cold War, which were: A divided Berlin, Germany, and Europe, and a rearmament of Germany. These tragic errors, when combined, in my opinion, not only threatened the peace of Europe, but also the peace of the world. In addition to this, I would like to record two very interesting personal experiences which I consider germane to my German assignment.

On January 30, 1947, at Stuttgart, Germany, the late former President, Herbert Hoover, told a group of Germans which I had assembled to discuss food import requirements for the U.S. Zone, "We are counting upon your support in the coming war against the atheistic barbarians of the East." At the time, Mr. Hoover was on an economic mission to Germany for President Truman. The above quote was Mr. Hoover's only comment to my suggestion that the Germans might be interested in his reaction to the above requirements report.

The other incident occurred a few days before I left Germany for my new assignment as U.S. Military Attache to Australia. The occasion was a discussion of German currency reform with one of the top advisors to the U.S. Military Governor. In answer to my inquiry as to how the negotiations were going, he replied that the United States was imposing conditions that the Soviets could not accept. Apparently in reaction to my obvious surprise, he stated, "We are going to drive the Russians not only out of Germany, but out of Europe." It was the introduction of the new German mark which "the Soviets could not accept," into the three Western sectors of Berlin that provoked the Soviet ground and water blockade and the U.S. Berlin air lift response.

Space limitations prevent a detailed analysis

of the Cold and Hot War acts which have marked the past twenty-six years. Reporter readers wishing to read a comprehensive and scholarly discussion of the fateful years of the Truman Administration which laid the basis for the tragic eighteen years which have followed should carefully study, *How We Got Where We Are*, by Robert Lash, a distinguished member of the editorial staff of the *St. Louis Post-Dispatch*, and Pulitzer Prize winner, carried in the July 1971 issue of the *Progressive Magazine*, Madison, Wisconsin.

The eight Eisenhower years in the White House have come to represent a period of relative national rest from the previous 30-odd years of war, Hot and Cold, depressions, and maddening world tensions. On the positive side: he ended Truman's Korean War; refused to enter the French Colonial War in Indochina in spite of the urgings of his Vice President Richard M. Nixon, his Secretary of State John Foster Dulles, and the recommendations of all the members of the Joint Chiefs of Staff save that of General Matthew B. Ridgway, the Army Chief of Staff; and he reduced the annual military budget to the manageable amount of \$40 billion. It is now twice that amount.

On the negative side, General Eisenhower permitted Dulles to organize SEATO, which proved to be the entering wedge by which the Kennedy, Johnson, and Nixon Administrations later converted the French Colonial war in Indochina into an American Imperial war; and permitted the CIA to begin its massive expansion into a government inside the government, with power to overthrow foreign governments and make limited warfare upon them, clandestinely make foreign policies, and actually engage in massive espionage and sabotage programs. None of these, however, gained anything remotely resembling their present massive power during his eight-year stewardship.

The One Thousand Days of the Kennedy Administration were dominated, in my view, by strife, turmoil, and near national disaster during the missile crisis, October 1962, and ended in the personal tragedy of the Kennedy assassination, November 22, 1963. The most interesting and informative narrative of this period which I have seen is contained in an article, "The Kennedy Private War," the *New York Review of Books*, June 22, 1971, issue. The article does not give a flattering account of the Kennedy Administration, but it nevertheless deserves wide readership and discussion. Even if a small fraction of the material contained in this article is proven correct, the popular conception of the young President will be radically changed. It pictures him as just as full of deception, duplicity and Machiavellian characteristics as typifies his two successors. It contains no official evidence whatsoever that the personable young President had plans to extricate the nation from the Indochinese quagmire into which John Foster Dulles first placed us, as claimed by Kenneth O'Donnell, his friend, and the former Senator Wayne Morse. If Kennedy had reversed his initial policy of expanding U.S. involvement in Indochina and ordered substantial withdrawal of troops, only to have these orders cancelled by his successor, surely this should be verified and officially made known. If these orders were given, they must have been recorded somewhere.

The widely circulated and much-discussed Pentagon Papers, disclosing the colossal and calculated character of the deception imposed upon the Congress and the American people by the Johnson Administration as to why and how it catapulted this nation into the Indochinese jungle, makes unnecessary, it seems to me, further discussion here. I would add one caveat, however, and urge Congress, the press and people to examine closely at all times the activities of the Nixon Administration, which seem to me to be based on the same false assumptions,

myths, and objectives as those of its predecessors.

The solid fact remains that successive Washington Administrations have pursued a global grab for power policy since WWII under the euphemistic term of "Communist containment." This term has been used, in my opinion, as a fig leaf to cover up their real purpose, which is, World Domination by the United States.

Along with many millions of the most dedicated, best-informed and most patriotic Americans, I have characterized successive Washington Administration wars of aggression upon the Indochinese people as illegal, immoral, and genocidal. Vietnam was one nation before the United States was discovered, and the 1954 Geneva Agreements confirmed that she was still one nation. A nation cannot commit aggression against itself. It was the Eisenhower Administration that violated the Geneva Agreements by instructing its Saigon quisling agent, Ngo Dinh Diem, not to permit elections throughout Vietnam in 1956, as scheduled at the Geneva Conference 1954. (See Eisenhower's book, *Mandate for Change*; and General Ridgway's book, *Soldier: Memoirs of Matthew B. Ridgway*; and also see the article, "Vietnam Lobby," *Ramparts Magazine*, July 1965, written by Robert Scheer and Walter Hinkle.)

For proof of the illegality of the Johnson and Nixon Administration wars of aggression, imposed upon the Indochinese people, I suggest that Reporter readers study the pamphlet "America Vis-A-Vis Vietnam," prepared by an ad hoc committee of distinguished national and international lawyers. (This report was inserted in the Congressional Record by Senator Wayne Morse, February 25, 1966. Copies can be secured by writing your Congressman.) A much larger and more detailed study is now available in book form, *Vietnam and International Law: The Illegality of the U.S. Military Invasion*, prepared by a Consultative Lawyers Committee on American Policy Toward Vietnam, with John H. E. Fried, Rapporteur. (See O'Hare Books, Inc. publication, 10 Barkley Road, Flanders, N.J. 07836.) The facts and the law contained in these two sources proclaim in irrefutable logic, I believe that these wars are illegal.

There are scores of books testifying to the immorality of the Indochinese War as conducted by the Johnson and Nixon Administrations. I strongly urge that Reporter readers ponder a book, *In the Name of America*, a Study Commissioned and Published by Clergy and Laymen Concerned About Vietnam, because of the high intellectual quality and unquestioned moral character of those sponsoring and those collecting the material, which shows that almost every law contained in International Conventions Relating to the Conduct of War, and signed by our government, have been violated by our forces in Indochina. This book may be obtained at many book stores, or by sending a check or money order for \$2.95 per copy for paperback, or \$4.95 for hard cover, to Clergy and Laymen Concerned, Rm. 547, 475 Riverside Drive, New York, N.Y. 10027. I urge its wide readership. There will be few readers indeed of this collection of war crimes who will not cry, "In the Name of God, Stop This War!"

In support of a charge that the Johnson and Nixon Administrations have committed genocide in this war upon the Indochinese people, I suggest a study of *Ecoside in Indochina* by Barry Wiesberg, Canfield Press-Harper & Row, paperback \$3.95; *Chemical and Biological Warfare*, by Seymour N. Hersh, Boggs Merrill, \$7.50; "Chemical and Biological Warfare Hearings of U.S. Senate Committee for Foreign Relations," (Free).

As a wrap-up for the illegal, immoral, and genocidal characteristics of these wars which I charge successive Washington Administrations with having waged in Indochina, I strongly urge Reporter readers to study Neil

Sheehan's Article, "Shall We Have War Crime Trials?", New York Times Book Review, March 28, issue, 1971. The author discusses in depth the war crime issue and thirty-three books, pamphlets and reports on this subject.

It may surprise Reporter readers for a former Brigadier General of the U.S. Army to express these views. Admittedly, they anger Cold War Warriors and War Hawks. Honest discussions, however, are vital to a free society. Opposition to harmful and dangerous government policies at every level is not only the right of every citizen, but a duty as well. And failure to exercise this duty is, in itself, a form of subversion.

I opposed the Cold War between the two World Wars, and its revival by the Truman Administration after WWII, because I feared this would fuel the flames of war and violence generally, and it has. Certainly I am as aware, as most others are, of the crimes committed by other nations and their people. I have been criticized for not concentrating on these crimes at least equally with those of our own. The answer, to me, is quite simple: my relations with, and responsibility to other nations and people, and to my own country and people, are quite different. Hopefully, I may have some wholesome influence upon the latter. Besides, I cannot see how condemning the crimes of the Viet Cong or of other foreign countries can reduce or expiate the crimes of our so-called leaders and our own people.

Anyway, I am prepared to state that I have never written an article, or letter, or made a speech in opposition to U.S. Government policies that I did not sincerely believe would serve the best interests of our people, to whom I owe my principal loyalty. To me this is the true test of a patriot. Otherwise, those who served Hitler and Tojo loyally and well would be the real German and Japanese patriots.

To the charge that I support the United Nations, I proudly plead guilty. I do so because I believe that international cooperation must replace conflict, which means war. And war is now outmoded because of the existence of thermo-nuclear and other weapons of mass destruction. I also believe the world is ONE and that we are all children of the same GOD. Albert Szent Gyorgyi, the distinguished Hungarian scientist and Nobel Laureate of Medicine, now a U.S. citizen, put it this way: "Distance has vanished and we are living, now, all in the same cave in which there is room for one family only, the family of man (therefore) we can have but one moral code for our behavior, the one for life inside the group, there being no outside group anymore." (May, 1964, Bulletin of Atomic Scientists.)

#### ABOUT THE AUTHOR

Gen. Hugh B. Hester, the author of this article, brings unique competence to the subject. He has served with distinction in both World Wars, retiring with the rank of Brigadier General, U.S. Army, at the end of 1951 after more than 34 years continuous service in the U.S. Army.

Born in North Carolina on August 5, 1895, he graduated from the University of North Carolina. He was commissioned a Second Lieutenant of Field Artillery on August 15, 1917; graduated from the Field Artillery School, Samur, France, in December 1917, and served with the Second Division throughout the war in all its engagements, five major operations in all. Both the U.S. and French Governments decorated him for gallantry in action. Following the Armistice, he served in the German Occupation from December 1918 to August 1919.

Between World War I and II, he attended various military schools, and was assigned to the War Department from 1938 to 1942. Thereafter, he served under General MacArthur in the Pacific from 1942 to the end

of World War II. At the end of the war, he was assigned to the military government in Germany, September 1945 to November 1947, following which he was U.S. military attaché to Australia from 1947 to 1948, and completed his military career by commanding Army supply depots in Philadelphia, Pa. from 1948 through 1951. For his service in World War II, he was awarded both the United States Distinguished Service Medal (the highest U.S. Army award for non-combat service) and the French Legion of Honor.

After his retirement from the U.S. Army in 1951, he did graduate work at the University of Pennsylvania for 3½ years, specializing in U.S. Foreign Policy and International Relations, and has been a lecturer and writer on both subjects since 1955. He is co-author of "On the Brink" (Lyle Stuart, publisher, 1959, New York, N.Y.). He is now writing a book of which the present article is a preview.

#### THOUGHTFUL COMMENTS BY A STUDENT

#### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. FRASER. Mr. Speaker, an address given by a college student in my State contains many valid points about our educational system.

Education can be improved if we will listen to the comments of alert and perceptive students.

The address follows:

VALEDICTORY ADDRESS DELIVERED BY MICHAEL J. GLENNON, COLLEGE OF ST. THOMAS, ST. PAUL, MINN.

Archbishop Byrne, Dr. Moos, Msgr. Murphy, members of the faculty, fellow students, ladies and gentlemen:

I consider it a great privilege to represent our class here today.

In years past, it would have been sufficient, in remarks such as these, to mention hallowed halls, bumpy roads, and uncharted seas; to make some abstruse reference to Plato's Cave, Don Quixote's windmills, and Feuerbach's irrelevance; and to mix them all together into precisely the right blend of scholastic unintelligibility.

But the time for comforting platitudes is over. I want to talk today about something that concerns me very much.

The summer before last I walked through Resurrection City, the village of plywood shanties built by poor people assembled in Washington. It was a memorable walk. The temperature was 90. The place smelled like a pig sty. There were flies everywhere, and everywhere you walked your shoes sank in mud. When it rained—and it rained a lot that summer—water, dripping through the plywood, fell on sleeping children.

#### FORMS OF MANIPULATION

The people of Resurrection City came to Washington for a number of reasons—poverty, discrimination, disease. But it seems to me that, behind it all, they were saying something that many students have been saying this past month; something that blacks have been saying for the past decade; and something that every one here has at least thought at one time or another. They were saying that they were tired of having their lives callously manipulated.

Manipulation comes in many forms. There is the manipulation of the draft. There is the manipulation of some employees by

their bosses. There is the manipulation of small countries by larger ones.

But what I want to talk about, in these few minutes, is an invisible form of manipulation aimed at every one of us—students, housewives, salesmen and professors. It is an assault on freedom more dangerous than any wiretap and more frightening than any midnight policy raid—that is, the manipulation of the human mind—the elimination of alternative choices through psychological coercion.

#### AGE OF TRANSITION

Thought control is not completely new, but it has never been easier than it is today. For this is a transitional age. Agreement on basic assumptions is no longer universal. The press reported recently that a student filled out a form that asked, "Do you favor the overthrow of the United States government by force or violence?" Thinking it a multiple choice question, the student circled "violence." When we were freshmen, Dr. Shannon, in a Vatican II lecture, referred to the "arsonists"—those who demand reform at the price of violence—and the "immobilists"—those who demand comfort at the price of stagnation. Today, the gulf between those two groups is growing wider. Their numbers are growing larger. We have discovered that many of the ladders that take a lifetime to climb are against the wrong walls. And so, what would be lives of quiet desperation have become noisy excursions into uncertainty and frustration. So many values have been devaluated within our own lives that we hesitate to adopt new ones. As Marshall McLuhan said, we always back into the future by looking into the past.

As a result, in this context of confusion, there is little need for the manipulators to restrict the right to choose—undesired alternatives are erased by subtle appeals to fear, pride and patriotism. The solution to perplexing social turmoil is "law and order." The answer to an "effete corps of impudent snobs" is "love it or leave it." And the only way to halt communism is for the United States to become a global Wyatt Earp.

#### SIMPLICITY IS NOT VALIDITY

Of course, it's hard to judge after only 22 years, but I sometimes have the suspicion that the validity of solutions presented to us may not be proportionate to their simplicity and emotional appeal.

We live in a complex age. Psychologists tell us that complexity breeds anxiety, anxiety fear, and fear desperation. And desperation can cause some strange, strange distortions. In an age of totalitarian communism, American liberty must be preserved. How do we preserve it? By tapping telephone conversations, by opening mail without permission, by bursting into private homes without a knock or a search warrant—and by intimidating newspapers and TV commentators that have the audacity to criticize such patriotism. The double-think slogans—war is peace, slavery is freedom—were not supposed to arrive until 1984. But already we are faced with the curious intelligence that to benignly neglect is to helpfully correct; that to destroy is to save; that to escalate is to de-escalate. It's hard to believe. It's really hard to believe that those things can be said—and accepted!—in the best educated country in the world.

A good part of the reason for this susceptibility to mental manipulation lies in the educational system. For too long education has been merely a passport to a bankbook. For too long the goal of American education has been to shoehorn people into society with as little pinch as possible. We are called to fight in a war without meaning or morality, and what do we study? Iambic pentameter. Our children may be born into a world where the greatest health hazard is *air*, and what do we study? Conjugation of the French subjunctive.



## NICETIES OR NECESSITIES?

These are, of course, valid subjects for study.

It's just that there have not been that many sonnets written or verbs conjugated in graveyards and cemeteries. When the study of niceties excludes the study of necessities, there is something sadly lacking in an education. For education's first task must be to create a social climate in which the niceties can be studied. This means, today, that it must be at the vanguard in man's fight for survival. Education must encourage creativity rather than conformity, innovation rather than tradition, and above all, questioning rather than acceptance.

Questioning is never easy. It requires the boldness to speak out, the courage to stand alone, and the integrity to debate rationally. The questioning mind recognizes that silence and majority membership are *not* the ultimate civic virtues; that to be content is often to be insensitive; and that, as Brandels said, "The greatest menace to freedom is an inert people . . . public discussion is a political duty."

Few chains have been broken, however, by ideas alone. Ideas have to be translated into action—and that's where the trouble starts. How many of us will retain our moral judgment when the payments on our splitlevels and second cars are affected? How many of us will dare to bring forth the wrath of our wives bridge clubs by speaking out against bigotry and repression? And how many of us will demand an end to senseless murder if it also means an end to Christmas bonuses?

## COMFORT AND EXPENSE

Of course, we can always take the easy road. We can always say, "Well, the president knows more about it than I do," and then bury our heads in the sand of Gilligan's Island. We can always say, "There's nothing I can do about it anyway," and retreat to the quiet safety of the golf course.

The escape from freedom is usually comfortable. But that comfort can be expensive. We may have to dull our hearing to avoid the cries of starving children. We may have to blur our vision so we won't see our sons and brothers dying before our eyes on a TV screen. Then when we've deadened all our senses we can be truly comfortable—nothing more can touch us. We need never be moved to take an unpopular stand that might threaten that comfort.

But if we do choose that course, we'd better do our best to forget the disquieting warning of Dante. For it's as true today as it was 700 years ago. He said: "The hottest places in hell are reserved for those who, in time of moral crisis, preserve their neutrality."

## THE FAMILY FARM ACT OF 1972

## HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. ABOUREZK. Mr. Speaker, today I am introducing the Family Farm Act of 1972, an act designed to prohibit conglomerate farm operations which constitute unfair, monopolistic competition for the family farmer. Over the past decade family farmers have been driven off the land by unfair competition from vertically integrated conglomerates that write off production losses against huge profits made in their manufacturing and distribution operations. This kind of writeoff is a luxury that is denied to the family farmer, and it is a luxury that

is the direct result of monopoly in the agricultural industry. Supermarkets, for example, now receive a 23-percent return on every dollar invested, while farm operators get only about 1 percent. Clearly, a large corporation which owns a supermarket chain can use the 23-percent return to offset some pretty large losses in its actual farming operations. What family farmer or rancher could do that?

In his recent series of articles in the Washington Post, Nick Kotz, a Washington Post staff writer, provided us with an excellent and detailed study of this problem. In the first article of that series he looked at Tenneco, Inc., the 34th largest U.S. corporation. In its own report to its stockholders, the conglomerate states:

Tenneco's goal in agriculture is integration from seedling to supermarket.

To help meet its goal Tenneco has 1970 profits of \$324 million acquired in such fields as oil production, manufacturing, and shipbuilding.

There is no reason why farm and ranch families should have to compete with huge corporations such as this that produce their own machinery, buy fertilizers from their own subsidiaries and distribute and market their produce in their own packing and supermarket facilities. This is unfair competition that is crowned by the final irony that it has nothing whatsoever to do with efficiency of production. Agricultural conglomerates are not more efficient than a reasonable size family farm. In fact, the really large conglomerates often suffer from bureaucratic hardening of the arteries that makes them less efficient than a good family operation. Unfairness lies in the fact that even the most efficient family operation can be undersold by a conglomerate whose actual farming operation is less efficient than that of the family farm.

When this happens, everybody loses. The family farmer loses because he is forced from his chosen occupation and evicted from his lifelong home. The consumer loses because the cost of his food supply is placed more and more in the hands of a few large conglomerates who will soon control prices across the country. Our urban areas lose because they must pay the taxes to provide roads, and schools, and often welfare for the displaced farmer. And the Nation as a whole loses because conglomerate farming only accelerates the trend toward overpopulated cities and barren rural areas.

There is no excuse for pretending that it is the inevitable law of the market place that all family farms should be replaced by corporate producers. This is bad economics, and it is terrible public policy for a nation that already has far too much of its population crowded into a few metropolitan centers. I am pleased that a number of my colleagues have joined me today by cosponsoring this vital legislation. If others are interested, I would be happy to reintroduce the bill at a later date. A copy of the legislation follows:

H.R. 11654

A bill to amend sections 9 and 11 of the Clayton Act, as amended, to provide for the continuance of the family farm and to prevent monopoly and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Clayton Act (38 Stat. 730; 15 U.S.C.A., sec. 12) is amended by adding the following:

## "FINDINGS AND PURPOSES

"SEC. 9. (a) The Congress finds that it is desirable to preserve free, private enterprise, to protect small business and prevent monopoly, and to protect opportunity for family farmers in interstate commerce, as well as to protect consumers. Vertical integration of the agricultural industry by the processing, distributing and retailing industries and conglomerate businesses have created situations of unfair, monopolistic competition for the family farmer. This situation has contributed to the decline of rural populations and the consequent crowding of metropolitan centers. It has resulted in a noticeable decline in competition in some phases of agricultural production and threatens others. It is the national policy to restore competition to the agricultural industry and to provide for the continuance of the family farm.

"(b) This Act shall be known as the Family Farm Act of 1972.

"(c) No person, partnership, corporation, trust or conglomerate business entity engaged in non-farming business in or effecting commerce and owning or controlling assets amounting to more than \$3,000,000 or owning or controlling stock or other share of capital in one or more business entities in commerce with a total value of \$1,000,000 or more, such as, but not limited to, those corporations engaged in the meat or poultry packing business or the wholesaling or retailing of red meat, poultry or livestock products, including dairy products; or engaged in the processing, purchasing, selling or handling of grain or other field crops, including fruits, vegetables, pulses, or animal feeds; or engaged in the production, sale or distribution of agricultural chemicals and fertilizers or petroleum products; or engaged in the manufacture, sale or distribution of farm supplies, including machinery, buildings, fencing or other equipment; or engaged in the business of insurance banking, money lending or extension of real estate or production credit or selling goods to or providing services to farmers; or engaging in other similar business activities or in buying agricultural products from farm producers except farmer-owned and controlled cooperatives, corporations and associations which meet the conditions of the Capper-Volstead Act (42 Stat. 388) shall directly or indirectly engage in farming or production of agricultural products, or control, or attempt to control, agricultural production through the ownership or leasing of land for agricultural purposes or by contracts with others or by integration, merger or any other means of acquisition or control; *Provided*, That the foregoing prohibition shall not apply in the case of any one or more of the following:

(1) charitable institutions which engage in agricultural production for other than income purposes as a part of their charitable function;

(2) educational institutions engaged in research as a part of academic and extension activities; and

(3) non-profit institutions engaged in agricultural production solely for purposes of research.

"(d) Every person, partnership, corporation, trust or conglomerate business entity subject to the prohibitions of Section 9 (c) of this Act that is lawfully engaged in agricultural production or controls agricultural production prior to the enactment of this Act shall be required to divest all holdings, assets and other interests in such production within five years after enactment.

"(e) Nothing in any provision of this Act shall be construed to prevent any creditor, legatee, beneficiary, or intestate successor

subject to Section 9(c) of this Act from lawfully, acquiring, pursuant to forfeiture or laws of succession, land or other means of agricultural production or of control of such means of agricultural production provided that they shall divest themselves of such property within two years of acquisition.

"(f) Section 11 of the Clayton Act (38 Stat. 730) is hereby amended to include Section 9 within the enforcement provisions of Section 11.

"(g) This Act shall become effective upon its enactment."

#### A REAL HERO—WINFORD STINSON

### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. WYMAN. Mr. Speaker, in these times of seeming public indifference to tragedy and crime, it is positively refreshing to learn that there are citizens who will risk their lives to protect innocent victims from vicious criminals. Such a man is Winford Stinson from Lynn, Mass., who battled a knife-wielding assailant in a Stoneham home Stinson was delivering milk to.

I know all Members of Congress would join me in commending Mr. Stinson for his unselfish and heroic conduct. Americans everywhere have reason to be proud of Winford Stinson.

So that others may know of Mr. Stinson's heroism, I include the following account from a recent issue of the Boston Herald:

HERO MILKMAN "DIDN'T KNOW I WAS FIGHTING FOR MY LIFE"

(By Joe Purcell)

A Lynn milkman who decided to get "involved," sat upright yesterday in a bed at New England Memorial Hospital in Stoneham, his left lung deflated, his left arm checkered with teeth bite marks, his condition listed as "satisfactory."

"I didn't know I was fighting for my life until it was all over," said 32-year-old Winford Stinson, the father of two.

On Wednesday, Stinson was stabbed in the chest and bitten while battling with a knife-wielding man who had invaded a Stoneham home, trussed up two women, one of them elderly, and allegedly was attempting to rob the house.

One of the women is a customer of Stinson's, 87-year-old Mrs. Emily Nesmith, and the other her daughter, Mrs. Helen Rand of Cedar Lane, Merrimack, N.H., who was visiting her mother.

Stinson said that when he pulled his truck into the Nesmith driveway at 16 Sunset Rd., the intruder apparently had been inside for some time. The house was ransacked. Mrs. Nesmith and Mrs. Rand sat in terror on a living room-dining room sofa, electric cord in tight loops around their wrists.

"I put the milk down on the breezeway floor and the door opened," Stinson said. This guy appeared. He had a knife and he motioned me inside and I said, 'Oh, no,' and I motioned to him to come outside into the breezeway.

"Then he tried to pull me in, and I lunged at him and pulled him into the breezeway. There was a stirring inside the house and out of the corner of my eye I could see Mrs. Nesmith.

"This guy was strong as a bull. I grabbed him and I kept warding off the knife and we

waltzed around in the breezeway. There was a lot of banging around."

Stinson said he liked Mrs. Nesmith very much because she had been "nice to me" and "used to give me coffee when it was cold."

"Anyway, there was a lot of yelling and I felt myself getting weak—I had been stabbed at the time I guess but didn't know it—and then I gave a hard push and this guy went right through a panel of glass in the breezeway."

Dr. Morton H. Healfitz interrupted Stinson's recital and said he was going to do a "thoracotomy"—re-inflate the left lung. Stinson said, "Don't go away, I'll be with you in a minute."

A half-hour later, Stinson, a tube sticking from his chest, picked up the narrative and said: "I couldn't get the knife away from him and now he was bleeding from the glass I rammed him through and I called to Mrs. Rand to get something and give him a belt or two."

"She came out with a sauce pan and whacked him a few times over the head, but I was close to him and I was afraid she was going to hit me by mistake. Anyway the pan was too light and was all dented in no time."

The milkman broke off to rub his left arm near the bicep which was bandaged too. He said, "He bit me twice, big teeth marks, and if this guy ever needs false teeth, the dentist can get a good impression from my arm."

Stinson, steered the story back to the breezeway and he said that "now I was getting awfully tired and he still had the knife and I knew something had to be done. I pulled him free of the shattered glass figuring I'd push him through another one of the big panes there."

"One of the chairs crumpled and I saw a yellow piece of wood and I told Mrs. Rand to pick it up and hit the guy again. She did and as she did I pushed down and he wacked his head against something and he just folded up under the table. I took the knife away from him."

Someone delivered a tray of food and Stinson spotted a carton of milk and pushed it away in a hurry. He said: "It's the wrong brand. I work for another outfit, (H. P. Hood & Sons). Returning to his story, he said:

"The guy was out cold. I looked at the knife. It was good craftsmanship, bone-handled and a sleek five-inch blade. Then I saw another knife. It was in his back pocket and I took it out. Then I sat on him. I was getting real tired, and a man, a neighbor I guess, looked in, frightened-like and I told him to get some help and soon everybody and his brother was showing up and the police were everywhere. It was very confusing."

Stinson said: "I got up. I guess I needed some air and I walked outside." He didn't realize it but he bumped against a pole and stained it with his blood, then brushed against Mrs. Rand's car and left red smudges on the fender.

"I sat down on the grass and the whole thing hit me. I was bleeding, my shirt and jacket were red in spots and I felt hazy and I began to think and I said to myself: That guy was trying to kill me. Funny, I didn't think about that at the time we were barreling around inside. I was concentrating on getting the knife. I had to have it. I didn't think of anything else. A couple of times though, Mrs. Nesmith entered my mind and I knew it wouldn't do to have this man loose in her company."

"You know there are a lot of nice people around. The people on my route are great. They are just great people. They are considerate and nice."

Stinson looked up at the door in the hospital and he said "Caroline, that's my wife, should be here soon" and in the same breath he mentioned his children's names, Mike, 8, and Susan 7.

Then he said, "I knew I was pretty weak

sitting on the grass and I began to worry about the money I had in my pocket, company money, and the truck. The cops came and they wanted to know if I'd go to the hospital in an ambulance or a cruiser and I got up and walked over to the truck and secured it and gave the cops the name of my boss and told them to call him. Then I came here. They're nice here but I hope I get out soon."

Police said Stinson deserves "a lot of credit" and said that suspect, Dennis P. Murray, 21, formerly of Stoneham, was with another youth earlier in the day. Their stolen car crashed and Murray ran into the woods—eventually showing up at the Nesmith place. The other youth, 19-year-old Lawrence Ginevich of Charlestown was taken into custody. Murray has been charged with assault with a dangerous weapon, assault with intent to murder and assault in a dwelling.

Yesterday Mrs. Nesmith said, "I'm still nervous. She showed the breezeway where the fight took place and she asked about Stinson and when he would be back on his feet."

She said, as an afterthought, "Tell him I got the milk, okay."

#### A CONFERENCE

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. ZWACH. Mr. Speaker, one of the biggest boosters for countryside America is O. B. Auguston, editor of the West Central Daily Tribune of Willmar, in our Minnesota Sixth Congressional District.

Most of his life he has spent in our rural west-central region of Minnesota. He lived through the big depression of the 1930's. He has watched the rural economy rise and fall. He is probably as much of a practical expert in this field as you will find.

The other day, he printed an editorial to which I would like to call the attention of all who read the CONGRESSIONAL RECORD.

Mr. Auguston very aptly points out:

If farm income is right, rural America will take care of all its problems, but if the income is not there, there will be less and less family farms which are the backbone of the average rural town.

The editorial follows:

#### A CONFERENCE

A few years ago we participated in a Rural Economic Conference. It was held at Mankato. We served on one of the committees, even got in on some of the planning. As to the latter when we saw the agenda we noted with amazement that the income of agriculture, the basic industry of the rural areas was completely forgotten. Instead they talked about everything else. Like salve on a boil that needed far greater treatment. Upon our insistence farm income was finally placed on the agenda with other members of the agenda committee agreed with us. We were about to quit the outfit at that time.

Well—the conference was held and really came to naught because the basic problem of rural America, even tho on the agenda, only got cursory attention.

Now we note another similar one held recently at Montevideo. Loaded with the usual good intentions but again perhaps a mountain laboring but producing only a mouse. Have read an account of this conference and in the report find not a word about farm income. Not the real surgical thing that has



to be done—and that is farm income—but more salve on the symptoms or the after effects.

A lot of these city boys can talk all they want but they forget that if farm income is right—rural America will take care of all its problems. They also overlook that if that income is not there—there will be less and less family farms which are the backbone of the average rural town. When they are only the big farmer or corporate ones, these big fellows will bypass the little town and deal with the big town. It has always been that the big deal with the big. Guess there is plenty of evidence to support that statement.

True there are some areas where some regional services could save something. But such will be peanuts compared to the coconut lost when the real economy is lost. Like the old adage, saving at the spigot but losing at the bung hole.

Just wonder if a big metro city was in trouble. Their income in big industries is way down and they are in trouble. Also the ranks of unemployment is growing with increasing concern. Rural folks would then go down there and tell them what salves they might put on some petty things. And what would they tell us? Of course we know. They would be quick to say—give our industries and the like decent incomes so we can employ more people and we will take care of ourselves. Right? For there is our problem they would say. Correct. And it is the same problem that we have in rural America—our main industry is in trouble.

So a big conference was held but the big result was not there.

#### EUROPEAN COMMON MARKET TARIFFS GRAVELY DAMAGE U.S. CITRUS EXPORTS

#### HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. VEYSEY. Mr. Speaker, on September 29, 1971, I inserted into the RECORD an article by James Cary of the Copley News Service, "Common Market Creates Threat."

Mr. Cary discussed the upsetting effects on U.S. agricultural exports over the past few years from the Common Market's variable tariffs and the preferential agreements it has entered into with 27 other nations, mainly Mediterranean countries and former French colonies.

The loss in exports of fresh citrus fruits alone will rise to \$8 million, according to estimates by the Department of Agriculture. At a time when we are trying to encourage American manufacturers to seek foreign markets in order to correct our imbalance of payments, it would seem that we should fight harder to preserve those markets we already have due to the extraordinary productivity of our farmers and ranchers.

I am inserting below a letter from Mr. D. F. McMillen, assistant general manager of the Sunkist Growers, elaborating on precisely how the Common Market's preferential agreements, which are in violation of the GATT agreements we and the EEC countries have signed, have seriously damaged our long established market in the Western European countries.

The letter follows:

SUNKIST COOPERATING CITRUS  
GROWERS OF CALIFORNIA AND  
ARIZONA,

November 1, 1971.

HON. VICTOR V. VEYSEY,  
House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN VEYSEY: This is in reply to your letter of October 4 addressed to Mr. D. M. Anderson, general manager of Sunkist Growers.

We are very appreciative of your interest in and concern over the protectionist policies of the European Common Market, and particularly your reference in your statement in the Congressional Record to the preferential agreements with the Mediterranean countries. As you are well aware, the California-Arizona Citrus League has been pressing the Administration for more than a year to bring an end to the discrimination by the Common Market against exports of U.S. fresh citrus. The reduction of 80% granted to Tunisia and Morocco and 40% granted to Israel and Spain thru the preferential agreements to which you refer has seriously damaged our long established market in the Western European countries.

You have inquired concerning any information which we might have on how these variable tariffs of the Common Market have affected us. I am enclosing a copy of a chart showing sales of oranges, by country of origin, in the Rotterdam market for the summer months during the three years, 1969, 1970 and 1971. You will note the serious decline in a share of that market accounted for by sales of California-Arizona oranges, declining from an approximate 25% share in 1969 to a 15% share in 1970 and a 10% share in 1971. The Department of Agriculture now estimates that the loss in volume to exporters of fresh citrus from the United States as a result of these preferential tariff agreements will reach \$8,000,000 dollars annually.

The Common Market has taken action, unilaterally, to reduce the duty from 15% to 8% for the four months of June, July, August and September in an effort to "improve the climate" between the United States and the EEC. While this action by the EEC has been of some assistance to the citrus industry, it has not removed the discrimination since the 80% and 40% reductions apply to the lower rates of duty. Furthermore, the action taken by the EEC as it now stands terminates on June 30, 1972. Accordingly, the California-Arizona Citrus League is continuing to press for a satisfactory resolution of this problem which can be achieved simply by according Most Favored Nation treatment to the United States as provided for in the GATT contracts to which the Common Market countries and the United States are signatory.

Again, may I express our appreciation for your interest in and concern for this very important problem. We will continue to keep you informed concerning developments and hope that we may feel free to call upon you for assistance at any time.

Very truly yours,

D. F. McMILLEN,  
Assistant General Manager.

MINUS "ZPG" NEXT?

#### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. ZWACH. Mr. Speaker, it was not many months ago that Members of this body were introducing legislation designed to discriminate, taxwise, against

parents of more than two children because they feared the population explosion would overpopulate America.

Today we get the news from the Census Bureau that the World War II "baby boom" has been replaced by the greatest decline in the Nation's under-5 population in the entire 120-year history of the Bureau.

Mr. Speaker, Bernard Casserly, editor of the Catholic Bulletin, in St. Paul, Minn., recently wrote an enlightening editorial on this matter, which, with your permission, I would insert in the CONGRESSIONAL RECORD:

MINUS "ZPG" NEXT?

It was inevitable.

The large headline on the top of the front page said "U.S. 'Baby Bust' Replaces 'Boom'." The Associated Press story disclosed that the "baby boom" of World War II had been replaced "by the greatest decline in the nation's under-five child population during the 120 years for which statistics have been kept," according to the 1970 census. Children under 5 years of age decreased 15.5 per cent in 1970 from the 1960 total. The possibility of "zero population growth" is now real, according to a study made by the Washington Center for Metropolitan Studies under a grant from several foundations.

Even if the "baby bust" does not continue, the fact of a 15 per cent reduction in the number of children under five is going to have a critical impact on the social economy. The census figures only confirm what school administrators have been trying to deal with for several years now. Empty classrooms are soon going to become as common as locked delivery rooms and maternity wards in hospitals—with Catholic institutions no different from the rest.

The development of the "pill" is not the sole reason for this unparalleled drop in the nation's pre-school population—although it is probably the most important. The responsibility for the new shape of American society lies chiefly in the hands of the Planned Parenthood—World Population groups and their auxiliary agencies. Planned Parenthood has been leading the field with its anti-life program for many decades. It cried "wolf" about the "population explosion" long before others took it up; it opposed large families and sued to have contraception laws wiped from the books, and it has moved from promoting contraception to advocating abortion and sterilization as legitimate means of family planning.

The Planned Parenthood philosophy would have gone whistling in the wind had it not been picked up by the public communications media which made the population issue their special thing. Rarely has there been a more demonstrable case of the impact of the media upon public opinion. The "wanted child" syndrome, the "standing room only on planet earth" theme, the distorted population statistics extrapolated from selected baby boom periods, all these concepts became household bywords. And Catholics bought most of the package—despite the efforts of their religious leaders—just as their friends and neighbors did.

One of the few voices to speak out with vigor and authority on the threat of the anti-life forces in this generation has been that of Pope Paul VI. His much attacked encyclical, "Humanae Vitae," ("On Human Life") foresaw the victory of the contraception forces, the successes of the abortion seekers, and the dangers of the euthanasia planners. Pope Paul's encyclical, challenged in Catholic circles as well as where opposition was expected, has much to say to us today in the light of the new population statistics.

Cardinal John Wright, Prefect of the Sacred Congregation of the Clergy, talked

about the validity of "Humanae Vitae" today in a forthright article, "Reflections on the Third Anniversary of a Controversial Encyclical," in the English edition of "Osservatore Romano" on July 29. Pope Paul "echoes the witness of Pope John, almost his very words," the cardinal wrote, when the Pope stressed the natural law and the person, and the "vanity of seeking solutions to population problems 'in expedients which offend against the divinely established moral order and which attack human life at its very source (rather than) in a renewed scientific and technical effort in man's part to deepen and extend his dominion over nature' to quote John XXIII."

"The encyclical remains then, much more than a negative pronouncement on artificial contraception," Cardinal Wright said. "It is a positive, though admittedly incomplete, presentation of marriage morality; it says no only to negative concepts of man's vocation. In an age when almost all the means of social communication are used in greater or lesser degree to debase sexual love to (the level of) erotic techniques or diversions, the Pope proclaims anew the positive values of love, marriage, parenthood and family life. He does so against the authentic Christian background of the Cross, which all followers of Christ must carry, and the destiny of life everlasting to which all who love are called."

Will the success of the anti-life forces, and their allies, the public communications media, now slow down their campaigns for abortion, sterilization, the two child family, zero population growth? Will the fact that 85 pre-school children now play where 100 boys and girls romped a decade before bring a halt to their efforts? We pray that it will, but we are not optimistic.

Just getting underway is a concerted effort to make zero population growth (ZPG) national policy. A Coalition for a National Population Policy has been formed to achieve a "stable population" in the U.S. The Coalition is seeking Congressional adoption of a Joint Resolution on "population stabilization." In the light of the new census figures on the decrease of pre-school children, the Coalition should be told to close up shop.

But it won't. Neither will all the other groups which seek to solve the world's crises by eliminating people instead of problems. If only the shrill pessimists who look at planet earth from the wrong end of their telescopes would have spent their time and money solving problems of food supply, transportation, marketing and storage, we might well have been on our way to solving the real problems of overproduction and underconsumption.

We fear, however, that the anti-life forces will only redouble their efforts to control the "population explosion," electing to ignore the 1970 census figures as well as the earlier advice of God the Father, as recorded in Genesis, Chapter I, Verse 28, to our first parents: "Be fertile, and multiply; fill the earth, and subdue it."

#### CONSIDERATION OF THE HUMAN ASPECT IN THE DELIBERATION OVER HEALTH CARE LEGISLATION

**HON. MARTHA W. GRIFFITHS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mrs. GRIFFITHS. Mr. Speaker, the discussion currently taking place in the Congress over national health care has focused on many aspects of the proposed legislation—and all aspects need scrutiny. But one aspect—a very important aspect—sometimes has been overlooked.

That is the human aspect—the feelings and attitudes of working people all over the country who believe that this Nation should have an efficient health care delivery system. On November 4, Mr. Louis B. Knecht, executive vice president of the Communications Workers of America, testified before the Ways and Means Committee, and emphasized this aspect.

I urge my colleagues to read this gentleman's testimony:

#### STATEMENT OF L. B. KNECHT

My name is Louis B. Knecht, and I am an Executive Vice President of the Communications Workers of America, a union which represents approximately a half-million communications and other workers. Joseph A. Beirne, our President, has asked me to appear on the union's behalf, and we appreciate being allowed to give our views to the Committee.

I think we all agree that health care delivery in America today is poor. In some areas . . . and for some people . . . it is miserably poor.

President Nixon has said so.

Experts have said so.

And our members in big cities as well as in little towns and villages all across the country, tell us so.

Methods which would provide real improvements in health care delivery are available in pending legislation. But spokesmen for major components of the health industry—the practitioners and the insurers—are locked in an alliance to thwart legislation which would produce a health care delivery system that meets the needs of the time . . . and the needs of the future.

The opposition is inciting a confrontation which concerns the Communications Workers of America deeply.

That confrontation is between the narrow, special interest of the health industry, and the broad, general interests of the average American.

We feel that if the narrow, special, but powerful, interest is allowed to dominate the needs of the vast, working American public, a situation will result which can be even more serious than abysmal health care delivery.

That situation would be the conscious decision by American workers that whenever the worker-citizen's interest comes up against a special interest—the special interest wins. Consequently, representative government as they know it, and wish to preserve it, will not work.

The average working man's frustration about government's ability to solve problems and his anxiety about getting good health care delivery for himself and his family are combining now to produce this attitude which I have described. It is the attitude Chairman Mills called "increasingly resentful," on the day these hearings started.

Because of that attitude . . . and because of the merits of H.R. 22 the Communications Workers of America urges the Committee and the Congress to support the Griffiths-Corman Bill.

We believe that H.R. 22's concept of what health care should be—its benefit structure, its administrative procedures, its financing, its provisions concerning providers of health services, its programs for building resources to deliver health care—all answer the need which exists in America.

We also believe that it would be a serious mistake if Congress adopts half-steps in the right direction.

The problem has reached the point where half-steps would be little better than no steps at all.

To the people—to the workers who discuss this with us—half-steps would be only another example of government generating an expectation of performance, without delivering it.

HEW Secretary Elliot L. Richardson's testimony here, on behalf of the Nixon Administration, looked to us like a clear example of the erroneous idea that a new facade of health care delivery is acceptable . . . but we know that a facade won't do. A new health care delivery structure is needed.

He told this committee that improvements can be made without disturbing the historic division that finds government taking care of the health needs of the elderly and the indigent; while the private sector takes care of the rest of the people.

That just isn't working now, and it won't work anymore.

We would like to ask the committee to give special attention to this comment by the Secretary, and I quote:

"We believe the comprehensive health care services should be provided as rapidly as possible for the entire population. However, it will take time to develop sufficient manpower, facilities and managerial skills to fulfill this goal." . . . end of quote.

Medical and health manpower training should be expanded and streamlined, but we will fool ourselves if we think that is the way to solve the country's health care delivery problem.

The way to solve it is to pass H.R. 22, which recognizes the needs in manpower and planning and facilities, as well as the need to change a cottage industry to a technologically efficient system . . . and provides the methods for solutions.

The President of our union, Joseph A. Beirne, served on the National Advisory Committee on Health Manpower, and I would like to mention a recommendation made by the committee, because it helps illustrate a current aspect of the problem.

In 1967, the Advisory Committee said, and I quote:

"The productivity of physicians should be increased beyond presently planned levels by a substantial expansion in the existing medical schools, and by continued expansion of new schools."

But, as recently as October of 1971, the American Medical Association testified before the House Armed Services Committee against a bill to set up a military medical academy, which would provide a supply of physicians for the military.

The AMA did not prevail—the Armed Services Committee reported the bill out unanimously.

But the AMA attitude has made it plainly obvious that this organization should no longer influence vital health legislation.

The real demands and needs of Americans should prevail.

We are aware of the fact that a national advertising campaign has been inaugurated to beat H.R. 22, and we do not question the right of any interest group to try to sell its message.

But we do not believe that the campaign will be successful.

The average working American we meet knows that something is wrong with the health delivery system, and the average working American knows those who control that system have created the problem.

They are looking to Congress to enact the solution, and Congress should enact it, in the form of H.R. 22.

Thank you.

#### BREAD AS A MAJOR SOURCE OF PROTEIN

**HON. KEITH G. SEBELIUS**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. SEBELIUS. Mr. Speaker, today, as every citizen knows, we are becoming



more and more aware of good nutrition as a means to fight our malnutrition and hunger problems as well as the worth and merit of physical fitness. This new awareness has led to many nutrition and diet programs to the point our entire Nation has become "calorie and nutrition conscious."

Good health and physical fitness are, of course, basic to our individual and collective interests, but lately I have been concerned over what I consider to be an unjustified prejudice against one of our basic foods and one of our basic industries. I am talking about the popular, but untrue, belief that bread should not be eaten if you are trying to watch your weight, and that it is not nutritious.

Bread is one of our basic four food groups. Bread's low-fat, low cholesterol, low sugar, low salt profile, in fact, make it one of the most nutritious and healthful foods available to the consumer. And, bread has the necessary properties to become a major source of protein.

Dr. Jean Mayer, professor of nutrition in the School of Public Health of Harvard University, and an adviser to the White House on nutrition matters, recently told baking executives at the 74th annual meeting of the American Bakers' Association that increased bread consumption—at the expense of high-fat, sugar, and salt-laden products—could alleviate many national health problems.

Mr. Speaker, I think Dr. Mayer's comments should be brought to the attention of all who are concerned with nutrition and physical fitness. I insert a summary of his remarks which appeared in the October 26 edition of the Southwestern Miller, in the RECORD:

#### DR. MAYER'S COMMENTS

BAL HARBOUR, FLA.—America is in trouble, nutritionally, Dr. Jean Mayer, noted nutritionist, told baking executives at the opening of the 74th annual meeting of the American Bakers Association, and increased bread consumption—at the expense of high-fat, sugar and salt-laden products—could alleviate the problems in the national dietary.

Dr. Mayer, professor of nutrition in the School of Public Health of Harvard University and an adviser to the White House on nutrition matters, was the lead-off speaker at the A.B.A. general sessions on Monday, Oct. 25, at the Americana hotel in Bal Harbour, Fla.

He criticized bakers for not telling the nutritional story about bread in a more convincing way when their product is, indeed, under attack. "Extraordinary prejudices about bread have been built up," he said, "and your advertising has not dealt with these effectively."

Among the public prejudices Dr. Mayer listed are "gross overestimation of the calorie content of bread" and a misconception that "meat is the only source of protein."

#### BLIND TO PROMOTION OPPORTUNITY

"The bread industry as a whole has not taken advantage of the fact that it has an answer to many of the nation's health problems," he said. "The industry has been blind as to what could be done to promote bread in a nutritional context," Dr. Mayer added. He urged the industry to "more enlightened self-interest" to point out the value of bread's low-fat, low cholesterol, low sugar, low salt profile, compared with other foods. This will require, he said "a more intelligent marketing effort" in an attempt to "recapture the market share of market you have lost." As

a nutritionist, Dr. Mayer said he would be happy to see a successful recapturing of the market by bread.

#### FALLACY IN BASIC FOUR FOODS

It is up to the baking industry, he said, to take the lead in dispelling the common fallacies about bread. One of these fallacies, he pointed out, lies in the very promotion of bread and cereal products as one of the four basic food groups. Stating he never thought the Basic Four food groups served a good teaching aid, Dr. Mayer pointed out that under the grouping vegetables and fruit are classified as vitamin and mineral sources, milk as calcium-giver and meat as protein source. But bread and cereal products are said to be energy-producing. "To most people, energy means fat. In effect, you are saying bread is fattening," Dr. Mayer said.

Quite the contrary is true, he declared. Still, the effect of promoting bread as one of the Basic Four foods is that "every woman in America thinks she needs only to look at a slice of bread to get fat."

#### AFTER THE BOTULISM SCARE, SOME HARD QUESTIONS NEED ANSWERING

#### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. BINGHAM. Mr. Speaker, the latest episode in the perplexing task of providing the American consumer with wholesome food is discussed in an article which appeared in the Washington Post on November 7, 1971. Although the Food and Drug Administration rescinded its order warning consumers against eating canned beans made by the Stokely-Van Camp Co., which had been believed to contain a deadly botulism infection, Stokely—the Nation's third largest canning company—expects the reverberations to last for some time. These shock waves result from the shaking of public confidence in its products. Managers of the company believe that during a 48-hour period, 2 weeks ago, the fate of their company hung in the balance. If they had to recall the canned beans, shoppers would undoubtedly avoid its other products. In an industry noted for a large inventory and financed principally by short-term notes, such loss of public confidence could have caused the company to go bankrupt.

The incident raises some very important problems for the canning industry and the Federal Government: What procedures should be established for inspecting and approving food processing plants? What steps should be prescribed before a company or the FDA warns the public against any food? How can food manufacturers effectively protect their operations in the event the public is warned? How can "false alarms" be avoided? These and other questions must be discussed and resolved in the coming months if the American consumer and the canning industry is to have full confidence in the food market in this country.

The text of the Washington Post article follows:

#### SCARE OVER BOTULISM LEAVES STOKELY-VAN CAMP SHAKEN

(By Philip Greer)

INDIANAPOLIS.—Ten days ago, Marine Capt. William Cleveland, Jr., told his son across the dinner table, "These beans taste like sauerkraut."

Cleveland was to spend the next four days apologizing for that remark, which triggered a botulism scare. Stokely-Van Camp, Inc., may need years to get over it.

"I knew it was a false alarm as soon as I heard it," Senior Vice President David McVey said. "Those people ate the beans on Wednesday night. By the time we got the call on Friday, they would have been dead if it was botulism. At least they would have been sick as hell."

McVey was in his office on the third floor of Stokely's white stone headquarters on the north side of this midwestern capital, just beginning to add up the damage that the company feels is bound to come. It will be weeks, he said, before the effect on consumer acceptance can be measured "and it could cost a lot of money to get that confidence back."

On Oct. 29, acting on a request from the Food and Drug Administration, Stokely recalled 15,792 cans of string beans—french cut, 8 oz. can, lot numbered SB 72-E213D—because of "presumptive evidence" that they were contaminated with deadly botulism toxin, a poison which can grow in canned products that have not been properly sterilized.

Botulism effects can be deadly, not only for people but also for corporations. Last summer, a Bedford Hills, N.Y., banker died of botulism poisoning after eating soup canned by Bon Vivant Soup Co. of Newark, N.J. Bon Vivant has gone out of business and the government has filed charges against its owners.

In September, Campbell Soup recalled some chicken vegetable soup after its own laboratory found traces of botulism contamination.

Last Monday, the FDA rescinded the Stokely recall, announced that neither Cleveland nor his son had botulism poisoning and praised Stokely for its quick action. All that was left, apparently, was for Stokely to pick up the pieces.

McVey is clearly angry about the way the case was handled, but he refuses to say so.

"If they had waited one more day to Saturday, they would have known it wasn't botulism" is about all he will say about the way the case was handled by the FDA and the Florida Department of Agriculture.

After Cleveland's complaint, his wife—who later told a Stokely officer that she was sensitive because of the Bon Vivant and Campbell cases, called the family doctor at Pensacola Naval Air Station, where Cleveland is stationed. Father and son were taken to the infirmary and samples of their blood serum and the beans were flown to the Center for Disease Control in Atlanta. The Cleverlands, showing no ill effects, were sent home.

On Friday morning, a mouse that had been injected with blood serum from the son died and another with the same serum showed signs of respiratory illness. Mice injected with the father's blood showed no symptoms.

"That's a presumptive indicator of botulism," said Vigen K. Babayan, a Stokely vice president and chemist. "But it is not a positive indicator. There are lots of things that can make a mouse die."

Soon after, the telephone rang in Stokely's legal department, McVey recalls. "It was the FDA saying they had a suspected case of botulism and that was all. They wanted to know where the beans had been packed and where they were shipped."

The beans were packed in Scottsville, Mich., on Aug. 1, 1970, and shipped to warehouses in Tipton, Ind., and Newport, Tenn. FDA agents went to both warehouses searching for cans from the suspect lot, but found

none. The two warehouses service the entire southeastern U.S., as far north as Pennsylvania. Beans in the suspect lot were shipped out of the warehouses last April and May.

"Around noon we got another call," McVey said. "They said, 'It looks like we'll have to ask for a recall.' I was sure it wasn't botulism, but who was I going to buck? So we ordered the recall."

Friday afternoon, Cleveland and his son were ordered into the hospital for observation, although neither had yet displayed any signs of illness.

On Saturday morning, Babayan was dispatched to Pensacola, arriving around noon. "They were all lined up waiting for me," he says. "They" were Capt. Hugh Pratt, chief of medicine at the hospital, two staff physicians and Dr. Stanley Music of the Florida Department of Health.

"Capt. Cleveland was there, too," Babayan recalls. "He said the whole thing happened because his wife was being cautious. He said he'd eat Stokely products any day."

On Sunday, Babayan flew to the Center for Disease Control in Atlanta, where tests confirmed the absence of botulism. "On Saturday night, I started getting calls from the press telling me we had been cleared," McVey says, "but the recall went right on until we heard from the FDA."

While the tests were being made, Stokely's headquarters was busy trying to find the remnants of the lot. The entire data-processing staff, all the company executives and a number of other employees worked through the weekend. "We had 500 invoices for beans from April to now," McVey says, "and we had to follow them all up."

The suspect lot consisted of 568 cases. In an average year, Stokely sells about 100,000 cases of 8-ounce cans of green beans, of the best selling "seasonal" products. To make the job more difficult, the lot number is not printed on the case, only on the cans themselves. Wherever we had sent 8-ounce french green beans, they had to tear open the cases and check the numbers," McVey explained.

McVey has no idea how many cases were actually found, because none of them has been returned to the company.

"Most, will never be found," he says. "They were shipped last spring and in a high-turnover business like this, they've probably been eaten. That's another reason I didn't think it was botulism. We'd have heard long before this."

By Sunday, it was pretty clear that the beans were not tainted. At 5:30 in the afternoon, 48 hours after another pair of mice had been injected with a second blood sample from Cleveland's son, the Center for Disease Control was sure the beans were safe.

Babayan called the FDA to ask about an announcement and was told it would come from Washington on Monday. Babayan flew to the capital.

Along with representatives of the National Canners Association, he arrived at FDA headquarters in Rockville around 9 a.m., then waited until a staff meeting ended at 10:45. At 12:30 the announcement was released and Babayan went home.

Looking back, McVey admits he was worried, despite his confidence that the company would be cleared. "When we got that recall, everybody from the office boy to the company president had butterfiles in his stomach," he says.

If the beans had been contaminated, Stokely faced the probable ruin of its business, the third largest canning company in the country and second in domestic sales. Like all food processors, Stokely depends heavily on short-term loans to finance the purchase, processing and storage of seasonally grown products. The company has a \$93 million line of credit and, at the end of 1970, nearly half its current liabilities were made up of short-term notes.

"If you find yourself with inventory you

can't sell, it could wipe the company out," McVey said.

Stokely has no contingency plan for a botulism scare. "In the last 45 years, there have only been four deaths from botulism in this country," Babayan explained.

"And it's in the back of your mind any time you hear of a botulism scare," McVey added. "You think, there but for the grace of God go I."

Stokely's laboratories check samples from every lot of the company's more than 400 products. Stokely has never previously had a botulism scare in its 101-year history, McVey said, but he added, "Certainly in the canning business you keep your fingers crossed."

McVey and Babayan think the current national nervousness over botulism requires immediate attention from both the FDA and the National Canners Association.

"Things like this affect the whole industry," Babayan says. "People associate these things with all companies. The canners and the government have to set up procedures for when this happens."

"Should they wait until they're positive about the facts or should they announce it right away? If you destroy confidence, you're going to live in a jungle."

With the scare over, Stokely is making a survey of its distributors to get an idea of the marketing and advertising problem it faces now. But it still doesn't know why Capt. Cleveland's green beans tasted like sauerkraut.

"The FDA wouldn't let us test the beans at first," McVey says. "They've told us now that they're sending them to us."

Adds Babayan: "when the botulism was ruled out, the Center for Disease Control looked into medicines and drugs that Cleveland's son might have taken. They found that the boy had a cold about a week before and was taking antibiotics. Antibiotics in human blood can kill a mouse."

#### NOT-SO-FREE ENTERPRISE

#### HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. UDALL. Mr. Speaker, the always interesting Wall Street Journal came up with one of its more provocative pieces on November 5, 1971.

In essence, the article suggests that American business, particularly big business, for all of its "free enterprise" rhetoric, is rushing pell-mell to a system of state socialism—asking for it, in fact.

I commend to my colleagues the column by Alan L. Otten entitled, "Not-So-Free Enterprise."

The column follows:

#### 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 its 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 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 allows 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 particular 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, bailing 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.

#### JEWISH LEADERS AND PENNSYLVANIA CONGRESSIONAL DELEGATION DISCUSS ISRAEL'S NEED FOR PHANTOM JETS

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. EILBERG. Mr. Speaker, on Tuesday, November 9, seven rabbis from the Philadelphia and Pittsburgh areas met with members of the Pennsylvania congressional delegation to discuss Israel's critical need for the F-4 Phantom jet aircraft.

Israel needs the planes, as everyone knows, for her defense, but so far the Nixon administration has refused to sell them.

The discussion was frank and open and all of the representatives who spoke expressed their support for the arms sales to Israel.

Attending the meeting with me were: Senator RICHARD SCHULTZ SCHWEIKER, and Congressmen ROBERT N. C. NIX, EDWARD G. BIESTER, JR., JOHN H. WARE, JOSEPH MICHAEL McDADDE, DANIEL J. FLOOD, J. IRVING WHALLEY, LAWRENCE COUGHLIN, WILLIAM S. MOORHEAD, FRED B. ROONEY, HERMAN T. SCHNEEBELI, JOSEPH M. GAYDOS, JOHN PHILLIPS SAYLOR, ALBERT W. JOHNSON, FRANK M. CLARK, THOMAS E. MORGAN, and H. J. HEINZ.

The rabbis who were there are: Jerome Bass, Morris Dembowitz, Arnold Feldman, Harold Goldfarb, Seymour Panitz, Nathan Reisner, and William Sajowitz.

The statement for the clergymen was delivered by Rabbi Dembowitz, vice president of the Board of Rabbis of Greater Philadelphia.

It is a clear and cogent statement of what I feel are the beliefs of the majority of Jewish Americans, and, in fact the majority of all Americans.

At this point I enter his statement into the RECORD:

STATEMENT BY RABBI MORRIS V. DEMBOWITZ

My name is Rabbi Morris V. Dembowitz. I am the Vice President of the Board of Rabbis of Greater Philadelphia which comprises more than 100 Rabbis who serve a Jewish community of some 330,000.

We represent the three main religious groupings characteristic of American Judaism: Orthodox, Conservative and Reform.

What I have to say is not new but it is articulated here because we see an erosion of relationships between our country and Israel that must inevitably react not only upon the American Jewish community of 6,000,000, but also upon the American people itself, whose tradition is so interwoven with Hebraic strands of ethics, conceptions of justice and ideas of religion which derive from that unique land we call Israel.

1. At the outset I wish to assure you that we do not represent a lobby for Israel.

2. Our specific purpose is to express to the Senators of Pennsylvania and to the Commonwealth's representatives our deep gratitude for the Senate Resolution, signed by 78 Senators, and for the identical House Resolution so overwhelmingly supported by Pennsylvania Congressmen, which calls on the Administration to take immediate affirmative action on Israel's request for Phantom jets to maintain her "deterrent capability and to re-affirm" the importance of secure and defensible borders as a vital element in a peace settlement to be negotiated by the parties themselves. This resolution takes on an added sense of immediacy in the light of the recent Soviet MIG-23 Overflights on Israeli territory, most likely manned by Russian pilots.

3. We are also deeply appreciative of your graciousness in meeting with us during these busy days. We have not come impelled by a sense of crisis—but as religious leaders, desiring to share with you, our elected representatives, a pervasive gnawing concern, which not alone we, but our people feel as to the outcome of the Middle-East situation and what lies in store for Israel.

4. We want you to understand what causes our concern and to have you catch the depth of feeling from which it emanates. It comes from a vivid and never to be exorcized horror which was the holocaust. The deaths of those 6,000,000 of our kinsmen and co-religionists, the very flower of European Jewry, constitute a giant black spectre that that is always with us.

5. This spectre conjures up before us, as we look out upon our world, a series of smaller, yet, taken one by one, unbelievable horrors.

a. We read of 7500 Jews from Russia, permitted to leave. Where can they go—except to Israel? For little beleaguered Israel is their only refuge—and who knows how many more will refuse to come? We thank God that there is an Israel to go to. At the same time, we wonder about other Jews in the U.S.S.R., languishing in Soviet jails, some exiled to Siberia, many deprived of livelihood and means because they were brave enough to ask for permits to leave the Soviet Paradise. How much less than a holocaust or a pogrom is their fate?

b. Turning to the Middle East we are told

of tortures, of expropriations, of jailing of the small remnant, only 4500 Jews who are still held hostage in Syria. When they will be able to leave, only Israel can be their refuge.

c. What about the Jews in Iraq, the few still in Egypt, the 100,000 Jews in North Africa? Each one constitutes not a holocaust but a living death. Only Israel gives them a gleam of hope. Only Israel will take them willingly. Only Israel will absorb them, and restore them to the human family.

6. We reject as false and cruel, the Soviet accusation that Israel needs Russian Jews only as cannon fodder in her army. The few thousands that have been able to leave Russia have to under-go the same process of absorption, of finding jobs, of acculturating to a free way of life, of learning Hebrew. Like all who come to Israel, it will be years before they can make their way and stand on their own feet. When they do qualify for military service, it is that they can undertake the rigorous, pressure cooker training, which will fit them for civilian life, as well.

7. Were Israel interested only in cannon fodder, she would not be sending her own peace corps of young men and women, educated, trained, all of them army reservists, to nearly 90 different countries in Asia, Africa, and Latin America, less developed than Israel, to help them in economics, industry, agriculture and medicine. Despite her position in a sea of enemies, despite her own immigration and absorption problems, despite the heaviest taxes of any democracy in the world, Israel encourages students from these underdeveloped states to study in Israel. And, when they have been trained in Science, Agriculture and Medicine, they return to their home countries to lead in their construction and development.

8. With all its own external and internal problems, Israel had enough energy and sympathy to offer food and medicine to East Pakistan, and was rebuffed for her pains. Despite the hostility of the Arab world Israel has established installations for health and education in the administered territories, and has taught these Arabs in the area new techniques of agriculture and industry, thereby raising their standard of living. This last summer 106,000 Arabs, from various Arab countries, visited relatives in Israel and in the administered sectors. Some 2000 of these applied for permanent return to the West Bank. There were no flare-ups. All was calm.

9. We had thought that our State Department knew all these things, understood the uniqueness of Israel, appreciated and admired her achievements. Instead we have further cause for concern in the erosion of the close and friendly relationships that recent State Department activities reveal.

10. We are greatly distressed by the suggestion of the Department that Israel withdraw from the Suez some distance to the east in Sinai, that Egyptian forces cross over to the side evacuated by Israel, and thus destroy the effectiveness of the Bar Lev defense line, fortified by Israel at great cost of life and treasure. What would Egypt's quid pro quo be for this Israeli surrender? The promise of a limited cease-fire. What the Egyptian promise is worth we know from the missile installations that were brought close to the Suez in violation of the cease-fire terms arranged by the U.S. in June, 1970. If the past is any indication of the future, a limited cease-fire is an open invitation to war.

11. We are told by State Department spokesmen that we should regard the threats by Egyptian leaders that Israel will be destroyed or driven into the sea, as only so much rhetoric, only typical Arab hyperbole. This only invokes in us the ghost of Hitler proclaiming to all the world that he would rid Germany and indeed, all Europe, of its Jews. That, too, was rhetoric, effective rhetoric, for it became grim reality in the holocaust.

12. This is our overriding concern, today

and for the future. It is always with us. We who have experienced, even at a distance, the fate of the Jewish people, its destruction in Europe, are afraid, are obsessed by a dark fear that Israel's friends, after so many years of aid, become tired and impatient. That is why we share with you our emotional concern.

13. None the less we take this opportunity of thanking you most profoundly for supporting the Resolution, both in the Senate and the House, which indicates that the people's representatives are still Israel's best friends. We hope that the Resolution will be as overwhelmingly endorsed by the members of the House as it was by the members of the Senate.

14. I close by mentioning the question of the Foreign Aid Bill that Congress will be considering. We naturally feel that Israel's economic viability must not be shaken, especially when the military threat from Egypt and her allies is a real one. It has been Egypt's boast that Israel cannot long withstand either military or economic attrition. Twenty-three years of Israel's existence shatters this Egyptian boast. But we know well that without the support of our country, both in military and economic supportive assistance, Israel could not have endured. Our faith in this country and in its commitment to constitutional democracy has often been fortified by the evidence of our fellow-citizens' sympathy for and even identity with the hopes and destiny of the reborn State of Israel. Like America at its best, Israel, too, is dedicated to the democratic and ethical ideal of nationhood. We have faith that you and the overwhelming majority of Congress will continue your support of Israel and will help her to remain a bulwark of responsible democracy in the Middle East. A Foreign Aid Bill that will keep Israel materially and economically strong is the means of attaining this goal.

15. It was Lloyd George, I believe, who said some years after the first World War when disillusion and general unrest was sweeping the world, that the only lasting achievement of that war would be seen to be the establishment of the Jewish National Home in Palestine. That Home is now the State of Israel. It is our belief that in defending and straightening it, we are advancing not only the cause of justice and democracy in the Middle East—but also, so our faith would have it, the cause of the future peace of the world.

#### DRUG UNIT SHEDS IMAGE OF PRISON

**HON. MORGAN F. MURPHY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 9, 1971*

Mr. MURPHY of Illinois. Mr. Speaker, I am inserting a November 2, New York Times article describing the narcotics rehabilitation center of the National Institute of Mental Health in Lexington, Ky.

This facility is a good example of the approach we must take in dealing with narcotic addiction. The story notes that the facility's recommitment rate dropped drastically since the center began to resemble a hospital rather than a prison.

Some criticize that such programs are soft on criminals. I would argue that we can no longer imprison addicts without treatment, allowing them to return to the streets in a more desperate condition than when imprisoned. Our criminal justice system must be truly committed to rehabilitation.

Narcotic addicts, for the most part, are not hardened criminals. The uncontrollable craving for a fix leads them to crime to support their habit. It makes a great deal more sense to pursue programs like the one at Lexington in an attempt to rehabilitate the addict so that he may return as a productive member of society.

The need for more community-based facilities is apparent since access to large centers presents difficulties for many addicts. The main point is that we must continue to pursue new and innovative programs in this area. Our past experience shows that simple incarceration does not alleviate the problem, only postpone it. I insert a copy of the Times' article as an example of the type of facility which merits our continued support:

#### DRUG UNIT SHEDS IMAGE OF PRISON—REFORMS ARE INSTITUTED AT A HOSPITAL IN KENTUCKY

LEXINGTON, KY.—For 32 years, the United States Public Health Service ran a drug-treatment hospital here like a prison, with guards and iron bars. The facility had a recommitment rate of 90 per cent.

Now the bars are off the windows, bright colors decorate the walls, the inmates are called residents, and they have a swimming pool. The current recommitment rate is 27 per cent.

The change came with passage by Congress of the Narcotic Addict Rehabilitation Act in 1966. The center began changing its treatment program, its philosophy toward addicts and its operation of the physical plant. About four years ago, the National Institute of Mental Health took over administration of the hospital.

The thousand-acre center, a complex of four-story and five-story buildings, is still surrounded by a high wire fence. But inside, the treatment program now deals in psychotherapy, group and occupational therapy, social services, special training, academic and nonacademic education and general health care.

#### 5 TREATMENT UNITS

There are five semiautonomous treatment units—three male, one female and an experimental self-help group patterned after California's Synanon. Residents are permitted to decorate their own living quarters and their paintings embellish the walls.

The new approach has also been criticized. United States Attorney Charles Anderson of Nashville, Tenn., has called the center a "failure and waste of the taxpayers' money." He said that the center merely took criminals and released them from custody.

But Dr. Harold T. Conrad, chief of the center, says: "We deliberately don't have a jail-type facility because that did not work for 35 years."

Dr. Conrad said he would like those charged with drug-related crimes to be tried and sentenced, then given the opportunity to participate in the program instead of a prison term, but he added: "We don't advise district attorneys to drop charges against addicts because they want treatment."

#### VOLUNTARY ADMISSION

Addicts can also seek voluntary admission to the center through a United States Attorney.

The second criticism came from Representative Don Edwards, Democrat of California, who charged that addicts were being turned away "by the busload" from Lexington.

Mr. Edwards, chairman of a House Judiciary subcommittee considering drug rehabilitation legislation, said he was quoting from a General Accounting Office report that stated that Lexington and other treatment

facilities were turning away addicts while operating at only 50 per cent of capacity.

"I haven't seen any such report and we haven't turned anyone away for lack of space," Dr. Conrad said. He said that addicts admitted to the center must stay at least 30 days. After this "evaluation" period, during which addicts are withdrawn from drugs and undergo orientation, it is determined if the addict wants help and is suited to therapy.

"Our staff spends most of its time trying to persuade the patient to stay," Dr. Conrad said. "Rather than turning him away, the usual sequence involves the physician having to put up with a patient who is knocking on his door demanding to be released."

The patients who do stay undergo six months of intensive treatment and then enter aftercare programs for 36 months in their home communities.

#### TROOP PRODUCES 37 EAGLE SCOUTS

**HON. JOSEPH M. GAYDOS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 9, 1971*

Mr. GAYDOS. Mr. Speaker, I know every American is aware of the contribution the Boy Scouts of America have made to our Nation and its heritage. We are all proud of this organization and the type of men it has produced. Many of them have become leaders of men in every field of endeavor.

I am particularly proud of a troop in my 20th Congressional District of Pennsylvania. Among its many accomplishments, St. Robert Bellarmine Troop 85 of East McKeesport, has produced 37 Eagle Scouts in an 8-year period.

The adult leaders of this troop include David Edwards, scoutmaster; Joseph Capezzuto, Joseph Filicky, Chris Hoke, John Hoke, Richard Kellar, and Joseph Merritt, assistant scoutmasters; Joseph Capezzuto, campmaster; Chris Hoke, advancement chairman; Francis Mullen, committee chairman; John Hoke, secretary; Paul Gates, treasurer; and James Peppler, institutional representative.

Mr. Speaker, it is a pleasure and privilege to insert into the Record the names of the young men from troop 85 who have attained the rank of Eagle Scout, and I invite the attention of my colleagues to this outstanding achievement on the part of a single troop.

The names follow:

1961—John Galla and John Hathway.  
1964—Jerome Males.  
1965—David Edwards, Robert Brannan, and William Bird.  
1966—Edward Deenihan, Gary Litwin, Alfonse Wezorek, Roy Ferrence, Ron Simko, and Robert Bird.  
1967—Charles Beckett, John Hoke, Chris Hoke, Daniel Edwards, Edward Edwards, John Dern, and Richard Kellar.  
1968—Joseph Merritt and Patrick Deenihan.

1969—James Males, Dale Edwards, Patrick Edwards, Richard Wiley, Francis Mullen, Anthony Verrico, John Filicky, and David Malicki.

1971—Gerry Musinsky, David Stickel, Richard Welesko, Joseph Anselmo, Jeffrey Balogh, William Krumenaker, Michael Miller, and Glenn Gates.



## WILDLIFE—WHO NEEDS IT?

## HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. RONCALIO. Mr. Speaker, on Thursday, September 23, I submitted to the CONGRESSIONAL RECORD two winning essays from the Wyoming Wildlife magazine published by the Wyoming Game and Fish Commission which were tailored to the national theme: "Wildlife—Who Needs it?"

Today I submit the third in this series of articles, the first place winning essay in the junior division. "Why We All Need Wildlife" was written by an eighth grader from Lander, Wyo., Master Ron Reesy. Ron's clear and forthright message is one that we who have long since passed the 8th grade would do well to ponder.

The article follows:

## WHY WE ALL DO NEED WILDLIFE

Each individual should consider what wildlife does for him. Wildlife, like the miners' canaries, can indicate to us whether our environment is fit for our survival. The effects of DDT and other pesticides were discovered through studies of what they were doing to the wildlife. A few species of wildlife were analyzed after death and the scientists found that the wildlife had gotten the DDT from plants they had been eating. From further research, the scientists found that some people had already absorbed the harmful chemicals by eating the meat from the wildlife.

If a person were out in the wilderness and came upon a waterhole where dead animals or birds were close around he may be pretty sure that something was wrong with the water. If the wildlife was not there it may be the human who would drink the water and die. This is only one example but the same can apply to our food and the air we breathe. The miners used to have canaries fly down into the mines to test for dangerous gases in the shafts. If the canaries came back safe then the miners would know that the air was safe for them to breathe. If the canary did not come back the miners would know that it was unsafe for them to go down in the mine shaft.

Many people who live in big cities and towns don't get out of town very often; most of these people cannot see the need for wildlife and they don't understand what the wildlife does for mankind. They take wildlife for granted, and if they do think about it at all they will probably think that there will always be wildlife somewhere but it just doesn't concern them enough to really think about the advantages of having wildlife in our lives.

I would like to take any person who doesn't really care about the wildlife and ask him to go for a walk through a field, a desert, or a forest where he could listen to the sounds of the birds and animals—the chattering of chipmunks and the rustle of leaves when a deer walks by—and be able to see all of the wildlife. Then I would ask the same person what he thinks it would be like to walk through the same places with me when everything was still and silent—and no wildlife at all to be seen. After this the person could choose which way he likes best and I do think he would like the wildlife way best.

When roads and housing projects are built many different types of wildlife habitats are destroyed. For example, when a tree is cut down it will destroy the home of some animals or birds. And acres of forest are being cut down all over the country and there are

many homes and habitats of different wildlife species which are destroyed. The more hardy birds and animals may move and adapt to new environments and make new homes; others are just left to die. We can make substitutes for materials but there are no substitutes which can be made for wildlife. The wildlife of the country should be considered when building projects are planned.

Wildlife is also used as a great source of food. Hunting wildlife is a great sport for many people and besides the sport, many people hunt wildlife as a source of food for their families to eat. Indians still use animal hides for making clothes for themselves and also to sell as a means of making a living.

Wildlife is a major part of the web of life. Without the wildlife in the web of life insects would eat Man out of his house and home. Many birds and animals eat insects and bugs which are harmful to humans and their crops and source of food.

It doesn't take much time and thinking to know that the answer to the question "Wildlife: Who needs it?" is we ALL DO, whether all of us realize it or not. Just stop what you are doing for a few moments and think about what your life would be like with no wildlife at all any where!

## COUNCILMAN ZAZYCZNY DEFENDS KOSCIUSZKO HOME AT CITY COUNCIL

## HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1971

Mr. EILBERG. Mr. Speaker, as one of the original sponsors of legislation (H.R. 6759) to make Thaddeus Kosciuszko's last American home, located in Philadelphia, a national historic site, I was very pleased with the recent remarks of City Councilman Joseph L. Zazyчны, made in behalf of this effort. It is with singular pleasure that I call the eloquent statement of Mr. Zazyчны, who represents the section of Philadelphia in which I reside, to the attention of my colleagues.

The remarks follow:

Mr. President, I rise to speak specifically on a point of personal privilege that has touched the hearts of millions of people throughout the country for quite some time. We in this Council have also taken an active role with regard to the subject about which I intend to remark, when just a short time ago this Council passed a resolution, and that wasn't the first time, appealing to the government of the United States, through the United States Department of the Interior, National Park Service, recommending that the Thaddeus Kosciuszko House at 301 Pine Street in Philadelphia, as it has become known, be made a historic site by the suggestion of the advisory board of the National Park Service.

For many years this item has been bouncing about the halls and corridors of government, and despite all the public requests and historical facts presented, the United States Department of Interior Advisory Board recommended against the appeals to make this a national historical landmark.

I call this the worst Polish joke ever expounded upon in these United States, and an insult not only to the millions of Americans of Polish descent but also the governmental agencies and elected officials who are supporting the naming of 301 Pine Street

and designation of it as a national historical site. It is a disgrace that after so many years of contributions by many ethnic Americans to the greatness of this country, that a top federal agency would lend itself to such a low position in an effort to justify what I claim is their prejudices.

Many of us may not know who Thaddeus Kosciuszko was. Some of us are probably well aware of who he is, or who he was. He is best remembered for his engineering skill in erecting the fortifications at West Point during the colonial wars. His choice of battlefields and the erection of fortifications at Saratoga greatly contributed to the American victory there. He later distinguished himself as an officer in the cavalry in the Carolina campaign.

Kosciuszko recommended the present location for the establishment of the military academy which today is known as West Point, and where today there is a monument and garden to his memory. Military historians also name him the father of American artillery for his publication of the first effective system for the organization of the American artillery.

Kosciuszko was not a mercenary, and came to this country because of the colonists' quest for freedom. He used all of his own personal funds during his stay in this country. His devotion to liberty and Polish independence has made him one of the great Polish heroes but also his tremendous knowledge and sacrifices as well as his contributions have won him recognition as a great hero of our own American Revolution.

Mr. President, this is why I am appalled at the recent decision of the Advisory Board of the National Park Service to refuse Thaddeus Kosciuszko's home in Philadelphia as a national historical site. The board's reasoning is as specious as its decision is unwise. The board reasons that the house did not qualify as a national historical site because Kosciuszko lived there for only six months. To refuse a house for such a reason is to fault Kosciuszko for being a soldier and for living the life of a soldier. In his fight for American freedom Kosciuszko seldom stayed in any one place for a long time.

We in Philadelphia have done our part. This particular body has done more than can be asked of any body to preserve this site. We have done everything possible, both through ourselves and through the Redevelopment Authority, and I believe Philadelphia is to be complimented for its efforts.

But it seems that the men in Washington, D.C., wish to turn their backs not only on Kosciuszko but, as is quite obvious, to the millions of Americans of Polish descent, ignoring their contributions to the greatness of these United States and spitting on their blood that has flowed in the wars of this country's existence. For they too paid the supreme sacrifice, following in the footsteps of Kosciuszko, whose philosophy always was, "For God and country."

It must be remembered also, Mr. President, that at this Pine Street address Kosciuszko wrote and delivered to Thomas Jefferson his will and testament in which he bequeathed his fortune for the freedom of enslaved blacks. In a day when men are proclaiming the principle that all men are created equal, while holding other men in bondage, Kosciuszko by his will gave living proof of his dedication and belief in this principle.

I appeal to everyone, not only in this room but Philadelphia, to set upon their elected officials in Washington, D.C., and to definitely have this site in Philadelphia designated as a historical site under the guidance of the Federal government, and that it really does belong in the Society Hill area, and it is a tribute not only to a man but a philosophy, a belief, and a man's love of freedom for which we are well known.