The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

Victor A. Armstrong
Thomas H. Miller, Jr.
Robert H. Barrow
Herbert L. Beckington
Leonard E. Fribourg
Robert D. Bohn
William F. Doehler
Edward J. Miller
Wilbur F. Simlik
James H. Berge
James R. Jones

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of brigadier general:

Louis Conti
Verne C. Kennedy
Harold Chase

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be lieutenants

Abram Y. Bryson, Jr.
Warren K. Taguchi

IN THE ARMY

The nominations beginning Woodrow W. Stromberg, to be major general, and ending Bruce W. Wolitarsky, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 28, 1971; and

The nomination of Anthony B. Herbert, to be major, which nomination was received by the Senate and appeared in the CONGRESSIONAL RECORD on November 1, 1971.

IN THE NAVY

The nominations beginning Joseph P. Barreca, Jr., to be captain, and ending Lois E. Harden, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 26, 1971;

The nominations beginning Robert F. Ace, to be commander, and ending Anna Lea Steenburgen, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 26, 1971;

The nominations beginning Fletcher J. Barnes III, to be commander, and ending William C. Krieg, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 28, 1971; and

The nominations beginning Peter S. Capernaros, to be commander, and ending Franz Hatfield, to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 28, 1971.

EXTENSIONS OF REMARKS

MCI FOSTERS CULTURAL EXCHANGE

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, the world focus is on travel, both for business and leisure purposes. "See America First" is a slogan that has truly touched the hearts of the American people. More and more Americans are taking advantage of every opportunity to spend their leisure time in the enjoyment of our Nation's varied advantages. The cultural assets of our cities and the peace and contentment of our national parks and rural areas are chief tourist attractions to our Nation at vacation time.

But it is not only American travelers whose attention is centered upon the United States today. As we advance in history, all the peoples of the world are closer together in time if not in space. More than ever, foreign nationals are disposed to visit the United States, now that airline travel and improved communications have brought the continents together.

America has much to offer—our cultural life, our scenic beauty, our people of ethnic diversity. These many different factors compose a nation of the greatest possible appeal and potential for tourism. The time is ripe for America to encourage the peoples of other lands to visit, explore, and enjoy our great Nation.

And yet the primary stimulus to visit America for those of other lands remains at this time our technological progress. It is the businessmen of the world who are the most familiar with American geography. Unfortunately, however, too many of our foreign visitors touch only the business places here and hurry home again, without savoring even a taste of our cultural inheritance, and without allowing their families the opportunity to become acquainted with our people and our land. Throughout the world today, business men and women and professionals of every nationality must rush from airport and appointment with little respite representative of American traditions of entertainment or cultural interest.

It is a fact that to experience the predilections of an unfamiliar country in a relatively short period of time, the businessman must have preplanned activities to make the most of his brief leisure. The concept of helping the businessman to achieve full use of his time and to encourage business groups to visit the United States for exchange of ideas with their American counterparts is the basis for a new consulting firm, Marketing Coordinators International, founded on the belief that technological exchange should be combined with travel experience and cultural understanding.

Under the able leadership of Daniel A. Botkiss, president, MCI offers a multifaceted program of cultural preparation and coordination for professional conventions and conferences. This firm stimulates and facilitates visits by business groups to the United States through travel assistance, interpretive services, and professional exchange.

To reach a full segment of the international market, offices have been established in Paris, London, and Caracas, in addition to the Washington headquarters, with new locations planned for 1972 and 1973. The Paris office serves as an illustration of the coordinated concept of cultural exchange on which Mr. Botkiss has founded his new venture.

Directed by Countess Irene Gabrielle de Lambilly, who is chairman and managing director of Les Hôtesses Independantes Associées, Paris MCI has undertaken an active campaign to bring groups of businessmen and tourists to conferences in the United States. Exhibitions are arranged, speakers provided, and business tours and conferences are developed in conjunction with the comprehensive exchange program.

This new emphasis on technological and marketing transfer and identification on an international basis should be a great asset to our country in the world market and should serve to enhance our balance-of-payments record as well. I am pleased that American business is actively encouraging foreign travel to the United States in a systematic manner. To acquaint foreign businessmen with the American cultural heritage and geographic beauty will undoubtedly be a step forward toward our national goals of augmenting human awareness and international understanding in the hearts and homes and marketplace of all the peoples of the world.

THE TRAGEDY OF NORTHERN IRELAND

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1971

Mr. GROVER. Mr. Speaker, as a cosponsor with Congressman BIAGGI of House Resolution 672, I have for some time been concerned with the situation in Northern Ireland. I do not wish to exacerbate an already volatile situation by joining with those whose statements are merely calculated to twist the British lion's tail. However the time has arrived when international observation and concern should be turned to that troubled isle in an effort to bring a rational and just political settlement to a problem that increasingly gives indications of developing into a full scale civil war. Traditionally our Nation has had strong ties to both the Irish and British people, and I am certain that men of good will in Britain are as concerned as we are here over the recent reports of brutalities suffered by the Irish.

It is in this regard that I have been particularly distressed by the reports in the world press detailing the inhumane treatment accorded prisoners who have been interned in Northern Ireland. The New York Times of November 9, 1971, published a story concerning the efforts of Amnesty International to secure better treatment of these prisoners and charging that they were subjected to savage beating and torture. I submit for the RECORD a copy of an article in the London Sunday Times of October 17, 1971, detailing these brutalities:

HOW ULSTER INTERNEES ARE MADE TO TALK

The growing success of the British Army's efforts in Ulster to trace suspected IRA men and their weaponry stems, the Army claims, from an increasing flow of information. Privately, the Army acknowledges that

most of this is coming from those already detained.

As one Northern Ireland Cabinet minister said on Friday: "Those fellows are singing like hell." If so, what has made them "sing."

There is now a weight of circumstantial evidence which cannot be brushed aside that the interrogation methods being used in Ulster "ought"—to quote a Stormont Opposition MP—"to be unacceptable in a civilised country." Insight with John Whale report:

The military camp at Hollywood, just outside Belfast, has a reassuring name: Palace Barracks. Men of the First Battalion, the Parachute Regiment, are currently stationed there. But visitors to the camp have noticed a special compound at the back, with four huts surrounded by a corrugated iron fence.

The Army seems uncertain what to say about this. "There is a police holding centre there," one spokesman admitted, but of its purpose he said: "I don't think there is an interrogation centre there." But another spokesman agreed: "A certain amount of interrogation did go on at Hollywood straight after internment. It was a police affair, nothing to do with the Army."

The Royal Ulster Constabulary, on the other hand, say: "We are not prepared to disclose whether or not there is a place at Palace Barracks which we use for interviewing persons detained."

"DISORIENTATION" CENTRE

The facts are these. The compound at Palace Barracks houses an interrogation centre set up by a unit of MI12—the section of Military Intelligence dealing with Ulster. The centre is using top-secret "disorientation" techniques of interrogation to break down suspected IRA men. We have statements, smuggled from prison, by 11 men—all suspected by the Army of being "Provisional IRA leaders—who have been interrogated in this fashion."

The 11 men are: Kevin Hannaway, aged 22, Francis McGuigan, 23, Joseph Clarke, 19, and James Auld, 20, all of Belfast; Patrick McNally, 24, and Bian Turley, 25, of Armagh; Gerald McKerr, 27, of Lurgan; Sean McKenna, 42, of Newry; Michael Donnelly, 22, of Derry; Patrick McLean, 38, of Berargh, Co. Tyrone; and Patrick Chivers, 31, of Toomebridge, Co. Antrim. All these were given the full "disorientation" treatment.

Corroborating details about life in Palace Barracks come from a 12th man, Tony Rosato, a 24-year-old second-year student of modern history and economics at Queen's University, Belfast, who spent 36 hours in the place before his release last Tuesday afternoon. Rosato was not given the treatment.

The technique was the same for all 11 men. They had been rounded up at various points in the province—mostly at Girdwood Barracks in the centre of Belfast. All were blindfolded by having a hood, two layers of fabric thick, placed over their heads. These hoods remained on their heads for up to six days.

Each man was then flown by helicopter to an unknown destination—in fact, Palace Barracks. During the period of their interrogation, they were continuously hooded, barefoot, dressed only in an over-large boiler suit, and spread-eagled against a wall—leaning on their fingertips like the hypotenuse of a right-angled triangle.

PERVASIVE NOISE

The only sound that filled the room was a high-pitched throb, which the detainees usually liken to an air compressor. The noise literally drove them out of their minds.

At intervals, they would be taken from this room for questioning by RUC Special Branch men. Unless they were cooperative, they were returned to the room. This continued for up to six days.

The "disorientation" technique of interrogation is among the most secret areas of the British armed services' training techniques. Using Russian brainwash techniques, it was refined for British service use by an RAF wing-commander, who committed suicide later. It is taught to select military personnel at the Joint Services Interrogation Centre, whose location is an official secret.

The interrogation at Palace Barracks was organised, so far as we have been able to ascertain, by men from the Joint Services Interrogation Centre. The actual questioning appears to have been carried out by members of the Royal Ulster Constabulary Special Branch.

The statements of the 11 after their experience are jumbled and often incoherent. (One, subsequently released, is now under treatment for mental disorder.) The best description of the actual interrogation technique at Hollywood—as opposed to the disorientation process—comes from the student Tony Rosato.

They said that my brother had said I was a member of the IRA. They said that the girls picked up from my house had said I was a member of the IRA. They asked me to sign a statement, saying that I had made incendiary devices for these girls. The date they said was 1970. I was in Oxford in 1970 and didn't even know these girls.

There were three interrogators. One was what I call the intellectual. He was obviously more intelligent and he was meant to be more intelligent than the others. That was his role, to defeat me intellectually, in my political and socialist ideas. One interrogator would be very kind, smiling at you now and again asking if you would like cups of tea. The other would be brutal and trying to get around the desk to get at you and being restrained by other policemen, who would be saying 'remember they've got these inquiries now.'

Each policeman is on duty in Palace Barracks for about 12 hours a day. There are only two shifts in the day. Each shift behaves exactly the same as the next shift and that is not just coincidental. Each officer uses the same methods, coming up to you and whispering and suddenly changing the tones of his voice and screaming at you. For instance, 'fold those blankets Tony.' There were maybe 40 of them, which I did. A very kind policeman acting the father showed me how to do it. I did it in the same fashion. Another came in and shouted 'what are you doing?' I said I was asked to fold them. He kicked them all over the place and said. 'You silly bastard, you're not meant to do them like that.'

I said to the intellectual interrogator that only a fool, would say no one could break under the treatment. Someone without intelligence might survive it, but I have seen grown men crying and young fellows pleading to scrub the floors, clean out the toilets, because of the pressures in the detention room. You plead for work to clean pebbles or wash windows covered in paint.

The intellectual's whole attempt was to defeat and change my political beliefs. He said, 'Look, Tony. if we let you out—and there is a very good chance we will—will you stop it? Just get your degree and emigrate.'

Mr. Rosato's experience should be set beside those of Mr. Patrick Chivers, one of five detainees released on Friday. He was given the full "disorientation" technique after his arrest at his Toomebridge home on August 9:

I was taken into a room. In the room there was a consistent noise like the escaping of compressed air. It was loud and deafening. The noise was continuous. I then heard a voice moaning. It sounded like a person who wanted to die. My hands were put high above my head against the wall. My legs were spread apart. My head was pulled back by someone catching hold of the hood and at the same time my backside was pushed in so as to cause the maximum strain on my body. I was kept in this position for four, or perhaps six hours until I collapsed and fell to the ground. After I fell I was lifted up again and put against the wall in the same position and the same routine was followed until I again collapsed. Again I was put up and this continued indefinitely. This treatment lasted for two or three days and during this time I got no sleep and no food. I lost consciousness several times.

A prisoner of the surname of Shannon—William Anthony Shannon, of 24 St. James's Place, Belfast—was still untraced yesterday after his arrest a week before. Mr. Rosato had more to say about the detainee he knew as Shannon.

He whispered to me that he had ulcers. He must have been 26, perhaps, crying, and in agony with his stomach. I didn't understand what it was. He said he had been hit a couple of times in the stomach. I thought back to when I went in. They ask if you have any ailments. I had asthma and I told them, and that became another subject for abuse. They took my inhaler off me. They bargained to give you a tablet. My inhaler was used on other people, people who did not know what it was. Policemen would be bragging about a new truth drug and things like this. They would march into a room and the next thing I would hear was my inhaler being used, and police saying "Open your bloody mouth, that thing is dangerous. It is poisonous."

When I was released I could not even walk without looking round me. I couldn't even walk without someone telling me to walk. For the last two days we had been told to walk to the left, walk to the right, to run, to walk slowly to do this, to do that. We had done nothing of our own free will. The only activity on my own I had was purely intellectual. If I scratched myself I was told to stop. My hand was beaten off my head. They try to smash your individuality.

The noise is an essential part of the breakdown technique. One man, Paddy Joe Mclean, of Main Street, Beragh, refers in a signed and witnessed statement to a whole range of disquieting sounds: "Compressed air escaping all the time, moaning, death services, hymns, execution order, protest moans, firing squad, mob singing."

Other testimony related more simply to physical ill-treatment, though accompanied by powerful threats. In a signed and notarised statement, Bernard McGeary, of Ardmore Row, Coalisland, who was held for about 30 hours on 17 and 18 September spoke of his interrogation in a cubicle in a place he believed to be Palace Barracks.

Everybody who questioned me was in plain clothes and had Northern Ireland accents. I was put against the wall, fingertips touching and feet spread apart. One man thumped me in the stomach with his fist while the other stood by to watch me. Meanwhile, the man at the desk and the man beside me shouted questions. This lasted five minutes. The two beaters left and I was questioned for another ten minutes. The two beaters returned and asked if I had talked. Then they put me up against a wall again and did the same thing over again for five minutes. They then said, He better talk before we get back or he will get the needle. They indicated a needle with a handle four inches in length, which was lying on the desk. I was questioned for another five minutes.

Then I was told to sit down, and asked if I had anything more to say to save myself. I would be sent to the Maidstone [detention ship] for 10 or 15 years. They said the interrogations and beatings could go on for a week or more unless I talked. One of the beaters returned and said, "Bannigan has talked and Morgan has talked. At this point I could hear thumps and squeals from behind the partition.

Mr. McGreary told us that when he was let out he had to sign for his belongings. On the back of the same form was a declaration to the effect that he had no complaints about his treatment. He signed that too. "At that stage I would have signed anything."

The army is determined that this phase of its battle with the IRA shall remain secret. The official inquiry under Sir Edmund Compton, now looking into allegations of brutality towards detainees, was given terms of reference specifically designed—according to a high military source—to prevent its inquiring into these interrogation techniques. For Compton can only inquire into brutality "prior . . . to their being lodged in a place specified in a detention order."

This phrase relates of Regulation 11, paragraph 2, of the Special Powers Act—which lays down that the detention order, signed by the Minister of Home Affairs, must refer to a specific place of detention.

So far as we can tell, all those later taken to the Barracks had not only been served with such detention order—but had also, however transiently, been "lodged" in the place specified.

The catch is that they were then served with another document—this one signed personally by Brian Faulkner, Prime Minister and Minister of Home Affairs. [The detention order merely had his rubber-stamp signature.] The second document allowed them to be moved—under Regulation 11, Section 5—to "any place where his presence is required in the interests of justice." The place was the interrogation centre at Palace Barracks.

So anxious was the Army to keep the affair legal within the terms of the Special Powers Act that a few men were flown back to their place of detention, handed the movement order, and then flown for a second time to Palace Barracks—this time, for thorough interrogation. But the fact of an illegal first journey in several cases may be the loophole under which, should he choose, Sir Edmund Compton could look into the affair.

U.S. TRADE BARRIERS

HON. ARTHUR A. LINK

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1971

Mr. LINK. Mr. Speaker, I call attention to an article that appeared recently in the Washington Post:

NIXON IGNORES U.S. BARRIERS WHILE PRESSING 10-PERCENT SURTAX

(By Hobart Rowen)

President Nixon and Treasury Secretary John B. Connally, in the high stakes international poker game they're playing to win lowered trade barriers, are trying to convince the world—and appear to have convinced themselves in the process—that the cards have been stacked against the United States in recent years.

And so, with great reluctance (they say) they uncorked a lethal weapon, the 10 percent import surcharge, to set things straight.

Now, it is true that since the Bretton Woods monetary system was set up in 1944, many of the world's currencies have been devalued, and the United States has suffered from this cumulative, competitive cheapening of money.

Moreover, Japan and West Germany were allowed to start out at the end of World War II with deliberately undervalued currencies to give them, as defeated nations, a headstart on economic recovery.

So the dollar had gotten out of whack—it was overvalued, especially in comparison to the yen and the Deutschemark, and a realignment of currencies and reform of the antiquated Bretton Woods system was long overdue.

But the facts on the trade situation do not square with the administration's charges. The truth is that the United States has just as many, if not more, trade restrictions than our partners and competitors all over the world, although one would never learn this from Mr. Connally's Treasury Department.

And the insensitive use of the surtax as a lever to force trade concessions is seriously jeopardizing many long-term and close relationships—as in Canada—which may never be repaired.

A speech given by John C. Renner, Director of the State Department's Office of International Trade on January 30, 1971, deserves to be recalled. It showed:

Although the U.S. and European average tariff rates will be very close at the end of the Kennedy round (8.3 percent and 8.4 percent), a breakdown of major industrial sectors shows that the European community (EEC) will have the highest tariff in none of the 23 major industrial sectors, and the lowest in 11. The U.S. score is not quite so good, the highest in 4, and lowest in 6.

In the distribution among 919 categories of industrial products, the U.S. has considerably more high tariffs and also more lows, whereas the EEC's tariffs are grouped more closely around the average.

A small but significant number of the 919 industrials is also hampered by quantitative restrictions such as quotas. The U.S., Canada, and the U.K. are using this device more freely than a decade ago, while discrimination against Japan—especially by the EEC—is widespread.

On the agricultural side, as everyone knows, the Europeans have a bad record, with a highly protectionist Common Agricultural Policy. But in terms of industrial quotas, according to Renner, the U.S. restrictions "cover a relatively large number of products and relate to the largest amount of trade," whereas the EEC's quotas, which also cover a large number "pertain to a comparatively small amount of trade." Japan's quotas cover the largest number of products and affect "a considerable amount" of trade.

The point of Mr. Renner's exercise in January is just as valid today: all of the industrialized countries, including the United States, maintain substantial tariff and nontariff barriers against industrial and agricultural products.

He said then, and it is worth repeating to his colleagues elsewhere in the U.S. government:

"Unilateral action by any country to restrict trade, changes the balance of concessions arrived at over the years, and is most likely to provoke counteraction to restore equilibrium."

Moreover, the anti-American feeling generated by the bull-in-the-China-shop technique has lost us friends. Thoughtful Canadians (distressed as well that President Nixon erroneously named Japan, not Canada, as the No. 1 U.S. trading partner) wonder whether their government should seek to maintain the historic ties between the two nations. "When they imposed the surtax," said one Canadian sadly, "they didn't even say they were sorry they had to do it."

But U.S. policy, in the face of concern abroad over the possibility of retaliation and world recession seems unbending. Secretary Connally told the American Bankers Association in San Francisco the other day that the surtax "is going to stay on for awhile because it frankly is to our advantage to keep it on for awhile."

Mr. Renner's analysis shows there is plenty of discrimination on our side, running from the American Selling Price valuation system to Buy American practices, now exacerbated by the 7 percent investment tax credit proposal and the DISC idea (see Professor Surrey's separate piece on that issue).

Perhaps Messrs. Nixon and Connally should be reminded that a cutthroat international trade policy between the two great wars brought on Hitler.

FOREIGN AID—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1971

Mr. RARICK. Mr. Speaker, I recently reported to my people on foreign aid. I insert my report in the RECORD at this point:

RARICK REPORTS TO HIS PEOPLE ON FOREIGN AID

The rejection of the foreign aid bill by the Senate was the most responsible action by that Body in quite some time. The internationalists, however, never give up and on November 5th the Senate Foreign Relations Committee voted unanimously to make an effort to revive foreign aid.

I thought we'd discuss foreign aid today since our nation is again confronted with this costly boondoggle which has cost the American taxpayers in excess of $200 billion when interest is included. American taxpayers have over the past 25 years paid billions in interest on money borrowed by our Government to give to foreign countries.

The United Nations Relief and Rehabilitation Administration which came into being near the close of World War II followed by the Marshall Plan which lasted from 1948–52 are accepted by many as the beginning of foreign aid. A forerunner of these programs, however, should be mentioned in any discussion of foreign aid. I refer to lend-lease. Lend-lease was provided at first to help the British to fight the Germans and to ostensibly help keep the U.S. out of World War II. It was also given to help Russia.

Lend-lease has through the years been replaced from time to time with new labels, appropriations and purposes, but all undertake the same operation—to share with the rest of the world all we have. Harry Hopkins, Roosevelt's Herr Kissinger, stated at a public Russia aid rally at Madison Square Garden in June 1942, "We are determined that nothing shall stop us from sharing with you all that we have . . ." The concept of foreign aid was revealed earlier by Joe Stalin in 1921 when he said that the advanced countries should render aid to other nations to socialize and equalize the economic development of all nations which was so essential for their assimilation in a one-world socialist system.

The apparent purpose of the Lend-Lease bill was to provide munitions to Britain which was in dire need of them at that time. However, the bill was so cleverly drafted that it authorized the President to give almost anything—to anyone.

A most illuminating account of Lend-Lease was provided by Major George Racey Jordan, who, as an officer in the U.S. Army Air Corps, was directly involved in administering the program. Major Jordan relates that his orders to Active Service in May, 1942 read: "United Nations Depot No. 8, Lend-Lease Division, Newark Airport, Newark, N.J. International Section, Air Service Command, Air Corps, U.S. Army." Amazingly, 1942 was three years before the United Nations came into existence!

Except for appropriations by the U.S., Lend-Lease was never an American program. It was from the beginning a branch of the United Nations even before there officially was a U.N. Jordan relates further that detailed information as to what was given to Russia was not published by the Roosevelt Administration for Congress or for the public. In a diary which he kept, Major Jordan recorded the many items which he from first hand knowledge saw being shipped to Russia. Included were a tire plant, aluminum rolling mill, pipe fabricating works, a complete oil

refinery, printing machinery, agricultural products and many other materials. Three items of exceptional interest sent to Russia were materials for the atom bomb, our production equipment for the manufacture of gold mining machinery, and our money-printing plates to print military marks for use in Germany as Allied Military Occupation currency. It is estimated that Lend-Lease shipments totaled $11 billion. World War II provided a good cover to give the Soviets most of the progress they made. Major Jordan provides many more details about Lend-Lease in his books *From Major Jordan's Diaries* and *Gold Swindle: The Story of our Dwindling Gold.*

The next label for foreign aid was United Nations Relief and Rehabilitation Administration (UNRRA). This was again a U.N. agency financed by the United States taxpayers. Its purposes was said to be to rehabilitate war-torn Europe and help the European nations recover economically. A large amount, estimated in excess of $1 billion, went to Russia and helped bolster the Soviets in their enslavement of central and eastern European countries.

As the American public began to see through the fallacy of one foreign aid program, the CFR dominated State Department came forth with another new label for a dressed up old program.

Next came Greek-Turkey aid followed by the Marshall Plan. In March 1947, President Truman called upon Congress to provide military and economic aid to nations threatened by powerful neighbors. He recommended $400 million for Greece and Turkey on the border of the Soviet Union to spend in defending themselves. A few months later General George C. Marshall began developing a program for spending billions of American dollars to help war-torn European nations to rebuild their cities, industries, and economies. Under the Marshall Plan both friends and former enemies regained prosperity.

Other titles under which the American taxpayers have paid for the foreign giveaway programs are Point-Four, Mutual Assistance, Mutual Defense, Mutual Security, Economic Cooperation Administration, and International Cooperation Administration. It presently goes under the name of Agency for International Development (AID).

Then, as the general public would wake up and begin to get disenchanted with the foreign giveaway, the share our wealth planners would subtly change the way the program was operated. Outright gifts became "soft" loans, International Agencies were established by our government to "lend" our money to foreign nations instead of giving it to them. The loans are usually long-term and at a very low rate. Even then, many of the loans are never repaid.

Foreign aid has been sold to the American people as a program for containing Communism. Yet, most knowledgeable persons feel that foreign aid is a subversive plot to help remake the entire world under a one-world communistic style government. Evidence to support this point of view was brought out in 1956 by the Senate Internal Security Subcommittee. The evidence showed that foreign policies, including foreign aid, were formulated by American communist Harry Dexter White, alias Weiss, a member of the Council on Foreign Relations, an undercover Soviet spy and Assistant Secretary of the U.S. Treasury in the Roosevelt Administration. White was our principal spokesman at the Bretton Woods Monetary Conference in 1944.

The policies set by that conference have been followed by our government since the end of World War II. They are our policies today. Wonder what happened to our money? They were intended to do the following: (1) to transfer the U.S. gold reserve to other countries; (2) to enhance the industrial capacity of other nations at our expense so as to end American productive superiority; (3) to take markets, domestic and foreign, away from American producers so as to end American domination of world trade; and (4) to make American affairs so interdependent with those of other nations as to destroy American independence and to force the U.S. to become an interdependent part of a world-wide socialist system. During the past 25 years unfortunately these policies have been implemented.

Foreign aid is generally classified as military assistance and economic assistance.

The arguments justifying military aid to other nations are that such aid enables these nations to defend themselves against communism, promotes peace and also saves American taxpayers' money since it is cheaper to equip others to fight than for our men to do the fighting against communism. The records of recent history belie these arguments. More than a billion human beings in over 20 nations have ended up under the yoke of tyrannical communism since our foreign aid programs started. In 1945, America was the strongest nation in the world and the military might of communist nations was no threat. Today the threat is a serious one since they have strengthened their defenses—thanks to our aid—while our own defenses have been deliberately weakened.

By our world wide distribution of arms, American weapons have been used by both sides in numerous conflicts. A good example is the India-Pakistan war of the early 1960's in which both sides used U.S. weapons. As a consequence, both countries hate us for helping the other side. Also, India has now made defense treaties with Russia and Pakistan has denounced us and embraced communist China.

Since mid-1945, we have given Bolivia and Chile in excess of $2 billion, apparently to stimulate their economies and help raise living standards of their poor so they wouldn't become targets for communist exploitation. Nevertheless they have both come under communist regimes.

The proven result of our aid to other nations has been not to finance freedom but socialism—the sophisticated term that means communism.

While the foreign aid has been explained as needed to contain communism, some of it has even gone to bolster communist nations.

Since mid-1945, we have provided Poland $580 million of foreign aid. Yet, at the same time in recent years when American wheat was being unloaded in a Polish harbor, Polish goods for communist North Vietnam were being loaded in other ships.

Not only has foreign aid been a failure in stopping the spread of communism, but it has also caused nations once considered our friends to hate America. We should have learned by now that with nations as with individual persons, friends cannot be bought. Britain, Sweden, Canada, and other nations we have helped actually trade with the Communist enemy that America alone is fighting in the no win war in North Vietnam. South American countries have seized our fishing vessels in international waters and have fined their owners. Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Mexico, and Peru have confiscated or expropriated about $3 billion worth of property owned by U.S. businesses with inadequate or no reparations at all. In other instances, damage has been done to American embassies and other installations abroad and our officials have been insulted. Yet, our leaders—Republican or Democrat—continue to dish out foreign aid to these countries.

President Nixon stated in 1969: "Certainly our economic aid to developing nations helps develop our own potential markets overseas." This is simply not so. Sales of American goods have decreased. Why should any foreign countries buy from us what they can get from us free?

Our give away programs have financed foreign government owned or sponsored shipyards, textile mills, steel mills, and cement plants. These industries, subsidized by favored government treatment and with U.S. AID funds, have been able to undersell American domestic goods. The net effect of this has been to cause American businesses to shut down and to swell the unemployment rolls here at home.

And while aiding foreign industries at the expense of American industries, the Nixon administration because of a U.N. sanction refuses to allow American industry to buy high grade chrome from Rhodesia, one of our few real friends left and which offered to help us in Vietnam. American industry buys inferior chrome from Russia, who aids our enemy in North Vietnam, at double the Rhodesian price. This alone removes U.S. products from the competitive price market. And to show the total insanity of the whole chrome situation, Russia—in violation of U.N. sanctions—buys the superior Rhodesian chrome at the lower price.

The foreign aid program has proved detrimental to any interests of America. My first objection to it is that is is unconstitutional. The Constitution, which doesn't even authorize the federal government to finance education and housing in this country certainly doesn't authorize it to tax Americans to perform these functions for foreign countries.

A second objection to foreign aid is that we don't have the money to finance it. With this nation having a public debt approaching $400 billion and an estimated deficit in the budget this fiscal year from $25 to $40 billion, foreign aid is inflationary, fiscally irresponsible, and immoral.

And finally, the program over the past quarter century has promoted the spread of slavery under communism—not freedom. It would be the height of folly to continue this program. Foreign aid should be phased out as soon as possible. The necessary portion of unexpended funds still in the pipeline estimated in the billions should be used to close down the program, AID should be disestablished, and the remaining funds returned to the Treasury.

The argument that foreign aid must be reestablished to give money to Israel so she can buy U.S. airplanes doesn't hold water. I maintain that this country should follow a hands off policy in the Middle East. In a legislative poll taken of my constituents, 61.2% favored a hands off policy by the United States regarding the Mid East dispute. If the American people, however, want Israel to have jet planes, then we should give her the planes, not the money. We can buy planes wholesale and at least cut out the middlemen.

This is the costly record of the U.S. foreign aid—it has helped no people, least of all U.S. citizens.

THANKSGIVING DAY SALUTE TO SENIOR AMERICANS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mrs. GRASSO. Mr. Speaker, at this time of Thanksgiving, it is a pleasure to offer special thanks to our older friends—those who have given so generously of their vitality and spirit.

In a society increasingly geared to the youth culture, the elderly are too often shunted aside and cast adrift. Today, there are more than 20 million older people in our population of over 200 million. This number is growing at a rate of 330,000 a year. Their needs are real. Income assurance and health care, nutrition, housing and transportation—all

are areas that demand our attention and require programs of adequate dimensions. Let us look at some facts.

In the Sixth District, there are some 46,000 persons, aged 65 and older. The latest available figures in Connecticut indicate that the median income of persons between 65–74 years of age is $1,785 a year, while the median income of those 75 years and older drops to $1,153. Over 57 percent of the 65-75-year-olds and some 73 percent of those over 75 have an annual income of less than $2,000. In the area of housing, Connecticut had only 5,072 occupied units of Federal and State financed housing by 1970 for an elderly population of nearly 289,000. In addition, only 2,330 units were either under construction or in the planning stage last year.

Fixed incomes, minimal social security and pension payments, and inadequate medicare coverage place severe limitations on the full and secure retired life older Americans deserve. These difficulties are coupled with a lack of mobility and resulting loneliness and isolation. The valuable skills of the elderly are also often ignored and forgotten.

Since entering the Congress, I have urged far greater commitment from the Government to help older Americans. This year, social security benefits were raised by 10 percent. I supported this legislation, and am also supporting legislation to raise benefits by 50 percent. Other legislation which has my strong backing extends medicare coverage to some persons now not included, establishes a comprehensive drug insurance program for the 20 million Americans covered by medicare, and creates a Select Committee on Aging. In addition I am vigorously supporting legislation to provide low cost, nutritionally sound meals to millions of older Americans; as well as legislation to make available, inexpensive public transportation for the elderly.

The problems and needs of older Americans have always been a special concern of mine. As a Nation we cannot be satisfied so long as millions of our finest, most valuable citizens meet with unnecessary suffering and misfortune in the twilight of their lives. The efforts of Johnny Unitas, Carmella LaSpada, and the American Association of Homes for the Aging in organizing a Thanksgiving Day Salute to Senior Americans are certainly to be commended.

As we now focus our attention during this Thanksgiving season in deserved tribute to our senior citizens, let us commit ourselves as a Nation to take the first steps in building a bold and comprehensive national program to improve the lives of older Americans. There could be no more positive and appropriate way to celebrate Thanksgiving Day.

THE TOTAL ENVIRONMENT

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. THOMSON of Wisconsin. Mr. Speaker, we all share a common concern for the condition of our environment. Sometimes, however, in our eagerness to restore nature to its natural condition, we lose sight of the obvious fact that man is an integral part of the environment. Our efforts to protect our air and waters should be firmly rooted in man's requirements. We are not seeking to conserve nature as an end in itself, but rather as a means to enrich the human condition. Our air and waters must be clean, not for the intrinsic value of clean air or water, but because the very survival of human life depends on it.

Economic development is entering a new era of environmental consciousness. Business decisions are beginning to respect the limitations imposed by our natural habitat. And, yet, these business decisions must also insure production and employment to sustain the population.

Frances L. Harper, editor of the Prescott Journal, in Prescott, Wis., cogently expressed this often-overlooked facet of environmental concern. I am including his November 4 editorial at this point in the RECORD:

EDITORIAL

As someone pointed out recently, there is more to the environment than the air we breathe, the water we drink and the trees and forests. Our environment also includes the house in which we live, the office, farm or factory in which we work to give us the wherewithal with which to live and the commerce upon which a healthy economy depends. All of these things go to make up the total environment, which, according to the dictionary, is the aggregate of the external conditions and influences affecting the life of an organism.

So far as the environment is concerned, man must be considered as a mere organism. He requires the necessities and the amenities of his life that are part of his environment just as surely as air, water and forests. Pollution control must conform to our total environmental requirements. In short, we need air, water, forests—and factories, homes and businesses.

NATIONAL POLICY QUESTIONS INVOLVED IN THE BLUE RIDGE PROJECT

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, November 11, 1971

Mr. SPONG. Mr. President, two articles have come to my attention which discuss the fallacy of the concept of "pollution dilution" as it relates to the proposed Blue Ridge power project on the New River in southwest Virginia.

I am concerned over pollution in the Nation's rivers, but I have never believed that the burden of providing clean water for the Kanawha River at Charleston, W. Va., should be borne by the Blue Ridge project to the extent proposed by the Department of the Interior and the Environmental Protection Agency. Using water from the proposed reservoir to flush pollution out of the Kanawha is bad policy. Pollution dilution should not be substituted for at-source treatment.

Mr. President, the articles to which I refer are an editorial published November 5 in the Winston-Salem, N.C. Journal, and an account by Mr. E. W. Kenworthy of the New York Times News Service, published in the Winston-Salem Journal of November 7.

Because national issues are involved, the information in the articles will be of interest to every Member of the Senate. I ask unanimous consent that the editorial and the article be printed in the Extensions of Remarks.

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

[From Winston-Salem Journal, Nov. 5, 1971]

MORE REASON FOR DELAY

The proposed Blue Ridge hydroelectric project, as most Northwest North Carolinians know by now, would require the storage of vast amounts of water on the New River for pollution control downstream in the Kanawha River valley.

But little by little we seem to be getting away from "pollution dilution" as a workable concept. The latest evidence of that was the overwhelming Senate vote in favor of legislation which would eventually outlaw discharges of pollutants into American waterways. Supporters of the bill are looking toward the year 1985 as the target date for this achievement; and although that may well be too ambitious a deadline, the drift toward a policy requiring at-source cleanup is unmistakable.

All of which suggests that the Federal Power Commission ought to delay a while longer the licensing of the Blue Ridge project. A preferable alternative would be to reject the plan outright, and order Appalachian Power Company to come back with a more modest proposal. But that is unlikely. The best hope for critics is to get a delay which will allow time for another in-depth study of the potential consequences.

The Senate's support of a stringent clean-water policy comes at an opportune moment. The FPC has called a special hearing this month to give supporters and opponents of the project a chance to sum up their arguments against it. Chauncey Browning Jr., the attorney general of West Virginia, says he will present to the commission evidence that the Interior Department based its support on "erroneous information" which ought to be stricken from the record.

He is supported in this, at least indirectly, by Stewart Udall, the former Secretary of Interior who endorsed the project when it was first proposed and later withdrew that endorsement.

But the more compelling reason for delay, it seems to us, is the changing shape of our national water policy. We can be fairly certain now that Congress will never adopt a policy based on Interior's faulty dilution concept. That concept, hurriedly embraced without adequate consideration of the damaging effects it would have on the New River valley, always had something of a stopgap flavor, anyway. Even at best, we could dilute the water of the Kanawha only up to a minimum acceptable level, and this, as we now admit, will not be good enough.

Furthermore, it is apparent that there will be no water available for flushing until sometime in the 1980s, if critics go through with their threat to appeal an unfavorable FPC ruling to the federal courts. Given a certain conjunction of events, this could mean that the discharge now responsible for the pollution of the Kanawha will have been eliminated completely before the flushing dams are ever built.

The Blue Ridge controversy has in some ways taken on the air of a Kafkian plot. Whether the FPC has gotten the message remains very much in doubt, however.

[From the Winston-Salem Journal & Sentinel, Nov. 7, 1971]

"FLUSHPOT" PLAN MAKES DAM A NATIONAL ISSUE

(By E. W. Kenworthy)

(NOTE.—The controversy about building a hydroelectric project on the New River has produced some questions of national interest. E. W. Kenworthy, a New York Times reporter whose speciality is the environment, took a look at the Blue Ridge project. This is what he found about the arguments for and against the project)

WASHINGTON.—On Thursday the Federal Power Commission will hear more arguments about whether a license should be granted to the Appalachian Power Co. for a $350 million hydroelectric project on the New River on the western border of Virginia and North Carolina.

The hearing room will be crowded and tension-laden because the project has aroused bitter opposition, not only locally but also nationally among environment organizations.

The controversy is now approaching a climax after a five-year battle of hearings and lawyers' briefs. The argument on Thursday will be the penultimate administrative proceeding.

Twice—on Oct. 1, 1969, and June 21, 1971—the power commission's presiding examiner, William C. Levy, has issued a license subject to commission review on appeal. Twice opponents have appealed. Now if the commission approves the license, the opponents' last recourse will be the courts.

The Blue Ridge project, as it is known, will produce a whopping 1,800 megawatts of power and an annual income of $39 million for Appalachian Power, a subsidiary of American Electric Power Co. of New York. Its two reservoirs, besides storing water for power, will also store 160,000 acre-feet for flood control and 400,000 acre-feet initially (650,000 by 1987) to be used to dilute the pollution of the Kanawha River by the industrial complex at Charleston, W. Va., 260 miles away.

(An acre-foot is the water necessary to cover an acre to the depth of one foot.)

The reservoir will also obliterate 44 miles of the New River, one of the few remaining clean rivers in the eastern United States, and 212 miles of tributary creeks, including some of the country's best trout water. They will flood thousands of acres of rich bottom land and pastures and about 1,200 homes, requiring the relocation of roughly 5,000 people.

Hence the controversy.

On one side are the presiding examiner and some of the staff of the power commission, the Department of Interior and the power company.

On the other side are the State of Virginia; the State of West Virginia in the person of its Democratic attorney general, Chauncey H. Browning, Jr., Republican Gov. Arch A. Moore, Jr. has tried unsuccessfully to block Browning's intervention); Grayson County, Va., and Ashe and Alleghany counties, North Carolina, whose people would be affected; the Appalachian Regional Commission; a number of state environmental organizations all with national affiliations, and the North Carolina Farm Bureau (North Carolina has also intervened, but in such a minor way as to draw protests from Ashe and Alleghany counties at what they regard as indifference to their interests by Gov. Robert W. Scott and Atty. Gen. Robert Morgan, who intends to run for governor.)

The proponents argue that the project is essential to provide needed power at lowest cost for other areas served by American Electric's system (it would not be used locally); that the opponents are standing in the way of "progress"; that the lakes formed by the reservoirs will enhance the recreational potentialities of the area and prove a boom to what is now "a marginal economy"; that while the fishing will be altered, it will be improved; that while there may be some loss of tax base for the counties, this will be offset by tourist income, taxes on new industry that may locate in the area and by savings on some services such as schools that "may not have to be provided to the same extent" because of the relocation of former residents.

VAST CHANGE

The power company, in an environmental impact statement, summed up its arguments for the project in these words:

"The project will unquestionably result in a vast change in the area. Applicant believes that on balance the project and its attendant amenities to thousands upon thousands of people—residents of the area and visitors—are of much greater significance than the possible adverse environmental effects. . . ."

And Mr. Levy, the presiding examiner, said in his decision last June:

"The long-term benefits will create a new and better environment and way of life for many people in the region . . . Low density hunting and fishing, limited tourism . . . will be replaced with large lakes, a substantial increase in fishing benefits and superior water oriented recreation . . . Water quality will be improved all the way down to the Ohio River . . . The New-Kanawha will be a bigger, better, more productive and esthetically pleasing river . . . On balance, the region and the proud, independent, self-sufficient people who live there will benefit from the project."

PROUD PEOPLE DISAGREE

Most of the proud, independent and self-sufficient people, judged by seven days of interviews recently, disagree on about every point, and so do the affected counties and the State of West Virginia in their briefs.

They contend that the area is not poverty-stricken and note that good farm land is now valued from $600 to $1,000 an acre and more. They ask what is to become of families whose property is condemned since comparable land is not to be had, even if the company fulfilled its promise to help in relocation. As for improved fishing, recreation and esthetics, they cite the effects on all three of the drawdown of the water level in the two reservoirs for power production and water quality storage for Charleston, which they refer to scornfully as "pollution dilution" or "flushpot."

44.4 FEET

The maximum drawdown on the lower reservoir will be 44.4 feet. On the lower it will be 10 feet between June 1 and Labor Day—the summer recreation season—and 12 feet at other times.

The opponents cite in their briefs extensive testimony at power commission hearings by marine biologists that the bass, for which the New River is famous, will not be able to reproduce because fluctuations in water levels will destroy the eggs, and much of the trout fishing will be destroyed by the backing up of the water in the creeks.

The opponents note that Levy's decisions and the impact statements of the company and the power commission staff did not refer to this expert testimony, but cited only the testimony of their own chosen witnesses.

STEEP BANKS

They emphasize that even the company concedes that, except for some fishing, the drawdown of 44 feet will effectively eliminate recreational development in the lower reservoir which in most places will have steep banks.

As for the upper reservoir, Paul J. Johnson, Appalachian's superintendent of hydrogeneration, says that the 10-foot drawdown would expose only 50 feet of mudflats horizontally on the average, and that a 12-foot drawdown would expose only 60 feet on the average. The opponents reply that, while the averages may be correct, in many areas where the flooded land is gently sloping, unsightly, foul-smelling mudflats hundreds of yards wide will be exposed. They question whether the recreation on such a lake will be preferable to that now afforded by the New River, with its drift fishing from flatboats and its canoeing.

Standing in front of the filling station at Grassy Creek that he and his father have run for 50 years and that will be under water, Bradley E. Sturgill, brushing aside all the technical arguments, expressed to a visitor the other day the feeling of many people in the valley.

"I feel it is a dangerous thing" he said. "It's pretty hard to stop progress. But there's more to it than stopping progress. I feel we have about the only river left you can call an unpolluted river. I hate to see it destroyed. We have a lot of fine people along the river. I hate to see them moved out of here. They're going to be unhappy."

QUALITY STORAGE

But all the disputes over the effects of the project stem from one cause—the requirement that the company must impound above its power requirements 400,000 acre-feet for "water quality storage," that is, the water to dilute periodically the industrial pollution of the Kanawha into which the New River flows. The companies chiefly responsible for this pollution are Union Carbide, Dupont, Monsanto, FMC-American Viscose, FMC-Organic Chemicals, FMC-Inorganic Division, and Abbott Laboratories.

In their brief, the Conservation Council of Virginia, the West Virginia Natural Resources Council, and the Izaak Walton League charged: "It is for the benefit of these limited operations that the Interior Department would make a sacrificial offering of the New River."

BLACK BEAST

For the states the counties and the environmental groups, the Interior Department is the black beast of Blue Ridge because it insisted that provision for water quality storage be included in the project.

It is this provision that has transformed the controversy from one involving parochial interests to one of national import. And it is around this provision that argument will swirl once again this Thursday.

The issue has become national because the Federal Water Pollution Control Act states that while water quality storage may be considered in the planning of any federal project or any project requiring a federal license, "such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source."

NECESSARY SUPPLEMENT

The project's advocates insist that the 400,000 acre-feet (650,000 by 1987) will be used not as a substitute for treatment at the source, but as a necessary supplement to such treatment because the technology is not now available, and will not be available "in the foreseeable future" to reach West Virginia's immediate goal of 3 parts per million of dissolved oxygen in the Kanawha at Charleston, or its ultimate goal of 4 ppm, without dilution of wastes by "low flow augmentation," that is, "pollution dilution."

The project's opponents, relying on testimony of several nationally known engineers and scientists, insist that technology is now available to treat most of the pollution and

will soon become available to treat the remainder. Therefore they contend that the law is being evaded, if not violated.

DANGEROUS PRECEDENT

Further, the environmentalists believe that if this concept is given federal sanction, it will set a precedent with disastrous consequences, permitting companies to postpone indefinitely the installation of adequate waste treatment systems and contributing to steadily increasing fouling of the nation's rivers.

Lorne R. Campbell, counsel for Grayson County who is also an ardent conservationist, expressed this fear in a brief filed with F.P.C.:

"We believe," he said, "if the project proposed is licensed that every river basin in America will be endangered . . . Any industrial complex, by similar strategies employed in the Blue Ridge project, might contrive to bring about the inundation of thousands of acres of land under the guise of emergency power needs or pollution control."

There are two ironies in the situation. The first is that in the initial plan submitted to the power commission, the power company did not propose any water quality storage; that the whole concept was imposed on it by the Interior Department, acting through the power commission, and that Appalachian still takes a dim view of the concept, although it would now like to have the extra impoundment required for pollution abatement for generation of power.

Thus, in a recent interview in Roanoke, Johnson said:

"We've never asked for the 650,000 acre-feet, but if it's imposed on us by F.P.C., we can live with it. We'd be better off economically without the 650,000 acre-feet for water quality storage."

SECOND IRONY

The second irony is that there was almost no opposition at state or local level to the company's original project proposed in February, 1965. The company had, the local residents admit, done "a good selling job."

But in June, 1966, one month after the Federal Water Pollution Control Administration had been shifted to the Department of Interior from Health, Education and Welfare, Interior Secretary Stewart Udall, at the urging of his advisers, petitioned to intervene in the proceedings. His petition was granted.

Udall insisted the project include provision for water quality storage. He said later in a news conference that he had indicated to F.P.C. and the company that unless the Blue Ridge project, and "all future water resources projects," incorporated water quality storage, Interior would oppose the granting of a license. The company at first resisted the secretary's demand. Udall, according to his own account at the news conference, discussed the matter "privately" with Donald Cook, president of American Electric Co.

REVISED PROPOSAL

The result of all this, Udall related, was "a revised proposal." This "modified plan," submitted by the company in June, 1968, provided for water quality storage and closely approximated one prepared by the F.P.C. staff.

Udall has since had a change of mind. In his syndicated column last April 24, he said he had been "misguided" in forcing water quality storage on the Blue Ridge project, and vigorously attacked the whole concept.

The effect of his intervention was a doubling of the size and cost of the original company proposal.

MUCH HIGHER

The original project would have flooded 19,450 acres—16,600 in the upper reservoir and 2,850 in the lower. The modified project will flood 40,400 acres—26,000 in the upper reservoir and 14,400 in the lower.

The original would have impounded a total of 1,441,000 acre-feet of water; the modified will impound 3,261,000.

The original would have cost $140 million and produced 980 megawatts; the modified will cost about $350 million and produce 1,800 megawatts.

The original would have displaced 500 people, the modified, ten times that number.

Opponents of the modified project are particularly aroused by two things.

The first is that William Levy, the examiner, did not mention in his two decisions the testimony of two expert witnesses—Professor Vinton W. Bacon and Dr. David D. Woodbridge, both with recognized credentials, who testified before the F.P.C. that technology was available now for treating much of the industrial waste dumped into the Kanawha. Instead, they complain, Levy relied almost entirely on the testimony of Curtis Bell, an Interior Department lawyer who was the leading advocate of the project; Edgar N. Henry, head of the West Virginia Water Resources Board, and Richard Vanderhoof, a former Interior Department official now with the Environmental Protection Agency.

The attorney general of Virginia charged in his brief last Aug. 19 that "the presiding examiner has obviously disregarded the evidence in his efforts to sustain his original initial decision," and ignored all recommendations except those of the Department of Interior.

Second, the opponents assert that information supplied to the power commission by Interior was "erroneous" because it assumed, in stating the need for water quality storage, that there would not be any treatment at the source at all.

The power commission staff, in its brief, agreed that Interior's figures were erroneous, and said that therefore the 400,000 acre-feet insisted on by Levy and Interior were "excessive."

SUGGESTED NO STORAGE

It recommended no more than 250,000 acre-feet of storage for water quality control, and even suggested that no storage be provided.

In a brief for the Environmental Protection Agency, its associate general counsel, Robert W. Zener, said that the Environmental Protection Agency had no objection to licensing the project as proposed and that the question of whether the water quality storage was needed could be left for later determination.

In an interview, Zener was asked what recourse a farmer who had sold his land under condemnation proceedings following issuance of a license for the Blue Ridge project and then, when his land was under water, it was decided that water quality storage was not needed, Zener replied that there was little good farm land that would be taken. He was asked if he had visited the site of the proposed reservoirs.

WHAT COULD I LEARN?

"What could I learn by going down there?" Zener replied.

And so the lines are firmly drawn on the central issue. In his latest decision, Levy said:

"Conceding that Interior's waste load estimates may be excessive, that a better job of waste-load reduction and pollution control can and should be done by the Charleston area chemistry industry . . . the fact remains that . . . the desired water quality clearly requires low-flow augmentation in addition to adequate at-source treatment."

And Page Evans, standing on a low-water bridge over the Little River, an estuary of the New, the other day put the substance of all the opponents' legal briefs into the language of a countryman:

"THEIR OWN FLUSHPOT

"As far as we are concerned, it's the ruination of the beauty of our country. Let West Virginia industry build their own flushpot. We don't feel we should be punished 200 miles up the river."

And Guy Halsey of Independence, swinging slowly in a slatted wooden swing on his porch in the warm fall sunshine, looked over his rich green pasture land, and said:

"This is the best land that lays out of doors. The size of the project is too large. We are taking out of production the most efficient land in the county."

TRIBUTE TO ROBERT RITTER EYERLY

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. FLOOD. Mr. Speaker, thousands of residents in Columbia County, Pa., which I am privileged to represent in the House, were saddened to learn last month of the untimely death of a noted newspaper publisher and civic leader, Robert Ritter Eyerly. Death came at age 58 to this distinguished gentleman, following a short illness.

Robert Eyerly was widely recognized as an astute and capable newsman. When not concerned with the burdensome duties of the publishing field, he found time to give his talent in full dedication to a wide variety of civic and fraternal causes.

Mr. Eyerly was copublisher of the Bloomsburg Morning Press, and for several years the Berwick Enterprise which his firm acquired.

I extend my sympathies to Mr. Eyerly's widow, his relatives and friends, and his associates in the newspaper world, all of whom mourn his passing.

Mr. Speaker, I submit herewith for publication the text of his obituary from the Bloomsburg Morning Press:

RETIRED MORNING PRESS CO-PUBLISHER, 58, DIES

Robert Ritter Eyerly, fifty-eight, Oak Lane, one of the State's best known newspaper publishers and long a Bloomsburg civic leader, died unexpectedly at his home at 7:20 yesterday morning.

In ill health for some time, a circumstance which led to his retirement on June 30 of this year as co-publisher of The Morning Press and president of The Berwick Enterprise, he had a lively interest in civic affairs and within a week of his death discussed future projects for Town Park.

He was a leader in development of that recreational area and a moving spirit in decision to construct the swimming pool as a memorial to area men and women who made the Supreme Sacrifice in World War II. He was a veteran of that conflict and participated in the invasion of Europe.

HELD TWO POSTS

At the time of his retirement he was serving as business manager and vice president of The Morning Press Corporation posts he had assumed upon the death of C. T. Vanderslice, a co-publisher, in 1957.

During his illness over a period of more than two years he was frequently hospitalized but often recovered within an unexpectedly short time.

His wife and he were on a European tour in late summer but he returned home earlier than he had originally planned. He was stricken at his home on September 24 and was removed to the Bloomsburg Hospital where he was placed in intensive care. A few days later he was removed to a private room and, after steady progress, returned to his home on September 29.

Survivors include his wife, the former Marjorie Gould; a brother, Paul R. Eyerly, town; a sister, Mrs. Felix (Virginia) Schwammberger, Old Greenwich, Conn., and a number of nieces and nephews.

RITES THURSDAY

Funeral services will be at eleven o'clock Thursday morning at the William Elwell funeral home, 325 Market street, with the Rev. James T. Berger, rector of St. Paul's Episcopal Church, officiating. Burial will be in New Rosemont cemetery.

NATIVE OF BLOOMSBURG

A lifelong resident of Bloomsburg, he was the second son (third child) born to the late Paul R. and Amy Ritter Eyerly Sr. He attended the public schools here and then was graduated from The Hill School, Pottstown, where he was a member of the track team.

Because of his interest in newspaper work and his desire to lose no time in entering that field he decided, upon the successful completion of his freshman year at Yale University, to transfer to the Empire School of Printing, Ithaca, N.Y. Shortly after his completion of his course there and some practical experience elsewhere in the field, he entered The Morning Press where he remained active until his retirement.

INTERESTED IN PHOTOGRAPHY

During his early years with this publication, in addition to working in advertising, he spent considerable time in the development of the photographic and engraving departments and brought them to a standard that set the pace for newspapers of comparable and frequently much larger size throughout the nation. Among his other duties he was one of the first staff photographers.

WAR II VETERAN

He served in the 348th Combat Engineers during World War II, with service in the European Theater. His division was one of the units participating in the landing at Omaha Beach, a great maneuver of military history and the action which led to the capitulation of Nazi Germany a year later. He entered service in August, 1943, and was overseas from March, 1944, until January, 1946, when he was returned to the United States because of the serious illness of his father.

CIVIC ACTIVITY

Immediately upon his return to civilian life he became active in the civic projects of the town. In 1952 he served as president of the Bloomsburg Rotary Club, of which his father was a charter member, and had a leading role in the Bloomsburg Sesqui-Centennial of that year. He also served on the board of directors of this oldest of town civic clubs.

He was the founder in the late forties, of Bloomsburg's first radio station.

KEY ROLE IN PARK

In the fifties he took a key role in the project for the development of town park. He was motivated in this both by his civic interests and a pledge to his father that he would follow through on the park project which was launched in 1927 when thirty local residents purchased the first thirteen acres in the present forty-acre tract.

After the Depression Thirties and War II delayed development, the project went into high gear with the two fund campaigns for Memorial Swimming Pool, additional park land and other improvements. He had served on the Swimming Pool Authority from its inception.

HONORED BY PUBLISHERS

He inaugurated the Pennsylvania Newspaper Publishers Association Foundation, devoted to the development and advancement of employes of all member papers, and in recognition of this service PNPA, at its annual sessions early this year, presented him with a plaque. He had served as president from the time the program was launched. Its aim is to provide a trust fund of at least a half million dollars.

He was a member of the American Newspaper Publishers Association, with offices in New York, and served two years on the committee on taxation. He was also a member of the National Press Club, Washington, D.C.

In the PNPA, of which his father was founder, he served two terms as director and was president in 1966. The latter post had been earlier held by his father who had assumed office in the second year of the organization's history and was the first selected by vote of the membership. He also served on numerous committees and at the time of retirement was a member of the board of directors and advisory council.

Other affiliations were Bloomsburg Lodge of Elks, 436; Bloomsburg Lodge of Moose, 623 and Winona Fire Company.

L.B.J.: THE VANTAGE POINT—REVIEW BY A TENNESSEAN

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. EVINS of Tennessee. Mr. Speaker, Mr. Charles Overby, the distinguished political writer for the Nashville Banner, has written an excellent review of the Vantage Point, the recently published book by President Lyndon B. Johnson reflecting his perspective of the Presidency.

Mr. Overby concludes in his review that:

President Johnson has imparted in his memoirs a wealth of insights, significant not only for their historical meaning but for their reflection of the man LBJ himself.

Because of the interest of my colleagues and the American people in the period of the presidency between 1963 and 1969, I place the review of this book of history in the RECORD herewith. The review follows:

[From the Nashville Banner, Nov. 5, 1971]

JOHNSON REMEMBERS—MEMOIRS REVEAL WEALTH OF INSIGHTS, SIGNIFICANT FOR HISTORICAL MEANING

(Reviewed by Charles Overby)

Bringing to the Presidency all the drive and determination he exhibited for three decades on Capitol Hill, Lyndon Baines Johnson was not known for hesitation or uncertainty.

A man of action, in deed as well as word, LBJ faced trying times, five years of staggering problems, tragedies and pressures of engulfing proportions.

Unfolding his first-hand account of these times in his memoirs, "The Vantage Point," Johnson describes the phone calls in the middle of the night from the Situation Room, the all-night military and diplomatic strategy sessions, the legislative struggles for domestic programs, the peaks and the valleys of an administration required by history to act with decisiveness.

"My administration was never without at least one crisis," Johnson recalls.

Recurrent theme of the Johnson memoirs is the Vietnam War—why we were there to begin with, how and why our involvement increased, who helped shape our war policies, the pain, the agony, the necessity.

"In 1954 the French knew they could transfer the problem of Southeast Asia's security to our shoulders," Johnson writes. "But if the United States abandoned its responsibilities who would pick them up? The answer, in the short run, was: No one.

"We did not ask to be guardians at the gate, but there was no one else. There was no question in my mind that the vacuum created by our abdication would be filled inevitably by the Communist powers."

As unflinching today as he was then, Johnson emphasized: "If we failed to act in that patient, measured way, I believed that we would be risking far greater casualties, far more danger than we faced in Vietnam."

Now as then, Johnson shows little patience for the nation's fair-weather patriots.

The President recounts the why and wherefores of the SEATO treaty, cornerstone of American involvement in Southeast Asia, a document ratified by the Senate 82–1 that states flatly the U.S. will give military protection to Southeast Asia if its security is threatened by aggressive forces.

Johnson details the care he took to bring Congress into his Vietnam deliberations, chiefly through the Gulf of Tonkin resolution which authorized the President in advance to take actions he deemed necessary to the security of South Vietnam.

Both houses gave near unanimous approval to that blank-check policy.

What Johnson is saying and what the evidence supports is that the Senators who later turned sour on the war approved of, even contributed to, increased American involvement in Vietnam.

Johnson imparts the numerous efforts he made for peace in Vietnam. In its appendix, 'The Vantage Point" lists 16 bombing pauses, ranging from one day to the halt of all bombing of the North ordered on the eve of the 1968 election, also 17 contacts with North Vietnam and 72 "major peace initiatives."

In the end, of course, Johnson made the politically supreme sacrifice, choosing to retire from the White House rather than cloud his peace initiatives with campaign politics.

The former President writes of his decisions to retire: "I was never more certain of the rightness of my decision. I was putting everything I could command and everything I had personally into the search for peace—not a false peace carrying the seeds of a new war, but a true peace forged to endure, with freedom intact."

"The Vantage Point" represents more than a dissertation of historical events, it presents, at times, a folksy insight into Johnson's White House days.

In the closing weeks of his administration, President Johnson exerted every effort to help President-elect Nixon and his staff make the transition of power.

So smoothly had the transition gone, Johnson writes, that an unprecedented event took place, with Johnson's personal staff in the White House mess.

"The White House staff reception, I was told, began rather stiffly and formally, since few of the men knew each other and even fewer had much in common politically. Some of those attending the party were eyeing each other suspiciously, while others made half-hearted attempts at conversation.

"Finally Charlie Murphy, sensing the situation, got up and delivered a humorous little speech. 'We want to welcome you here tonight,' he said, 'and we hope you will feel welcome. You will find that the typical Lyndon Johnson staff member is a peculiar breed of cat. He is very loyal to his boss. And when Lyndon Johnson tells him to do something, he does it, without question. Well, tonight President Johnson has told us to be nice to the Nixon people, and you might just as well make up your minds that we're going to be nice to you.' Everyone laughed and the tension evaporated."

From the time he assumed the Presidency in the aftermath of President Kennedy's assassination at Dallas to the day he returned to the hill country of Texas, Johnson has im-

parted in his memoirs a wealth of insights, significant not only for their historical meaning but for their reflection of the man L.B.J. himself.

NORTHWEST TEXAS NEEDS NATIONAL CEMETERY

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. PRICE of Texas. Mr. Speaker, I rise to introduce legislation authorizing the Secretary of the Army to establish one or more national cemeteries in northwest Texas.

At the present time there are no national cemeteries in this area of the State. The nearest in-State facilities lie far to the south at Fort Bliss in El Paso and at Fort Sam Houston in San Antonio. This means that the national pledge that every veteran should have the right to be buried in a national cemetery reasonably close to his home has not been fulfilled as far as the needs of Texas residents are concerned.

As a people emerging from a costly conflict in lives in Southeast Asia, we are confronted with the solemn and sad, but ever increasing, need to provide additional burial space for those who have made the supreme sacrifice in Vietnam, for those who have fought in other wars, and for war veterans' immediate families.

Regrettably our Nation has not kept pace with the increasing demands for veterans' burial grounds, and a nationwide shortage of national cemetery facilities is becoming more acute with each passing day. According to the Department of the Army, it and the Department of Interior operate only 52 national cemeteries that are still open and available for the burial of deceased veterans. During this decade, 14 of these cemeteries will be closed. Before the turn of the century an additional 20 will also cease to inter veterans. Given this trend, the approximately 750,000 servicemen who are being separated annually from the Armed Forces will find even greater restrictions being placed on their privileged burials in national cemeteries.

Mr. Speaker, when a good hard look at our public policies toward national cemeteries is taken it becomes quite obvious that the cemeteries have largely been created in particular spots as a result of historical accidents rather than deliberate planning. Most of them are located near Civil War battlefields, hospitals, or prison camps. They also have a magnetic attraction for military bases. I believe this placement policy should be abandoned in favor of a policy that reflects the true needs of our veterans and their families. The overall picture must be examined. The location of pockets of veterans throughout the Nation must be determined. More rational Federal land use policies must be divised.

While all these things will help ease the present situation and will help redress the growing imbalance between national cemetery spaces and veterans' burial needs, immediate attention must be given to expanding the national cemetery system in areas where the need exists but where there are no facilities available to meet regional in-state needs. Northwest Texas is such as area; this is why I implore my colleagues to give the Secretary of the Army authority to establish one or more national cemeteries in this portion of the State.

MRS. ROMANA BANUELOS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. SCHMITZ. Mr. Speaker, the recent nomination of Mrs. Romana Banuelos of Gardena, Calif., as Treasurer of the United States was followed by an outburst of news reports linking her with illegal aliens who had been found among the numerous employees of her large-scale manufacturing business. In the interests of fairness, and in view of Mrs. Banuelos' record as a member of a minority group who made good in our free enterprise system, I am taking this opportunity to call the attention of my colleagues to a well-stated editorial in the Los Angeles Herald-Examiner presenting the other side of this story. I insert the following editorial:

[From the Los Angeles Herald-Examiner, Oct. 19, 1971]

THE BANUELOS CASE

Critics of Mrs. Romana Banuelos' nomination as treasurer of the United States should note some heretofore ignored facts.

Mrs. Banuelos is a highly successful businesswoman. She has attained a position of respect granted few women in banking and she has parlayed a little taco stand into a multi-million-dollar manufacturing business that employs many of her fellow Americans of Mexican extraction.

The fact that illegal aliens were found working at Mrs. Banuelos' food products plant in Gardena would have rated nothing more than an activity report of Dept. of Immigration agents, were it not for the fact that Mrs. Banuelos has been nominated for a top post by the President.

Such "raids" are frequent occurrences. The department receives a tip and acts, arresting any illegal aliens found on the premises. Immigration agents know where to look—and they make frequent checks at those places. The "warnings" supposedly issued Mrs. Banuelos on five previous occasions were merely the department's notification that illegal aliens had been found in the employ of a firm she controlled.

To suggest that Mrs. Banuelos should have prevented hiring of such persons is to be totally unaware of the procedures involved. Few employers have the staff to verify the immigration status of every person applying for a job. That is the Immigration Dept.'s job. Each of the people hired in Mrs. Banuelos' plant had been issued a Social Security number by the federal government. The blame belongs to Social Security for issuing the cards to illegal aliens, making it possible for them to go to work.

Mrs. Banuelos is innocent according to law. There is no law against hiring illegal aliens—the aliens themselves broke a law by falsifying information to obtain Social Security numbers, but Mrs. Banuelos had no way of knowing which ones were guilty.

A final point should be taken into account. These people have been used by the liberal establishment to pile up fraudulent statistics to further liberal causes. Surveys among Spanish-speaking people include illegal aliens as well as registered aliens—with a resultant lower educational level for the group as a whole—and more money allotted for special educational programs.

Since most illegal aliens are not fortunate enough to work for an employer such as Mrs. Banuelos, most of them are paid sub-standard wages, making them live in poor conditions—and piling up more statistics. For the same unfortunates to be used now as a weapon against one who has worked consistently for ethnic betterment is almost inconceivable.

Mrs. Banuelos' career reflects well on the American free enterprise system. She is a credit to womanhood and to Americans of Mexican descent. She is able and suited to do the job for which the President has nominated her and her appointment should be confirmed without further attempts at character assassination.

FOUR NASHVILLE STUDENTS EARN AWARDS FROM THE NATIONAL COUNCIL OF TEACHERS OF ENGLISH

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. FULTON of Tennessee. Mr. Speaker, this week, I learned of the achievements of four young Nashvillians, high school writers whose talents have earned them awards from the National Council of Teachers of English, and whose efforts I believe should be brought to the attention of my distinguished House colleagues.

Honored as first-place winners in Tennessee are Mr. David S. Noble, 917 Davidson Drive, a student at Peabody Demonstration School seeking a college major in English and psychology; and Mr. Robert Anthony Perkins, 2022 Clifton Avenue, a student at Pearl High School looking to gain college training in law and the literary arts.

Announced as runners-up are Miss Debra Lynn Brown, 6117 Elizabethan Drive, attending Hillwood High School and preparing for psychology and English literature college coursework; and Miss Alison Reynolds Cook, 119 Pembroke Avenue, a student at Hillsboro High School planning journalism and history collegiate studies.

These students were selected from the more than 7,000 high school juniors nationwide who last year were nominated by their schools for the NCTE achievement awards competition. The number of winners and runners-up allotted any State was determined by that State's number of Representatives in Congress. All told, 852 awards were granted this year, and as the national council notes:

The finalists, now seniors, are among the most competent high school students in English in the country.

These four Nashvillians, now recommended for scholarships as a result of their work, have my congratulations and

best wishes as they move toward their college days. I am sure my colleagues will join me in paying these students tribute, and I ask unanimous consent that their achievements be noted in the RECORD.

NOVEMBER 11—VETERANS DAY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. ANDERSON of California. Mr. Speaker, over half a century ago, President Woodrow Wilson proclaimed November 11 as Armistice Day, to honor those who had fallen in the war said "to end all wars."

Celebrations were regularly held each year after the end of World War I, but it was not until 1938 that Congress passed a law declaring that each November 11 "shall be dedicated to the cause of world peace and hereafter celebrated and known as Armistice Day."

Regretably, the peace that was ours in 1918 was interrupted by a Second World War—then by Korea—and now, Vietnam.

Thus, by evolution, Armistice Day became known as Veterans Day—to pay homage to all those who had worn their country's uniform. We pay tribute to both the dedicated veterans of yesterday, and the active servicemen of today.

Again, in 1968, the Veterans Day was changed from the historically significant date of November 11 to "the fourth Monday in October."

Whether we agree with this latest change or not, let us never forget November 11 and those who fought and died—trudging their way through the mud and rain and the shell-pocked fields of France to bring us peace in 1918.

Nor can we forget those who fought and died in North Africa, Normandy, Guadalcanal, and Iwo Jima. Or those veterans of more recent vintage—Inchon, Pusan, Porkchop Hill and, most recently, the Mekong Delta, Danang, Khe Sanh, Pleiku.

From the Revolutionary War to the present, more than 39 million men and women have served their country in uniform during wartime. Those who have defended our Nation, with their very lives when necessary, have rightfully earned the honor and respect of all Americans.

Mr. Speaker, we can never restore the lives of the fallen—nor fully repay the loyalty of their souls—but we can honor the nobility of those who survived and their loved ones.

As President Lincoln reminded us over 100 years ago, we must "care for him who shall have borne the battle and for his widow and orphan."

We have passed the Widows' Equity Act, H.R. 10670, to establish a survivor's benefit plan. This bill is now in the Senate awaiting action.

But, two measures demand our attention. First, we must enact legislation which would provide a pension of at least $100 a month for our 1.6 million living veterans of World War I. This pension would be paid without regard to the annual income of the recipient. Of the surviving veterans of World War I, slightly less than half have an annual income from all sources of less than $2,500 per year.

The World War I veterans of this country deserve a pension; not as a matter of need, but as a matter of right. They fought to preserve our flag; they earned our respect and they earned our thanks. I am pleased that the Veterans Affairs Committee is currently holding hearings on this legislation.

Second, we should enact legislation to equalize the retirement pay of members of the uniform services of equal rank and years of service. This would allow us to honor a moral obligation to retired servicemen, which we broke in 1958.

Ever since 1958, when the system was switched, a serviceman who retires keeps getting the same pay as long as he lives, except for periodic cost-of-living adjustments.

In short, the change has created a marked inequality among peers—an equality which will continue to widen unless Congress restores the traditional system of computing retired pay on the basis of current active duty rates.

REHABILITATIVE CENTER HELPS WITH SOLID WASTE PROGRAM

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. ROGERS. Mr. Speaker, the issue of solid waste disposal is receiving increased attention by the American people, and rightly so, for we have, in the past 40 years, disposed of enough solid waste to cover an area seven times the size of the State of Rhode Island.

However, many citizens are not just talking about solid waste problems—they are making significant contributions to coping with the problem and to reduce its severity.

One such effort is being undertaken by the Pioneer Occupational Center for the Handicapped in Stuart, Martin County, Fla. The occupational center, with the cooperation of the Martin County Conservation Alliance, has been collecting newsprint, magazines, and cardboard on the third Saturday of each month.

The solid waste material is then taken by truck to West Palm Beach for recycling and the proceeds from the sale of the solid waste is used for the training of handicapped individuals at the occupational center.

To date, since April 1971, when the project began, approximately 276 tons of waste material has been collected from Indian River, St. Lucie, and Martin Counties and taken to the recycling facility.

I commend Mr. Ray N. Radtke, executive director of the Pioneer Occupational Center, his staff and trainees for their excellent contribution to improving our environment and I am hopeful that other handicapped centers throughout the Nation will consider similar programs.

SPEEDY TRIAL

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. KEATING. Mr. Speaker, today, I am introducing a bill designed to give meaning to the sixth amendment right to speedy trial. This legislation goes further, and is more comprehensive in scope, than any measure thus far introduced in Congress attempting to deal with congestion in our Nation's courts.

The median time interval for the disposition of criminal cases has been steadily rising over the past several years. The situation in courtrooms across the Nation has deteriorated to the point where criminal justice has become a matter of disposing of statistical masses. This aids neither society nor the defendant. This only perpetuates the cycle of crime and increases disrespect for justice under the law. In summary, there can be no argument that we must guarantee all criminal defendants the right to a speedy trial. As stated in the Magna Carta:

> To no one will we deny justice, and to no one will we delay it.

This legislation is needed for many reasons. For one, speedy trial is without question an effective deterrent to crime. If a deterrence to crime is to be established, there must be a clear, direct, and swift connection between the commission of a crime and the apprehension, trial, and sentencing of an offender. On the other hand, when trials are delayed for months, as they often are, the connection between the defendant's crime and his sentence is broken.

Delays before trial are also responsible for many crimes committed by defendants who are free on pretrial release. The President's Commission on Crime in the District of Columbia, reporting in 1966, found that 7.5 percent of the persons released on bail in the District were later indicted for offenses allegedly committed while free and awaiting trial. Obviously, an important step in reducing the danger of criminality released defendants is to shorten the time between arrest and trial.

Delay in bringing criminal defendants to trial also results in countless lost convictions, and reductions of charges for serious crimes to charges for minor crimes. It is a simple fact that the longer the time for trial is delayed, the more memories fade, witnesses die or become unavailable, and cases become stale. It is also fact that clogged court dockets result in increased pressures on prosecutors to give the defendant a lesser charge in return for a guilty plea and waiver of jury trial.

Current delays also lower the esteem that citizens have for the criminal justice system. For if this system is to operate effectively, the citizenry must believe that justice is operating fairly. Unless an attempt is made to head off the disaster that our criminal justice system is headed toward, we may look forward only to increasing disgust, complete cynicism, and popular pressure for radical change.

Anxiety and uncertainty about their

fate, experienced by many defendants, is one of the obvious costs of delay. The heaviest burden of all falls on the poor defendant who cannot afford bail or retained counsel, and who faces pretrial incarceration. These are the defendants whose jobs and family are completely interrupted when accused of a crime. These are the defendants who cannot return to a normal life until their trial date has arrived or they have decided to plead guilty. Clearly, something must be done.

Mr. Speaker, this bill will require the trial of Federal criminal defendants within 60 days of their arrest. Failure to accomplish this will result in dismissal of the charge against the defendant. It is recognized that highly unusual circumstances may require a longer period of time to bring some defendants to trial. Allowance for such cases is made in the bill. However, the overwhelming number of criminal cases will not fall under this category. In these instances, the defendant simply must be given a speedy trial.

My proposal also provides for closer and more effective supervision of persons released on bail prior to trial. This would be accomplished through the establishment of pretrial service officers throughout the entire Federal district court system. These officers would supervise released defendants, recommend appropriate release conditions, aid defendants in finding employment, medical, and other social needs, and perform those functions necessary to insure fair and equitable treatment for criminal defendants awaiting trial. To achieve this goal, $20 million would be authorized annually for expenditure in Federal districts.

Finally, those States which fail to make the reforms necessary to follow the example of Federal courts will face having funds from the Law Enforcement Assistance Administration cut off. Since receipt of these Federal funds is a privilege enjoyed by the States, and not an inalienable right, this provision in the bill is intended only to provide States with an incentive to act. Although this incentive should not be required, this is the only action which the Federal Government may take without infringing upon the integrity and inviolability of State court systems.

Mr. Speaker, I urge the prompt consideration of this bill. The need for this legislation is clear. As stated in the task force report to the 1968 Presidential Commission:

> As the backlog of cases becomes overwhelming, clearing the docket comes to be an end in and of itself, and haste rather than intelligent deliberation is the norm of practice. Disposition by dismissal or by guilty plea is often characterized by little attention given to the panel and correctional needs of the offender.

The time to act is now. Enactment of this bill into law will be required if the constitutional guarantee of right to speedy trial is to have substantive meaning.

AMERICA—THE MELTING POT

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. COTTER. Mr. Speaker, all too often we read in the news of the hatred and bigotry that is manifested in today's society. It is sad that we so often forget of the cooperation and understanding that does occur among the peoples of many different cultural and ethnic backgrounds living in the United States today.

Most recently I saw an article appearing in the Hartford Times that reminded me of the cooperation that can, and indeed does, exist here in America. Mr. Speaker, I submit this article to be printed in the RECORD so as to remind us all of the lessons we may learn from our children, and also to reassert the concept that America is still the melting pot of the world.

The article follows:

NO CHILD IS WITHOUT A FLAG AT BURNS

(By John Cleary)

In the entrance lobby of the Dominick F. Burns School on Putnam Street there's a row of little flags, each the national emblem of a different nation. Each flag represents one or more pupils in the school who were born in that country or whose parents came from there.

The flags are the gift of the Connecticut Bank and Trust Company. Principal Herbert F. Shedroff says, "The bank's gift is a valued community participation in the life of the school. This school is very much a part of the community in which it's located—not just the city of Hartford, but a high-density residential district with a distinctly international flavor."

The school has been nicknamed the "United Nations School" for the diversity of ethnic origins represented among the children. Shedroff hasn't yet counted up this year's national origins, but last year there were at least 26. By "national origin" he means that a child or one of his parents was born in the country named:

Chile, Colombia, Peru, Venezuela, Brazil, Portugal, Poland, Canada, Italy, Greece, the Philippine Republic, Romania, China, Hungary, Lithuania, Germany, France, Switzerland, Yugoslavia, England, Scotland, Ireland, the Netherlands; two countries now parts of the Soviet Union, Latvia and the Ukraine, and the section of the Eastern Mediterranean whose people are usually called Armenian.

And, of course, the United States of America.

There's a serious purpose behind the nickname of the school. Shedroff said, "Children who feel they belong to any minority are likely to have bad feelings about themselves. Their self-image is poor because they are so frequently 'put down.' We try to teach them explicitly and by and by example that diversity is a source of richness. This is a love school.

"The children get the message better than their parents. When we began to emphasize the dignity and color of each different ethnic culture, the window-breakage rate went down. The children began to have pride in the school.

"But it's difficult to get the parents of a French-Canadian child, for example, to identify in himself anything in common with a Puerto Rican or a Portuguese. Our parents organization moves chiefly on the work of members of our staff."

At the Burns School, it isn't a PTA; it's a PTSA—a Parent-Teacher-Student Association. "The children have a part in decision-making and the shaping of policy," Shedroff said.

The diversity of languages presents the staff with some problems. "It's more important for a child to be able to tell time than just to be able to tell time in English," Shedroff said. "If he speaks Spanish at home, we teach him to tell time in Spanish first."

The staff is multilingual. The guidance counsellor is fluent in Portuguese. A fifth-grade teacher speaks Greek. (The school has all grades from kindergarten through eighth). Several para-professionals speak other languages.

The ethnic mix of the children reflects that of the neighborhood, roughly bounded by Washington Street, Madison Street, Pope Park and Capitol Avenue. It has long had a large French-Canadian population, and in recent years many Puerto Rican families have moved in.

"It's a low-rent district," Shedroff said. "Immigrants tend to settle here first when they come to Hartford. Some of them become stabilized here, like the French Canadians and the Portuguese. Others drift away a few at a time."

Among Burns' distinguished alumni is Mayor Athanson. Another (who would still be a pupil if his family had not moved to another school district) is Wesley Robinson who last year, at the age of 12, was chosen by a national magazine to visit the Marshall Space Flight Center and experience for a few days the training of an astronaut.

MARINE COMMANDANT PRAISES BROTHER SERVICES

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. BROOKS. Mr. Speaker, the distinguished Commandant of the Marine Corps, Gen. Leonard F. Chapman, Jr., paid honor to the other services as well as the Marine Corps on the Marine Corps 196th anniversary, November 10, 1971, at a memorial ceremony held at the Iwo Jima Memorial Monument. He stated that the greatest tribute to fallen comrades and to those still held captive is in the readiness of every weapon, and every marine to fulfill the purpose of the Marine Corps: The defense of the United States. I insert his remarks in the RECORD at this point.

REMARKS OF GENERAL CHAPMAN

Today, on the 196th anniversary of the birth of our Corps, we have joined together to honor all Marines who have given their lives in fulfilling the purpose of our Corps: "fighting our country's battles."

Today, as is our custom, we remember the battles fought, the work accomplished, and the past and present honors bestowed upon our Corps. And we remember the Marines, the few good men who chose to serve and gave their lives in that service.

But as Marines, professionals, who are proud of their Corps and its service, we know that no force can stand alone in the line of battle. So today, in paying honor to those

Marines who have fallen, we also pay honor to our brothers of the Army, the Navy, the Air Force and the Coast Guard. And we look to our left and right with great pride to see their flags, like our own, decorated with the battle streamers of this country's history. It is a good history. We are proud to share it.

Now, another hard and long conflict has become a part of our Corps history. Several months ago the last Marine unit left the Republic of Vietnam. Only a few hundred Marines remain there. This marks the first Marine Corps anniversary since 1964 that Marine battalions and squadrons have not been engaged in combat. And today we think of the Marines still held POW in enemy hands. Today we remember the purpose of our Corps remains unchanged. We are ready—every Marine, every weapon, and every piece of equipment is in constant readiness to fulfill that purpose: The defense of the United States.

And in this is our greatest tribute to fallen comrades, and those held captive.

THE RHODESIA BOYCOTT: THE END OF A SAD ERA

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. PRICE of Texas. Mr. Speaker, I must applaud the action taken by the House this past evening in voting to put an end to the ridiculous and self-defeating policy of embargoing the importation of chromium ore from Rhodesia. For years apologists and functionaries in this Government have attempted to legitimize a masochistic policy which has made us the laughing stock of the world.

We have been constantly rebuked and reminded of the importance of living up to our "commitments" to the United Nations—an organization which has had no difficulty at all in turning its back on the United States time after time. As an extension of our own civil rights problems here at home, the United States was duped into going along with a U.N. sponsored program of sanctions against Rhodesia which has only served to cut off our nose to spite our face. While liberals here and abroad have sought to justify a Rhodesia boycott to show disapproval of that government's internal policies, they have overlooked the fact that they have placed the United States in the position of dependence for a strategic material upon the U.S.S.R., whose government is undoubtedly the most notorious, sinister, and antilibertarian in the entire world. We have been "Uncle Sap," and while we have been chastized about living up to our "commitments," other pious U.N. members have continued to carry on a brisk under-the-table trade with Rhodesia, whose clientele list probably includes the U.S.S.R.

Mr. Speaker, if we have any feelings toward the internal affairs of the Rhodesian Government, we can better offer a constructive influence only if channels of communication and trade are open—we can accomplish nothing by maintaining a stone-faced, hard-nosed stance. And certainly, if we are now willing to talk with and trade with the Russians, and the Red Chinese, there can be no justification whatsoever for maintaining an unrealistic policy toward friendly, independent, and strategically important Rhodesia.

Mr. Speaker, I especially commend the distinguished chairman of the Armed Services Committee, Mr. HÉBERT, my good friend JIM COLLINS of Texas, and Senator HARRY BYRD of Virginia for their constructive and skillful efforts. I strongly urge the Senate to give its final assent to the military procurement bill as amended and for the President to sign the bill into law.

And as a final note, I believe the action of the House is most timely in giving its approval of this important bill on the eve of the sixth anniversary of Rhodesia's Independence Day. May I extend warmest congratulations to the people of Rhodesia whose strength of character make November 11 a day worth celebrating.

THREAT TO MIDDLE-CLASS AMERICA

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, the uproar in Detroit, over the anticipated court order for massive, city-suburban schoolbusing, highlights what is in store for most large metropolitan areas nationwide. Only a constitutional amendment, as provided in House Joint Resolution 620, to counteract the Supreme Court's Swann decision, can stop it now.

I would like to point out, Mr. Speaker, that the "flight to the suburbs"—which in recent years has been accelerating, partly because of increased overcrowding and air pollution in the "asphalt jungles"—predates the famous Brown desegregation decision by at least a third of a century. The flight started at the end of World War I when city dwellers who could afford it moved to the outskirts of town, where they could raise their children in a cleaner, healthier, less crowded, more attractive environment.

As wages and salaries rose, blue collar city workers became white collar workers, and followed the more affluent to greener pastures. And as more and more city blacks became better and better educated and entered the professions, they too became middle class and moved to the suburbs. This upward and outward mobility of blacks as well as whites in the pursuit of happiness is now threatened by court orders to bus suburban children back into the overcrowded, crime-ridden, polluted, inner cities from which their families fled.

There are exceptions perhaps, but I cannot believe that Americans, black or white, who seek a better way of life for themselves and their children in the suburbs do so because of animosity against the less fortunate who are left behind.

Surely there are better ways to help the city poor—through provisions for more parks, vastly improved educational and job opportunities and opportunities for outward mobility—than to drag great numbers of middle-class children back into the "asphalt jungles."

Mr. Speaker, I urge passage of House Joint Resolution 620; and I insert a New York Times report of October 2, 1971, on Detroit's busing dilemma at this point in the RECORD.

BUS RULING JARS DETROIT SUBURBS

A Federal judge's ruling that Detroit's schools are segregated has started an uproar in the suburbs.

Even though there is no order calling for any city suburban black-white busing, protests and short boycotts involving thousands began this week.

The issue of exchanging city blacks with suburban whites was raised by a white anti-busing group in Detroit. There is not likely to be any decision on the matter for some time. Federal Judge Stephen Roth, who ruled that the Detroit system was guilty of segregation although he blamed almost all of society for the problem, is scheduled to begin hearings on a solution this week, and the hearings could go on for months.

The Detroit system with 300,000 children is two-thirds black, and integration in the city alone would leave all city schools largely black. The suburban schools are largely white.

SUBURBANITES UPSET

Suburbanites are concerned that the judge might order the state to create a metropolitan school district, stretching from the all-white schools of Dearborn—for years an openly segregated community—on Detroit's west to the rich Grosse Pointe suburbs to the east and to the rows of working and middle class suburbs in a band a few miles north of Detroit.

Any such plan would mean sharing Detroit's school troubles, which many of the suburban residents moved from. The big Detroit district averages about $650 in spending per student while the suburbs may run past $1,000.

The Detroit schools score low on standardized learning tests, and racial fighting in integrated schools is not uncommon. Since the new school year started, for example, there have been outbreaks of violence at Ford High School in Detroit and Ferndale High, an integrated suburban school.

The dispute has political implications, too. The Democratic state party chairman, James McNeely, said this week he supports busing as a method of eliminating inequality in education. But the heart of the opposition comes from working class and solidly Democratic suburbs.

HEAVY ABSENTEEISM

In Warren, Mich., for example, a solidly Democratic suburb on election day, absenteeism ran into the thousands and passed 40 per cent in some schools after a call for a one-day boycott to protest the possibility of city-suburban busing.

Republican office holders have been more cautious: Senator Robert P. Griffin, who will run for re-election next year, said he opposed force busing but also opposed boycotts. Gov. William Milliken said he favored integrated schools but it would take "the wisdom of Solomon" to work out a plan.

The Governor and Frank Kelley, Democratic attorney general who is a likely candidate to oppose Senator Griffin also announced a state court challenge this week to the property tax system that is used to finance the schools.

Any effort to find a more equitable method of financing schools is connected to the in-

tegration issue because the large black areas generally have less tax base per pupil, and thus less money to spend on schooling.

BACKGROUND OF DISPUTE

The controversy began after the Detroit board of education last year ordered white students, the minority, spread more thinly in the Detroit schools for integration. The Legislature killed the plan and ordered a decentralized school system in Detroit, which blacks supported.

Conservative white groups in Detroit then led a successful recall movement against the board of education members. The National Association for the Advancement of Colored People then brought suit against the state and the Detroit school board. But the suburban busing question was not raised in this suit.

The Citizens Committee for Better Education, which is against busing, intervened in the suit saying that all suburban schools should be included in any desegregation plan for Detroit, which started the worries in the suburbs.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. SMITH of New York. Mr. Speaker, our late colleague, the Honorable James Fulton, placed in the RECORD each month the Smithsonian calendar of events. I have been requested to carry on that tradition, and I am honored to do so. The November calendar of events follows:

NOVEMBER AT THE SMITHSONIAN

MONDAY, NOVEMBER 1

Exhibition: Washington from Banneker to Douglass: 1791–1870. Portraits, photographs and documents, including the original Emancipation Proclamation signed by Lincoln in 1863, portray the history of the Nation's Capital from a perspective rarely used—Washington's black community. A second part of this exhibit, Washington in the New Era: 1870–1970 will open in February 1972. National Portrait Gallery, through January 28.

Exhibition: Early Electrical Appliances. Household appliances ranging from egg beaters to shavers to a marshmallow cooker. Many of the objects were given to the Smithsonian by individual donors as the result of a plea from the curator printed in newspapers across the country. All are early examples of their type, some dating from the late 19th century. In the new Hall of Electricity, first floor, Museum of History and Technology.

WEDNESDAY, NOVEMBER 3

Lunchbox forum: The Changing Rationale of the Federal Government in Airport Development: 1926–1970. An informal discussion by Dr. Elmore A. Champie, FAA Historian. Sponsored by the National Air and Space Museum. Room 449 Smithsonian Institution Building. 12 noon—Bring your lunch!

Free film theatre: John J. Audubon. Documentary tracing the steps of Audubon through Europe and North America. Scenes are taken from his most famous books, Birds of America, revealing the painstaking detail of his work. 12:10 and 1:10 p.m., Natural History Building auditorium.

THURSDAY, NOVEMBER 4

Free film theatre: John J. Audubon. Repeat. See November 3 for details.

NOVEMBER 4 TO 11

Black Arts Week. Black artists are being honored at the National Collection of Fine Arts by a week of special activities in conjunction with the opening of an exhibit of works by William H. Johnson, a major black artist.

Films: Two programs shown daily in the Lecture Hall, NCFA.

10:30 a.m. First World Festival of Negro Arts; Five—five celebrated black artists and their various techniques; John Otterbridge—the sculptor, his background and ideas.

1 p.m. Black Dimensions in Contemporary American Art; Bernie Casey—the poet-painter on art and life; Aretha Franklin, Soul Singer.

Tours: William H. Johnson Exhibition. Nov. 4–5, 8–11, 11 a.m., 1 and 3 p.m. Nov. 7 from Noon to 5 p.m. on the hour. Art by Black Americans (1930–1950). Self-guided tour with written material available.

FRIDAY, NOVEMBER 5

Exhibition: William H. Johnson (1902–1970). Paintings, watercolors, drawings, and prints by this little known but highly talented black American artist comprise the major fall exhibition of the National Collection of Fine Arts. Through January 9, 1972.

Exhibition: Fisheries and Wildlife Centennial. Graphics and photographs on the 100-year history of national involvement in fisheries and fish management, from the original National Fish Commission to the present National Marine Fisheries Service, National Oceanographic and Atmospheric Administration, and the Bureau of Sport Fisheries and Wildlife. Included are old and new photographs showing the progress made in research and service, as well as a "Did You Know" section of under-sea curios. Museum of Natural History.

SATURDAY, NOVEMBER 6

Black Arts Day

Panel Discussion: *Black Arts Today.* Moderator: Mrs. Evangeline Montgomery, black art consultant, Oakland Museum, California. Panelists: Leroy Gaskin, Samella Lewis, Lois Jones Pierre-Noel, and Percy Ricks. 11 a.m., Granite Gallery, National Collection of Fine Arts.

Lecture: *W. H. Johnson and His Contemporaries,* by Carroll Greene, consultant on Afro-American art for the Museum of Modern Art, New York. 3 p.m., Granite Gallery, National Collection of Fine Arts.

Music From Marlboro: First of a three-part series presented by the famed Marlboro Music Festival of Vermont. Works by Mozart, Boccherini, and Brahms performed by violinists Pina Carmirelli and Ronald Copes, violists Philipp Naegele and James Dinham, cellists Jerry Grossman and Steven Doane, and oboist Georges Louis Haas. 5:30 p.m., Natural History Building auditorium. Series tickets are $12.50; single tickets, $5, student tickets, $1.50 with I.D. at the door as available. Special Associates rates: $11, series; $4, singles. The remaining concerts will be held on February 5 and March 25. For information call 381–5395.

MONDAY, NOVEMBER 8

Botany Seminar: *Floral Anatomy and Systematics of Eugenia (Myrtaceae),* by Dr. Rudolf Schmid, Visiting Research Associate, Department of Botany. 6 p.m., Natural History Building, Room WW531. Public is invited.

TUESDAY, NOVEMBER 9

Illustrated Lecture: *Chinese Landscape, Blue and Green.* Professor Martie Young, Cornell University, traces the history of landscape paintings of the "blue and green" technique, that first appeared in the T'ang Dynasty (A.D. 618–907) and was revived periodically through the centuries by Chinese artists. 8:30 p.m., Freer Gallery of Art.

WEDNESDAY, NOVEMBER 10

Lunchbox Forum: *Early New England Aviation—Depression Years.* Informal discussion by Lt. Col. Franklin E. Jordan, AUS, Retired. Sponsored by the National Air and Space Museum. Room 449, Smithsonian Institution Building. 12 noon—Bring your lunch!

Free Film Theatre: To be announced. 12:10 and 1:10 p.m., Natural History Building auditorium.

THURSDAY, NOVEMBER 11

Free Film Theatre: To be announced. 12:10 and 1:10 p.m., Natural History Building auditorium.

Changes of address and calendar requests: mail to Mrs. Fisher, 107 Smithsonian Institution Building, Washington, D.C. 20560. When applicable, please include old calendar label.

FRIDAY, NOVEMBER 12

Lecture: *Man and His Environment,* by Marshall T. Augustine, sedimentation specialist, Maryland Department of Water Resources. Man's impact on his environment from colonial days to the present with special attention to present day exploitation of natural resources for development of subdivisions, industrial parks, highways and surface mining and suggestions on preventive and remedial measures. Sponsored by the National Parks and Conservation Association. 8 p.m., Natural History Building auditorium.

Folk Concert: *Grant Rogers,* folksinger, guitarist, songwriter and fiddler. 8:30 p.m., History and Technology Building auditorium. Sponsored by the Smithsonian Division of Performing Arts and the Folklore Society of Greater Washington. FSGW members, free; non-members, $1. For ticket information call 381–5395.

SUNDAY, NOVEMBER 14

Symposium: *Print Prices Today.* Sponsored by the Washington Print Club. Moderator: Alan Fern, Assistant Chief, Prints and Photographs Division, Library of Congress. Panelists: Elizabeth Stevens, and Sylvan Cole. 3 p.m., Granite Gallery, National Collection of Fine Arts.

WEDNESDAY, NOVEMBER 17

Lunchbox Forum: *A Slide Visit to West Coast Aviation Museums.* Informal discussion by Carl F. Emde of TRW Systems. Sponsored by the National Air and Space Museum. Room 449, Smithsonian Institution Building. 12 noon—Bring your lunch.

Free Film Theatre: *Hippo; Antelopes on the Plains of Africa; High Over the Borders*—annual bird migrations from North to South America. A series of short films on animals and birds from the New York Zoological Society. 12:10 and 1:10 p.m., Natural History Building auditorium.

Meeting Royal Sikkim: 3 p.m. Fashion show and reception. See box, this page.

THURSDAY, NOVEMBER 18

Creative Screen: *Daguerre: The Birth of Photography*—the fascinating early history of photography depicting Daguerre and contemporaries; *Pas de Deux*—An unforgettable ballet, stroboscopic effects and the ingenuity of Norman McLaren produce film as art; *Daphnis and Chloe*—still photography, kinetic light, and special effects present the abstract visualization of Maurice Ravel's *Suite No. 2.* National Collection of Fine Arts, 11 a.m., 12 noon, 1 and 2 p.m.

Free Film Theatre: Hippo! Antelopes on the Plains of Africa; High Over the Borders. Repeat. See November 17 for details.

FRIDAY, NOVEMBER 19

Folk Concert: Malvina Reynolds, a leading writer of contemporary folksongs, in a special concert sponsored by the Folklore Society of Greater Washington and the Smithsonian Division of Performing Arts, 8:30 p.m., Natural History Building auditorium. Admission: FSGW members, $1; non-members, $2.

Exhibition: Thomas Eakins: His Photographic Works. Approximately 200 photographs by or of the great 19th century American artist including portrait photographs that served as notes for paintings and examples of the artist's outdoor work. National Collection of Fine Arts, through January 3, 1972.

SATURDAY, NOVEMBER 20

Creative Screen: Daguerre: The Birth of Photography; Pas de Deux; Daphnis and Chloe. Repeat. See November 18 for details.

MONDAY, NOVEMBER 29

Audubon Lecture: Outdoor Yearbook. Karl Maslowski, photographer for Walt Disney and writer for Cincinnati Enquirer, will show a color movie of usual and unusual natural phenomena with the sounds of 60 different species of wildlife. 5:15 and 8:30 p.m., Natural History Building auditorium.

FAITH, HOPE, AND CHARITY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. MAZZOLI. Mr. Speaker, I would like to call to the attention of my colleagues a newspaper article which appeared in the Louisville Times on September 17, 1971.

It concerns Mr. L. A. (Lewis) Gerton of Louisville, Ky., who, despite the fact he lost his sight 4 years ago, is able to see certain things quite clearly.

I would like, most particularly, to call attention to Mr. Gerton's observation that financial benefits alone do not meet the needs of our handicapped citizens.

What is more important than money, in the words of Mr. Gerton, is simply the gift of a "little kindness, a little humanity."

Because I think that Mr. Gerton's message to those of us who are more fortunate is an important one, I insert the following article, by Miss Laurel Shackelford, in the RECORD.

FAITH HOPE AND CHARITY: THE BLIND HELP OTHERS

(By Laurel Shackelford)

About 3:45 p.m. yesterday L. A. (Lewis) Gerton called the regular monthly meeting of Faith Hope and Charity to order by tapping his collapsible blindman's cane on a marred, but sturdy, Sunday-school table in the basement of Grace Hope Presbyterian Church.

Gerton is a tall, good-looking man who enjoys dressing sharply even though he cannot see the results. Yesterday he had on a bright purple pullover sweater, with leather trim, and grey plaid slacks. The sighted women at the meeting admired the apparel and Gerton was pleased.

Gerton has always been a man on the go, especially since he lost his sight four years ago through glaucoma. He is involved with a lot of projects—he's chairman of the board of directors of the Jackson Area Council and teaches ceramics at Grace Hope—but his favorite is the Faith Hope and Charity group.

Gerton started the group about three years ago when he learned there were a number of blind people in the area who needed to get out of the house once in a while, people who needed a little fun.

The purpose of the group is to help other people and to help each other. Members who can afford it pay a dollar a month dues, plus 25 cents for the birthday fund.

The dues help fund the group's special projects, such as delivering Christmas baskets to nursing-home shut-ins, and are occasionally used to help a Faith Hope and Charity member who has an emergency. Proceeds from the birthday fund are given to each member on his birthday.

Collecting the dues is a serious, time-consuming matter at the meetings. One woman who has sight collects the money and calls out the names of the people who have paid, while two other members—one with sight and one without—record the figures.

When they are finished with the business affairs, Louis Matthews, a blind man, begins recording the minutes, which will be read at the next meeting, in Braille.

JUST A LITTLE RESENTFUL

Gerton is not bitter about being blind, just a little resentful.

He believes people with sight are fooling themselves when they think they have done their bit for the blind by having the state send them a disability check each month.

He said, "They figured they took the blindman off the streets by giving him money. They seem to think a little money is the answer. It's not. Most of us could make more money by begging. But more importantly, we're looking for a little kindness, a little humanity."

He said, "Blind people are almost like children in this respect. You have no idea how excited the group gets when I tell them someone is going to take an interest in us, that someone is going to come see us. But that rarely happens—people fall down on what they said, and the group gets so disappointed."

Gerton told about a seminary student who took an interest in the group last year and wrote to 75 area churches asking for volunteers who would be interested in "adopting" a blind person.

Gerton said the seminarian thought it would be nice if the church members would stop in to see the blind people a couple times a week, perhaps bringing them a little present and sitting and talking to them for awhile.

However, none of the churches answered the letters, according to Gerton, and the Faith Hope and Charity members still remember the disappointment.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 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?

NATURE AND MAN—AND WATER

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. ASPINALL. Mr. Speaker, the RECORD of this body in recent years has been filled with predictions of doom and foreboding concerning the environment; what man is doing to it; and with cries for the elimination of all activity that makes it possible for man to use our resources for any basic economic purpose. Perhaps no field of public activity has been so attacked and castigated as have our water resource development programs.

Those of us who have been privileged to be active in the water field have recognized the potential for some adverse effect and have supported measures to limit such effects without depriving ourselves of all benefits of the works of man. I was, therefore, deeply impressed and encouraged by a recent speech by one of our distinguished colleagues, the Honorable JIM WRIGHT of Texas, who was precisely on track when he made an eloquent request for balance between "use" and "preservation" of our natural resources.

Mr. WRIGHT addressed the All States Banquet of the National Water Resource Association during that organization's annual convention in Dallas, Tex., on November 4, 1971. I was privileged to be present on that occasion and am glad to share his remarks with all of my colleagues, feeling that they are well worth careful reading regardless of one's persuasion.

Mr. WRIGHT's remarks follow:

NATURE AND MAN—AND WATER

(Remarks of Congressman JIM WRIGHT)

Tonight I want to talk with you about Nature and Man.

Let us think together of Man and Nature—and of Water, nature's most priceless gift and man's most useful servant.

In the Book of Genesis, we find the commandment that man is to "subdue the earth." Obviously this did not mean to ravage the earth. But, of equally obvious truth, it does not mean to be subdued by the earth.

Nature is a marvelous mechanism. So is the human body. Both were engineered and created by the Divine Intelligence to perform their appointed functions efficiently and effectively.

But just as the human body can get out of balance and require corrective surgery to perform its functions properly, so also nature itself can get out of balance and require the corrective, healing surgery of man to perform its functions effectively, efficiently, and beneficially in the interests of both nature and man.

Nature exists for man, and man is expected to exercise beneficent dominion.

He is not expected to prostrate himself supinely before the floods; nor to abandon the arid earth to dust where water lies beneath the soil; nor let the waters wash away the land and leave both man and earth bereft. All of our knowledge cries out against such folly.

PARABLE OF THE DAM

Recently George W. Ball, former Under Secretary of State, wrote a whimsical little

story which he called the *Parable of the Dam*. It was published in *Newsweek* magazine. Secretary Ball no doubt intended its deeper meaning to apply to the world of international affairs. But the parable has a more direct and even more obvious application in light of recent developments in the United States.

The story goes like this:

Since the beginning of time, the villages in a mountain canyon had been periodically ravaged by floods. Finally, the leaders convened a great meeting and decided to invest their efforts and resources in building a large, strong dam.

Thereafter, for a quarter of a century, the dam sheltered the villages from disaster, prosperity prevailed, and life was tranquil—until, at last a new generation began to grow up, free from the apprehensions of the past and filled with exciting ideas about a world of song and beauty.

Inevitably the new leaders turned their attention to the dam. It was, they announced, huge and ugly and an affront to the environment. Besides it blocked out the sunset.

One leader wrote a folk song proclaiming it a symbol of imperialist megalomania, and people spoke excitedly of little else, until someone brought forth an argument that seemed quite unanswerable. After all, it was pointed out, no one ever talked about flood damage except the old fogies over 30 who were not to be trusted anyway. Who among the new leaders could recall any floods in his lifetime?

It was perfectly clear that floods were completely outmoded, a matter of the past—perhaps just a fiction manufactured to frighten the people. Since there had not been one for 25 years, clearly there would not be another.

So, after a season of demonstrations, more speeches, a pageant and several rock festivals, they blew up the dam and used the fragments for a people's playground. And let me tell you straight, man, when the waters came down it was really the Age of Aquarius!

THE "ECOLOGY" MOVEMENT

In the past two years, a sudden public awareness of our environment has burst upon the scene like an earthquake. To those of you who for decades have led the lonely and often thankless struggle for conservation and environmental quality, this should be great good news. A public awakening was long overdue! But—as is so often the case—the price we pay for long public neglect is a sort of hysterical over-reaction.

Unfortunately, among the new converts there is vast misunderstanding of all that the dedicated handful of conservationists has been doing for all these years. There is a deadly tendency to want to stop everything, to tear out all that man has built, to reverse the hard-won victories the conservation movement has achieved, and—incredibly—to turn the clock back to the unenlightened era when nature ravaged man and man was powerless to protect himself.

For many in the newly popular "ecology" movement, scapegoats have become more popular quarry than solutions. Stopping programs of resource development has become more fashionable—and it was always easier—than performing those programs.

ENVIRONMENTAL POLICY ACT

For some the Environmental Policy Act of 1969 has been misconstrued as a trumpet call to retreat into the past and seek the improbable goal of a dead and distant age before man's massive intrusion, when nature was supreme—an age when floods were thought to be the inevitable will of God and when it was the accepted rule that a river would cleanse itself in seven miles without any help from man.

But those who so interpret the commandment of that legislation have failed to understand its meaning. And this misunderstanding exists not only among the enthusiasts of the preservationist movement, but among some in our agencies of administrative government—and, sadly, in some of our Federal courts.

Let me quote the purposes of the Environmental Policy Act as set forth in the very preamble to that legislation. These are the purposes declared by Congress:

"To declare a national policy which will encourage *productive and enjoyable harmony* between man and his environment (and I underline those words, productive and enjoyable harmony); to promote efforts which will prevent or eliminate damage to the environment and biosphere and *stimulate the health and welfare of man;* to enrich the understanding of the ecological systems and natural resources *important to the Nation;* and to establish a Council on Environmental Quality."

Nowhere do I read in these purposes any intent to halt the development of our nation's water resources.

Nowhere do I see expressed a desire to lock up our rivers for the exclusive enjoyment of those few who wish only white-capped waters running rampant and uncontrolled.

Nowhere in that legislation is implied a call for retrogression. The law contains no mandate for any self-appointed group to exalt itself above the established agencies of orderly government and bring their work to a grinding halt!

Nowhere in that law do I read any intent to abrogate the clear will of Congress as reflected in water development projects fully authorized for construction—and some of them already begun—by the Bureau of Reclamation, the Soil Conservation Service, and the Corps of Engineers.

Yet, sadly, some have mistakenly read into the passages of that law a commandment to do these very things.

MAN'S EXPERIENCE

My father once told me that, unless each generation can capitalize upon the *mistakes* of its predecessors and avoid a *repetition* of those same mistakes, we'd suffer the greatest waste of all—the waste of man's hard-won experience.

I am not so young, and neither perhaps are most of you, that we cannot recall the ups and downs of an uncontrolled public economy, the booms and busts of an unprotected farm economy, the flickering lights of rural America where electrification was only a dream—or the devastating floods and droughts inflicted by a nature uncontrolled by man.

The Environmental Policy Act provides the machinery for a valuable service—new tools to evaluate the environmental effect of each of our public decisions. Congress most emphatically *did not* intend that only the *adverse* effects of every act should be subject to evaluation. To adopt such an attitude would lead us to but one conclusion: do nothing!

A BALANCED VIEW

It was quite clearly intended by Congress that the machinery originated in that act should give us the information for a *balanced* view.

While we do want to know of any possible effects on wildlife, we are preeminently concerned with the effects on *human* life. That, in any sane scale of values, must always come first!

Obviously, when navigation opens up the gates of commerce and job-producing enterprise to an underdeveloped area and helps reverse the massive tides of migration to the overcrowded cities, that is a *positive* environmental effect!

When the Soil Conservation Service builds levees and up-stream dams and encourages terracing and cover cropping to retard the siltation of our reservoirs, that is a *positive* environmental impact.

When homes and businesses are saved from periodic floods and the human wreckage that lies in their wake, who can regard the environmental effect as anything but *positive?*

When the waters of subterranean streams bring forth their bounty and transform deserts into gardens where the family of man can live and prosper, this is a *positive* environmental impact.

When a city is given a dependable water supply, the living environment is *enriched.*

When a reservoir provides the means of wholesome outdoor recreation for thousands of city-bound Americans, the environmental quality has been *enhanced.*

When the management practices of enlightened man augment low flows downstream, stabilize the river banks and replace the stagnant pools where only mosquitoes have bred, the environment quite manifestly has been *improved.*

Each of these effects is *positive* and *helpful* to the human race. Congress most emphatically does not intend that any one of them shall be slighted or ignored.

CONGRESSIONAL INTENT

This year in Congress we have had two votes which clearly establish the will of the people's elected representatives.

The first came upon an amendment to the Agriculture Appropriation bill which would have directed that we halt all works of channelization including those already approved by Congress and subject them all to further "study."

The second came upon a motion to amend the Public Works Appropriation by stopping the development of a key project in the Delaware River program—one on which construction already had begun—until further vaguely defined "studies" might be conducted.

Both amendments were decisively defeated! And this should be an unmistakable expression of the clear intent of Congress that the soundly conceived works of water resource development shall go forward unimpeded!

The projects which would have been delayed or denied by these amendments had already been studied and restudied. They had been analyzed, evaluated, adopted and begun—just as numerous others against which well-meaning but pitifully misinformed minorities have sought injunctions in the courts.

It is devoutly hoped that the courts will understand the intent of Congress as expressed in these resounding votes and govern themselves accordingly.

STUDY NO SUBSTITUTE FOR ACTION

There comes a point in every human society when study must give way to action. The average water resource development project of the Corps of Engineers today must traverse the labyrinthine path of almost 18 years of study and restudy between the point of a survey resolution and the turning of the first spadeful of dirt.

To suggest that, after all this, the will of Congress be stymied and the directed action be stalled simply for the sake of further "study" is reminiscent of the words of Kipling in his description of old men. He said:

"They peck out, dissect, and extrude to the mind
The flaccid tissues of long-dead issues
Offensive to God and mankind
Like vultures over an ox
That the Army has left behind."

Study at best is merely a guide and pre-

cursor to action. It is not a substitute for action!

CONSERVATION AND DEVELOPMENT

Conservation and development are not mutually exclusive. Development of the earth's resources is the tool by which man carries out the goal of conservation.

There is no irreconcilable gulf between a sound ecology and a sound economy.

To be a wise conservationist or an intelligent environmentalist does not mean to halt our development and harnessing of the water resources of our planet. To greater or lesser degree this has been necessary since man first intruded upon the earth. It is more necessary today than ever because there are more and ever more people.

We cannot, alas, keep people from intruding upon the earth. And the interest of people must come first.

POPULATION PRESSURES

Already the stark statistics of population growth contain in their overtones a prophecy of world famine. Already, in spite of our pockets of affluence, we see a preview of this prophecy on the subcontinent of India.

At the beginning of the Christian era, there were only some 250 million people on the entire earth. Within our generation, we shall have more than that right here in the U.S.—on about seven percent of the world's land area.

It took mankind more than 3,000 years to achieve a population of three billion people. Demographers forecast that we shall double this in 30 years. In three decades, if the present trend continues, we shall add to the living total as many as our progenitors added in more than three millennia.

The same amount of land and air and water and mineral resources, then, must be made to serve more and ever more people. Every year in our own country, we have a population growth equivalent to a new state of Maryland.

Not much longer can agricultural surpluses be our problem in the United States. Instead, we rapidly approach the time when we shall need millions of additional acres in production if we are merely to feed our own people—let alone the famine-bent billions of a hungry world.

Every drop of water that can be conserved, every inch of top soil that can be saved, every field and forest we can renew, every ore and mineral we can develop and conserve, and every stream we can cleanse of pollution will be our greatest possible gifts to future generations.

This is why the work of your association is so extremely important. And this is why the development of our resources must never slacken.

As most of you know, this nation used only about 40 billion gallons of water a day in 1900. This year we will use more than 400 billion gallons daily. The entire structure of our modern life depends, therefore, upon the maximum development and conservation of this finite resource.

NATURE'S ENDOWMENT AND MAN'S CHOICE

The amount of water in the world is constant—unvarying and abundant. The total quantity has been precisely the same since the very beginning when . . . God created the heaven and the earth. And the earth was without form and void; and darkness was upon the face of the deep. And the spirit of God moved upon the face of the waters.

An unending cosmic rotation steadily moves man's lifegiving liquid by gravity through the gentle and incessant flow of streams to the great reservoirs of our oceans, then draws it skyward by the sun's attraction to be purified anew, conveys it by cloud and wind, and returns it by rain to refresh the thirsty earth and renew man's lease on life . . . *ad infinitum*. It is an ever-recurring miracle, the most wondrous natural marvel of a wondrous universe.

Science can comprehend it, but never quite duplicate it. Man cannot change it. He can locally and temporarily befoul the process, and bring death. He can fail to act, quibble and quarrel with his neighbor while the tides of man outpace the provender of nature. Or he can form a sort of divine partnership with nature, help it along—and preserve life. This is his choice.

Twentieth-century America, like the prodigal son, has drawn heavily upon the bank account of its native endowment and squandered the substance in riotous misuse. More bountifully endowed than any nation in history, we've adopted the rather casual assumption that Providence protects America. We've extracted the riches of our natural legacy, exploited them to build a shining society, and wasted them in copious quantities.

We recall that other civilizations, also blessed with a spark of greatness, have strutted across the stage of world eminence only to fade and wane, their brief, bright promise unfulfilled. In the uncomprehending sand and heat of arid desert waste, their monuments lie buried.

Let no future archeologist tell the story for us. We have the knowledge to tell it for ourselves—if we have the wisdom. There is enough water to serve our needs for future time, if we learn to use and reuse it well. And there is enough time to do what we must. But there's not much of either to spare.

HOUSE RESOLUTION 630

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. JACOBS. Mr. Speaker, I was wondering if at this late date 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 the 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 the United States forces and those of the other foreign countries in the United States camp."

Resolved, That the United States shall forthwith purpose 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.

GEORGE ROCHE III—NEW PRESIDENT OF HILLSDALE COLLEGE

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. HUTCHINSON. Mr. Speaker, there are still some institutions of higher education in America, independent colleges, which continue to jealously guard their freedom from State control. Among them is Hillsdale College, a very fine small college of liberal arts in southern Michigan within my congressional district. Our colleague, the gentleman from Illinois (Mr. CRANE) and our former colleague, Hon. E. Ross Adair, now U.S. Ambassador to Ethiopia, are members of its board of trustees.

On October 9, 1971, it was my privilege to attend the inauguration of Dr. George C. Roche III as the 11th president of Hillsdale College. His inaugural address was so filled with the kind of educational philosophy so much needed in the Nation today that I asked him to permit me to include it in the RECORD.

I commend it to my colleagues. The inaugural address follows:

INAUGURAL ADDRESS

(By Dr. George C. Roche III)

Things fall apart; the centre cannot hold;
Mere anarchy is loosed upon the world,
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity.

In these words, William Butler Yeats described a collapsing world, a world gone mad, lost beyond recall. Sadly enough, Yeats' poetry has a prophetic ring today. We are confronted with distress and confusion on every hand, and nowhere have these symptoms been more apparent than on the college campus. Many Americans, especially the young, seem to be saying that their present life is not worth living, that our institutions and indeed our entire social structure have been found wanting. There seems to be abroad in the land a desire to start life anew, to reaffirm the unique aspects of individual personality.

A large proportion of the distress, confusion and alienation which so many people suffer today is directly traceable to the sad estate of present-day higher education. The proper goal of education is the development

of the individual. And the great task is to bring the educational structure back to that purpose. Unfortunately, the trend continues in the opposite direction. The multiversity, to use the term coined by Clark Kerr, would appear to be a modern hybrid with a scale of values oriented toward everything but the individual student. While such a bureaucracy cannot educate, it lends itself admirably well to social engineering, to turning out technically proficient automatons ideally suited to running the system without questioning its values. This is one of the valid complaints our students have. We can see this in a bit of doggerel originating from the Berkeley uprising, to be sung to the tune of Beethoven's Ninth Symphony:

From the tip of San Diego,
To the top of Berkeley's hills
We have built a mighty factory,
To impart our social skills.
Social engineering triumph,
Managers of every kind
Let us all with drills and homework
Manufacture human minds!

Small wonder that our young people feel alienated when caught in the grip of the monstrous multiversities which leave no room for the development of individual personality.

A second failing of present-day education has been the calculated retreat from the lasting values by which society may be ordered and the individual's life may be governed. One of the patron saints who helped to produce the intellectual climate of twentieth-century America was J. Allen Smith, the history professor who originated the debunking view of the Founding Fathers and the United States Constitution later made famous by Charles Beard's *An Economic Interpretation of the Constitution*. Smith, in a moment of reflection, apparently had his misgivings. "The trouble with us reformers is that we made reform a crusade against standards. Well, we've smashed them all, and now neither we nor anyone else have anything left! Nothing left! Strong words, coming from a prophet of the modern academy.

How did we reach such a stage of moral bankruptcy? One of the most basic principles of the Deweyite pragmatism and instrumentalism which infect our schools and our social order is that the truth of an idea is measurable only by the consequences to which it leads. Presumably, if the consequences of an idea are good, then the proposition is true. How do we measure good consequences? The good, so we are told by the instrumentalist, is that which achieves the proper social goals. Does the individual have judgment in this matter? Is there some Divine sanction by which we can evaluate these "proper social goals?" The modern answer to both questions has been "No." The measure of good is now to be exclusively social, eliminating individual judgment, eliminating any fixed standard of right and wrong, and indeed eliminating the very concept of truth.

Today, many of our young people are more concerned than previous generations to know "the reason why," to examine the moral premises of our society. Perhaps they hunger for this because our present institutional structure offers them so few values and principles on which to build their lives.

The state of education today is, like the state of our civilization, the sad consequence of ideas which have been enjoying increasing popularity in recent decades, mistaken ideas on the nature of man and the meaning of human life. Today's educational structure and today's society, valuing neither individual personality nor the guidance of a fixed moral order, tend to produce "other-directed men," hollow men, rootless men, men without enduring conviction, ignorant of the past and careless of the future. Various social critics have identified this new creature produced by your modern educational and social structure. For José Ortega Y Gasset, the distinguished Spanish philosopher, they were the "mass men." For Wilhelm Roepke, the distinguished German political economist, they were the proletariat. For the distinguished Christian apologist and professor of Medieval and Renaissance literature, Clive Staples Lewis, they were "men without chests," men deprived of those very attitudes and understandings concerning the nature of the human experience which make it possible for us to be fully human. Describing the new-style intellectual thus produced, Lewis wrote:

"It is not excess of thought but defect of fertile and generous emotion that marks them out. Their heads are no bigger than the ordinary: it is the atrophy of the chest beneath that makes them seem so. And all the time—such is the tragi-comedy of our situation—we continue to clamour for those very qualities we are rendering impossible. You can hardly open a periodical without coming across the statement that what our civilization needs is more 'drive' or dynamism, or self-sacrifice, or 'creativity'. In a sort of ghastly simplicity we remove the organ and demand the function. We make men without chests and expect of them virtue and enterprise. We laugh at honour and are shocked to find traitors in our midst. We castrate and bid the geldings be fruitful."

There *are* certain values which distinguish man from animal. These values are the essence of civilization. These values are the essence of education. The primary failure of contemporary higher education has been the failure to communicate those values.

ULTIMATE VALUES

What can we say concerning the values which we must communicate to our young if civilization is to endure?

First—such values have strong religious overtones. The Christian experience of the Western World—with its emphasis upon human personality, upon the unique character of every soul, upon the concept of human dignity, upon the nature of rights, duties, and personal responsibility—is the cornerstone upon which our system rests.

Second—Western civilization and the American experience draw heavily upon the idea of ordered liberty as reflected in our law and politics. The freedoms which built our society derive from the recognition of the necessity for restraints upon political power and the insistence that only private, voluntary cooperation can build a sense of true community.

A third portion of the values which must be reflected in education if society is to endure might be summarized as a willingness to credit the past with substance. As Richard Weaver once described our modern society, "One would think, from the frantic attempts made to cut ourselves off from history, that we aspire to a condition of collective amnesia." Yet the past has a great deal to teach us if we will but listen. In fact, no restoration of values is possible unless we appreciate the wisdom and experience which the past offers us.

We are told on every hand that the clock cannot be turned back. But such an assumption means that we are prisoners of the moment, that an idea must be "new" to have meaning. And yet surely those things of lasting value, of permanent significance, are not affected by the passage of time. If time did affect the truth of an idea, then truth itself would become impossible.

As Fulbert of Chartres told the world in the eleventh century, and as Edmund Burke and Russell Kirk have reminded their contemporaries in the eighteenth and twentieth centuries, "We are dwarfs mounted upon the shoulders of giants."

Despite our vaunted "modern breakthroughs in knowledge," it is doubtful that anyone now alive possesses more wisdom than a Plato, an Epictetus, a Paul, or an Augustine. Yet much of what passes for "education" in our time either denies this accumulation of past wisdom or belittles it in the eyes of the student. Truth, after all, is a measure of WHAT IS, a measure of an infinite realm within which the individual is constantly striving to improve his powers of perception. As the individual draws upon his heritage and applies self-discipline, he comes to recognize more and more of that truth and to understand it. The individual is thus able to find himself and his place in the universe, to become truly free, by recognizing a fixed truth, a definite right and wrong, not subject to change by human whim or political dictate.

The individual can be free only when he serves a higher truth than political decree or unchecked appetite. Such a definition of freedom in consonance with a higher law has its roots deep in the consciousness of civilized man. It is this premise, founded upon intuitions concerning the nature of the human experience, that lends substance to that great tradition of liberal education in its original meaning. Unless he seeks only the freedom of a shipwrecked sailor, the freedom to drown in an existential sea, the individual desperately needs to recognize that his truly liberating capacity to choose must be hinged upon a moral framework and upon certain civilized preconditions which at once limit and enhance his choice. It is this recognition which constitutes civilization.

What is it then, that civilized and properly educated men come to value? One possible answer is given by Harold Gray, the creator of Little Orphan Annie and of the equally delightful Maw Green, Irish washerwoman and homey philosopher *par excellence*. In one of Gray's comic strips, he confronts Maw Green with a slobbering, unkempt, aggressive boob, who shouts, "I got rights, ain't I? I'm as good as any o' those big shots! Nobody's better'n me! I say all men are born equal! Ain't that right?"

Maw Green maintains her boundless good humor and agrees that all men are indeed born equal, but she turns aside to confide to the reader, "But thank Hiven a lot of folks outgrow it!"

Perhaps that civilizing task of "outgrowing it" is how the educative process can best help the individual. It is in pursuit of that civilizing task that we must cultivate a healthy distrust for today's dominant political mystique, substituting a proper respect for tradition, community and universal moral values.

OUR RESPONSIBILITIES

We live in an age in which we hear on every side, "It does not matter what a man believes." A proper view of education must be founded upon the fervent belief that it matters a very great deal what each of us believes. Not everyone may be a philosopher, but one can scarcely hope to order his life or find meaning in the world around him unless he has some idea of the underlying problems of the universe and of the human experience, some guiding rationale which serves to provide a pattern and purpose to his existence.

I believe that most persons in this nation still harbor within their hearts many of the ancient verities. As a people, or at least as individuals composing our society, we believe in God, in right and wrong, in individual dignity and decency, and in the necessity for individual freedom.

Many men, including some fine thinkers presently sitting in this audience, have provided excellent definitions of education. One of my favorites is the definition provided by Jacques Maritain, the distinguished French philosopher:

"We may now define in a more precise manner the aim of education. It is to guide man in the evolving dynamism through which he shapes himself as a human person—armed with knowledge, strength of

judgment, and moral virtues—while at the same time conveying to him the spiritual heritage of the nation and the civilization in which he is involved, and preserving in this way the centurys-old achievements of generations."

What are the prerequisites for such a traditional liberal education? First, we must be free from political influence. A liberal education is premised upon the achievement of freedom. The word "liberal" comes from a Latin word signifying "free." Unless education liberates, it ceases to be truly liberal. And such liberating truths cannot be presented unless the educational structure is left independent enough to espouse those truths, regardless of any political pressure. The sad record of educational institutions which have fallen into the hands of the state should make this point abundantly clear.

A second prerequisite for a truly liberal educational institution would be that the values which we intend to impart to our young people must be values which live in us, as teachers, as parents, as an institution devoted to truly liberal education. In his book, *The Idea of A University*, John Henry Newman wrote over a century ago:

"The general principals of any study you may learn by books at home; but the detail, the color, the tone, the air, the life in it, you must catch all these from those in whom it already lives."

We cannot expect to share values with our young people unless those values hold a significant place in our own lives.

After hearing even these first two prerequisites, you may wonder whether the task I am describing is possible of achievement. The process of preserving civilization is always supremely complex and demands a high order of performance. This will be especially true in our own age, an age immersed in relativism, scientism, skepticism, and all the forces dedicated to the destruction of truth and the destruction of individual personality. And yet, however dark the picture men of good will must not despair. God does not ask that we win, but He does ask that we try.

As well, in every challenge there is an opportunity. Presumably, the greater the challenge, the greater the opportunity. Despite the fact that our modern educational structure is so largely controlled by forces opposed to the values I have been describing here, I beg you, do not underestimate the power of men dedicated to the achievement of their deeply held aims. If enough of us decide that we truly want to achieve such educational standards, we can surpass ourselves. The money, the teachers and the students can be found, students who in time will form the leadership community through which these ideas will spread.

Those who effect great revolutions are always small in number. Such people need not wait to become a majority. No one else *can* do the job except those who understand what needs to be done. The disruptive influence of political centralization in education will continue until it has been overshadowed and rendered meaningless by a moral force of sufficient intensity, a force generated by individuals who understand what is at stake and who serve notice by their own example that a better way exists to educate our young.

The Old Testament recalls the doubts which assailed the prophet Isaiah in circumstances not unlike our own. As Albert Jay Nock recounts the Biblical tale, Isaiah despaired of preaching the truth in a society which seemed unconcerned about such matters. The Lord counseled the prophet to worry less about all those skeptics who did not understand, urging Isaiah to concentrate instead upon the Remnant of good people who, though unknown to Isaiah, were out there somewhere, waiting for the message.

It has been suggested that man has two duties on earth. He must come to know God and must make the effort to realize himself as a person. It may well be that, when our understanding has progressed far enough, we will find that knowing God and realizing ourselves as persons are different facets of the same single reality. Some men with such understanding already exist. They are the Remnant to whom Isaiah was instructed to carry the message.

May God grant us the wisdom and courage to play some small role in insuring that this school, this nation and this civilization shall have a future as well as a past.

HOUSE JOINT RESOLUTIONS 8598, 10870, AND 11170

HON. RALPH H. METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. METCALFE. Mr. Speaker, a few years ago, scientists discovered the cause of a disease that has been afflicting millions of individuals of black ancestry since the beginning of time.

Until now, however, very little attention was given to this disease, and often people with this affliction went for a lifetime without ever knowing that such a disease existed, not to mention that they themselves had the disease and that it might be transferred to their offsprings.

At present, an estimated 50,000 black Americans have sickle cell disease. At least 5,000 require hospitalization each year and many others are treated as outpatients in hospital emergency rooms. In addition, these patients are subject to general lassitude due to anemia, chronic infections, and other complications. Most never live beyond the age of 30.

The most important and effective measure of decreasing incidents of sickle cell anemia is prevention through what is called genetic counseling. This means that the black population must become aware of the disease and of its inherited trait, and that blood tests can and should be given to detect the 8-plus percentage of Americans who are carriers of this trait.

This Congress should establish programs for the treatment and control of this disease that affects such a large number of black Americans.

I have cosponsored three bills which will provide funds for the detection, treatment, and research of sickle cell anemia.

I cosponsored a bill which will provide for the establishment of a national sickle cell anemia institute. The institute will conduct and support comprehensive programs for the diagnosis, treatment, and prevention of sickle cell anemia; establish related traineeships in the institute and elsewhere; establish nationwide screening programs to determine incidents and traits among school age children; develop counseling and education programs in consultation with community representatives to make known the services available under this legislation; and provide assistance to the Secretary of Defense for screening persons entering the Armed Forces for the disease.

I also cosponsored a supplemental appropriations bill that would restore the $6 million that was cut from the Health, Education, and Welfare appropriations for 1971–72 to aid current programs for the detection, treatment, and research of the disease.

In addition to these two bills, I have cosponsored a sickle cell anemia proposal to attack the sickle cell problem on a local level. This bill would provide funds for local community efforts to screen for the disease and would make large grants for major research in a pilot program here in the District of Columbia.

In December, the congressional black caucus, along with the National Dental Association, the National Medical Association, Howard University, and Meharry Medical College, will sponsor a national health conference on the status of health in the black community at Meharry in Nashville, Tenn.

The conference will be divided into eight discussion workshops, one of which will be a section on special minority problems. Sickle cell anemia will be discussed in this workshop and hopefully, participants in this conference will bring this disease, along with other social health problems affecting the black community, to an appropriate level of concern for the total black population.

If sickle cell crises can be avoided through treatment and prevention, much greater control of this disease may be possible in the future. Only extensive clinical trials and better understanding of the disease can enable those afflicted to live longer with less pain and disability.

THE DROPOUT AS REVOLUTIONARY

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. ICHORD. Mr. Speaker, since that brilliant Frenchman Alexis de Tocqueville so eloquently analyzed democracy in America early in the 19th century, we have learned that the most penetrating views of the American body politic are frequently rendered by foreign observers. I think it is fair to say we tend to learn more about ourselves as a nation by seeing it through non-American eyes.

Such is very definitely the case with the much too infrequent commentaries from the pen of Dr. Frank Knopfelmacher, a professor at the University of Melbourne, Australia. I recall reading a column written by him in 1970 on the Students for a Democratic Society which fairly and concisely put that organization and its leaders into sharp focus with respect to student unrest at that time.

His latest contribution to our understanding is entitled "The Dropout as Revolutionary," which appeared on the editorial page of the Wall Street Journal on October 25, 1971. Dr. Knopfelmacher correctly assesses not only the nature of today's revolutionaries in the

American society but also notes the inherent strength of our Nation to withstand the nihilism of the extreme left among our youth. With particular adroitness, he lays bare the fallacies popularized by Charles Reich's best-selling "The Greening of America" which glorifies the dropout mentality of the "hippie" cult and the antiestablishment do-nothings of our era which Reich calls the Consciousness III as opposed to the ordered society of democracy and technology he calls Consciousness I and II. Pointedly, Dr. Knopfelmacher notes:

The serious problem is, surely, how to work safeguards of individual liberty into the interstices of the managerial-corporate state which cannot be abolished because with it our technetronic culture would also go, and with it our civilization. For whenever a Reichian Consciousness III switches on the light on his desk to write an essay against Consciousness I and II on his electric typewriter, he votes against his essay with his typewriter keys.

For the benefit of those of my colleagues who may have missed this significant article by Dr. Knopfelmacher, I now insert it in its entirety in the RECORD at this point. I thank you, Mr. Speaker.

The article follows:

THE DROPOUT AS REVOLUTIONARY

(By Frank Knopfelmacher)

Serious political theory can be—very roughly—divided into three categories which I shall call respectively, the conservative, the liberal and the revolutionary. Their dominant themes run throughout the history of Western political thought, and while they sometimes overlap, it is by and large possible to fit any one thinker at any one time into one of the three.

Not much needs to be said about liberalism, which possibly has dominated America since the establishment of the U.S. The basis of this ideology is the belief that human secular destiny can be steadily improved by improving the environment, and that the human person is, by and large, the function of his natural and social conditions and if you change the latter for the better you will improve the former.

The revolutionaries differ from both the liberals and the conservatives in that their "ultimate" beliefs are closer to those of the liberals, yet the more immediately practical ones appear to be based on much the same assumptions as those of the conservatives. The revolutionaries share the liberal's trust that man can be perfected, or at least progressively improved, but unlike the liberals they don't believe that this can be achieved without a catastrophic restructuring of the world as it is and as it has been since the beginning of civilization.

A MIXED BAG

The New Left in America and elsewhere is revolutionary, insofar as it is made up of serious people who in some sense mean what they proclaim and who are not mere poseurs, TV entertainers, or promoters of exciting homo-erotic fashions in the textile trade. Their prophets from Marx to Marcuse have made it abundantly clear that they reject our society in toto. By and large, also, the New Revolutionaries tend to display the classical specific differences in tactics, temperament, organizational methods and philosophy which have always emerged, in one way or another, within revolutionary movements; there are elitist Leninist or crypto-Leninist followers of Lukacz (whose work has been bowdlerized and popularized by Marcuse), the participatory democrat-anarchists who favor elective soviets, the advocates of more or less organizationally undirected individual action and nihilistic terror, and finally, the drop-outs, the hippie-freak element.

The drop-outs, which can be further subclassified according to costume, style of noise-making and manner of deviance, are, strictly speaking, not revolutionary. Their actions tend to be irreductibly apolitical and their life-style is far too erratic to lend itself to systematic political manipulation and direction by revolutionary technicians. Yet their actions tend to have unforeseen and unintended political consequences. The drop-outs are at the same time despised and courted by the revolutionary and counter-revolutionary alike, since both regard them as a hopeful sign. For the revolutionary, the drop-out represents a symptom of decadence in the target society, while for the counter-revolutionary, a sign of decay in the quality and morals of the revolutionary movement, Charles Reich's book, "The Greening of America," is essentially an apotheosis of the drop-out and his penumbra of attentuated imitators, and it represents an attempt to elevate him to the status of the revolutionary par excellence.

The central political thesis of the book is the proposition that the American corporate state will disintegrate purely as a result of a mental metamorphosis in its subjects and not as a result of political or revolutionary action. People's consciousness will simply change from II to III and the corporate state will wither away. The old corporate, anti-human Gesellschaft will give way to a free yet organic society of spontaneous sensualists and creative artistic producers.

The Consciousness III chaps are not exhorted by Reich to do anything. As a matter of fact they are actually exhorted to do nothing political in the ordinary usage of the term. They are merely urged to drop out, to fall if possible on the soft cushion of sustaining corporate wealth and to enjoy themselves.

THE ANATOMY OF A BESTSELLER

What made Reich's book into a bestseller? Why should it have sold so many more copies than other intellectually more competent books, which have appeared roughly at the same time, and which were written for a similar, fairly well-educated, middle to upper-middle-brow public? Why should men of affairs, and their wives, used to sound arguments in the pursuit of their corporate business and to good material texture in their private pleasure, prefer a discourse on the redemptive properties of Consciousness III on skis, in hip clothes, to sober and rationally argued treatises based on sound political knowledge and adequate empirical evidence? Perhaps somewhat underneath Reich's Consciousness III there lurks the old impish One and Two, an eye for the fast buck and a promoter's instinct for what the public loves.

Even if one were to accept fully Professor Eugene Genovese's hypothesis that the American New Left is made up largely of economic parasites extruded from the loins, nurseries and schools of a liberal middle class which has by now mismanaged everything, including the socialization of their children, one may nevertheless concede that the enterprise of radically chic social parasitism is occasionally inconvenient, at times morally disturbing, and an object of sarcasm from both conservatives and from more seriously committed revolutionaries. The sense of one's own basic fraudulence—living in affluence and leisure, spouting a revolutionary rhetoric, and inducing in oneself counterfeit emotions of communion with the wretched of the earth—spoils at times one's delight with the game.

Reich's doctrine frees "the kids" and their parents from all this. Reich, in fact, says that in being a social parasite one is being a revolutionary. There have been occasional parasitic playboys who were also revolutionaries—who, as it were, "made it" in revolutionary politics, e.g. the younger Verkhovensky. Yet, according to Reich, the playboy no longer has to make it since he is it. No wonder the book should please so many. The law-enforcement agencies and their allies will naturally opt for revolution in the minds, rather than by bombs, violence and political subversion. The media will welcome a revolutionary who does not question the legitimacy of property, but the most delighted will surely be the liberal academics and the college presidents, for here at least is a radical whose message does not increase the insurance rates of academic real-estate. The replacement of arsonists and bullies by bums and deviates will relieve many an administrative headache.

The people who should be disturbed by the prominence of Reich's book are those—American and non-Americans alike—whose personal freedom and survival is linked with the fortunes of the American republic. For it is obvious that the real revolutionary, as against the psycho-revolutionary of Reich's Consciousness III, represents no serious danger in America. Like all modern state machines in developed countries, the American state apparatus is effectively unchallengeable from within. Foreigners like myself, and even some natives, are deceived into believing that a violent revolution is possible in America by the degree of tolerated violence and dissent, and by the remarkable extent to which Americans tend to doubt the stability of their social order. The amount of slippage in the American law-enforcement apparatus is, perhaps greater than in any other highly industrialized society, and certainly greater than in other "English-speaking" cultures, but there is no evidence that a head-on challenge against the social order would not be swiftly and successfully crushed.

The New Left is divided into two groups, of which by far the greater part would opt for the role of comfortable social parasitism celebrated in Reich's book. The values of that group have now permeated American society down to the women's magazines and comic books. The situation is reinforced by the fact that the belief in the basic dispensability of government in the pursuit of individual happiness is one of the most cherished American myths. In no other developed country is the need for sovereignty and government viewed with greater suspicion than in America. Indeed, the lurking feeling that governments are dispensable after all, or if not, that they should be reduced to the barest minimum provides an occasional link between the thinking of the Left and the conservative Right in their joint nostalgia for a vanished past. It is a part of American tradition and, hence, even conservatives are highly vulnerable to it.

* * * * *

THE TOTALITARIAN CHALLENGE

At the present time the still open societies of America and her allies are challenged by totalitarian despotisms of various kinds, of which the USSR remains the most formidable. They can withstand the challenge only if they consolidate and extend their institutions of conflict management to prevent disruption of the minimum of continuity and coherence which are a prerequisite for the successful conduct of world affairs, and if they can confront the system of terror and propaganda which threatens us from without by a force based on an internalized sense of civil responsibility.

There is only one libertarian counter to terror and totalitarianism—determined resistance based on a civic consensus rooted in loyalty to the Republic, and supported by a variety of virtues, shrewdly tamed vices and skills which together constitute the functioning human person within the context of his culture-bearing polis. The polis, any polis other than a tyranny, requires Consciousness II. Consciousness III is for those who wish to live like animals, men whom the ancients called cynics—the dog-like.

If the Reich ideology were to prevail in

the U.S., and if Americans in large numbers were to follow the pied pipers of social irresponsibility, we might yet see the "greening" of America, since the grass might grow where the machines of civilization once stood. And life would again become solitary, poor, nasty, brutish and short, though admittedly with lots of unpolluted fresh air.

Yet, more likely, we would witness the internal disintegration and eventual conquest of a sensate, demoralized and self-hating mass of crazed consumers by other tyrannical societies based on order, myth, hierarchy and unrestrainted violence. And their regime would be oppressive in the palpably real sense rather than in the contrived-pickwickian sense propagated by Marcuse and aped by Reich as a sophist's weapon against the legitimacy of the social order of the American Republic.

MUSIC FROM THE HEART: JOE BATAAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. RANGEL. Mr. Speaker, one of the most promising sounds in contemporary music is rising from East Harlem in the 18th Congressional District. I am speaking, of course, of Joe Bataan, the Latin bandleader who has attracted national notice and an international following.

Joe Bataan grew up in East Harlem and, despite his professional success, has chosen to live in his own community where his music, in the words of Felipe Luciano:

Talks of cops, riots, unwed mothers, prayers to God, abandoned children, and the names of streets in El Barrio.

New York Magazine carried an article on Joe Bataan, his years in the streets of East Harlem, his experiences at Coxsackie prison and his music which has endeared him to millions of Americans. I commend it to my colleagues.

The article follows:

[From New York Magazine, Oct. 25, 1971]

THE SONG OF JOE B

(By Felipe Luciano)

There was a time in El Barrio when only one thing mattered, whether you lived on Dragon turf or Viceroy turf. Legends persist about the shootouts between the two gangs, the all-night orgies, the humiliating defeats, the fistfights between individual warriors that lasted for hours. The Torres brothers and George Robles of the Viceroys, Georgie Bass and Joe Bataan of the Dragons: *"Ellos fueron los malos."* They were the bad ones.

In the early fifties very few escaped the milieu of gang culture. Some died violently with 22 stab wounds in their chests or were hit by a garbage can full of bricks pushed from the top of a tenement. Some went to jail convicted of murder, assault or rape. Some got married early and began the life of pack mules, pulling cold, gray metal racks of cheap dresses down Eighth Avenue in the garment district. Others went to drugs, a life alien to the gang style. The gangs were a collective endeavor, you fought *together;* smack was an individual experience. If you had to cut your brother's throat to get the money needed to buy a nickel bag you'd do it... and justify it later.

Those of us growing up then in El Barrio cherished the legends of gang heroism and exploits. But by now most of the warriors have died, in spirit if not in fact. Except for Joe Bataan. His rep is still intact in East Harlem. He survived the streets and prison to become a successful Latin singer and bandleader. In 1966 his first album, *Gypsy Woman,* put him on the record charts and last January he formed his own record company, Ghetto Records.

Joe B, as he's known in the Latin music business, is a street singer, our own troubadour. His ties to his past are ever present in his recordings. That is the real reason Joe Bataan is loved. It is not so much for the quality of his voice but for the memories he evokes in Puerto Ricans in the inexorable melodic lines of "oldie but goodie" grind-'em-up cuts like "When We Get Married," "Gypsy Woman," and "Sad Girl."

Latin and soul music have been the traditional musical forms in Spanish Harlem; Latin music because it represents our own unique life-force, and soul because for better or worse our destinies are inextricably tied to that of the black nation insofar as we live, work, and die with it. In every slum in New York there were always several singing groups who would stand on street corners hunched up in a circle to avoid the ridicule of passing adults and to make sure the harmony was tight. Hands cupped over their ears to magnify the sound, they would croon for hours in the sultry ghetto summers or the dry cold of New York winters. They sang songs like "The Wind," "Valerie," "Florence," "Who Wrote the Book of Love," "Tears on My Pillow," and "Look in My Eyes"—cuts that still crack the facades of some of the meanest hustlers in Harlem.

I first met Joe Bataan at Coxsackie prison in 1965. When I set eyes upon the big dude that we had talked so much about as children in El Barrio, I thought, "Damn, the mother can't be over five-seven. He's as short as me." He was the celebrity in "Spain," the Puerto Rican sector of the jail, and he charmed the entire prison population. His appearances at the annual talent shows in Coxsackie, where he would accompany himself on the piano singing both commercial and original songs, are still talked about by the inmates.

Joe B was born in 1942 of black and Filipino parents. He grew up in El Barrio during the mid-to-late fifties when "jitterbugging" (gang warfare) was at its height with stabbings every other week and shootouts in between. It was the time of Red Devil lye mixed with Pepsi-Cola thrown into the eyes, and Mau Mau Chaplins in Fort Greene being benevolent enough to give a rival gang member a jug of wine before they threw him off a project roof. It was the time of fancy earrings in the earlobe and stocking caps made from our mothers' torn nylons which we wore to keep the kinky hair down.

Those were the days when manhood was determined by how well you could imitate Frankie Lymon and the Teenagers, by wearing your gang sweater into school or, what was worse, into alien turf, and by your expertise on pigeons, whether you could tell the difference between a clinker, a tiplet, a tumbler, a baldie, and a homing.

Puerto Rican women always had it worse than their male counterparts. Couple the strict Catholic morality of their parents (particularly the fathers, who didn't mind their sons' sowing their wild rice and beans as long as their daughters remained pure) with the morality of the streets and you find a state of conflict that boggles the mind. Femininity was throwing a hooky party while your parents worked, and going out with the prez of the Viceroys. It was trembling, sweating, groping and clawing in a wine-smelling hallway, all sounds muffled so that Señora Martinez, *la bochinchera* (the gossip) next door, wouldn't find out.

I was eleven years old and though my only interests were shooting water on buses and cars with open-ended beer cans and playing hot peas and butter on 112th Street in El Barrio, I had already heard about Bataan. I had never seen him, but then again I had never seen Old Testament David. Both warriors were very real to me then. Joe's becoming prez of the Dragons had nothing to do with elections but rather with the swiftness of his hands, their impact on someone else's jaw and, of course, the fact that his heart pumped hot blood, not Kool-Aid. He had already graduated from Patrick Henry J.H.S., a school infamous in El Barrio for the quality of Dragon gang leadership and the quantity of illiterates, and had gone on to the New York High School of Commerce.

After his stint with the Dragons, Joe took over the presidency of the Young Copasetics, another gang in East Harlem. His youth was a disadvantage in fighting gangs with older members because they would be totally humiliated if they knew they had gotten stomped by a seventeen-year-old kid. They would usually come back for blood. Needless to say, Joe never told anybody his real age. But there was also an advantage to being young. As Joe put, "I was pretty reckless, but I knew that if I ever offended a dude, they wouldn't give me much time."

Bataan had a rough year in '59. He had suffered the paranoia of a gang leader who comes to the gut-churning realization that he is a target every hour, every day. Though he had dropped out of Commerce, he felt no elation. At that time dropouts, particularly non-white, lower-class dropouts, knew that there were only three ways of burrowing out of the get-tow: the gun, the diploma, or whatever soul you retained that white folks were willing to buy. They knew that all of the options were just a hustle. America's con games for the coons.

If you didn't go to school, you just hung out on the block. You sat on fire escapes and draped yourself over stoops and outer doorways of tenements trying to look as mean as Bogart. The usual mean street look was a scowl, out of which protruded a toothpick and a cigarette. Other identifying affectations were a hat turned backwards on your head, the latest style of clothing, some chump change in your pocket and nothing in your brain except total boredom.

This pervasive boredom led Joe to get arrested on a felony charge. He had been busted from time to time on gang-related charges but had always emerged without serving time. This time it was a stolen car and a black cop who wouldn't accept a bribe from Joe's family. After being freed on bail, Bataan entered Benjamin Franklin High School.

There were two institutions that were integral to the stability and wellbeing of Puerto Ricans in East Harlem—Franklin High and the Thomas Jefferson pool. The school kept you warm in the winter and the pool kept you cool in the summer. Both were on Italian turf. Gang membership was determined by ethnic background and geographic location and in most cases, your nationality determined where you lived. Thus, in East Harlem if you were an Italian you lived east of Third Avenue and if you were a Puerto Rican you lived anywhere west of Third Avenue up to Fifth Avenue bounded by 110th and 125th Streets. When Puerto Rican and Italian gangs fought each other it was a family affair. It was not uncommon to see older Italian men in their summer undershirts throwing beer bottles at the backs of fleeing Puerto Ricans or Puerto Rican mothers screaming encouragement from their windows as their sons fought Italians in the street below.

In addition to the threat of the Italians to the east, Bataan's former Dragons had to worry about the Viceroys to the north, the most famous Puerto Rican gang in El Barrio. The conflict between the Dragons and the Viceroys was traditional, like a hillbilly mountain feud. Most of the Viceroys were black P.R.s and the majority of the Dragons

were white P.R.s Rigid social lines separating white P.R.s from their black-skinned brothers emanate from the slave days in Puerto Rico. "Unconscious racism" was not a familiar term in El Barrio at that time, but it did almost as much damage to the Puerto Rican tribe as poverty.

Through some miracle, Joe B. survived his Franklin experience despite the fact that he was one of only three Dragons in the school. But, in the end, he didn't have much time to fight. Six months after entering Benjamin Franklin he was finally sentenced to five years in jail.

Joe cultivated his musical talent at Coxsackie in spite of the unsympathetic jail administration. Under the tutelage of Mark Francis, a brilliant black music instructor, he started learning the fundamentals of music.

When Bataan was paroled in 1962 after serving two years, his friends had made a social transition from gangfighting to partygoing. The former teenage members of the Viceroys and the Dragons were now young adults who frequented the Latin dance halls on weekends. Going dancing was the new sign of maturity in East Harlem. At first Joe attributed the deterioration of the gang structure to death, jail and early marriage. What he didn't notice was the glazed look in his friends' eyes, the limp handshakes and the constant drowsiness of his neighbors.

Heroin was beginning to have its impact on the Puerto Rican youth. No more fights, no more camaraderie. The gang for some Puerto Ricans was the only family they had, and it was gone. Nobody wanted any action anymore. It was now time to be cool, ultra cool, as cool as Death nodding his head on a street corner to music that only he heard and understood.

The warriors of the Puerto Rican tribe fell, seduced by a drug, humiliated by a poison. The ebony princes of the Viceroys fell, the *jibaros* (mountain people of Puerto Rico) of the Dragons fell, but they weren't the only gangs in El Barrio. Small gangs like the Turbans and the Young Copasetics died too. Heroin was like an amoeba with pseudopods reaching into Black Harlem and destroying the Imperial Lords and the Tiny Tots. The Lower East Side where the Sportsmen had reigned for years was now a wasteland. Even the Redwings, a proud and fierce Italian gang that controlled virtually everything east of Second Avenue in East Harlem, succumbed to the wrath of the devil.

The white venom eventually seeped into Brooklyn. In Brownsville, the Roman Lords, the Spanish Romans, the Frenchmen, the Count Bishops, the Jolly Midgets and the John Quells all were rotted away by dope. Bedford-Stuyvesant, which housed the El Quintos, the Stompers, the Bishops, and plenty of Chaplins, was like a disaster area.

But one of the biggest tragedies was to watch the Chaplins die. They were the biggest black gang in Brooklyn, with divisions in every community: Fort Green Chaplins (formerly the Mau Maus), Jefferson Avenue Chaplins, Albany Avenue Chaplins, Marcy Avenue Chaplins, the Canarsie Chaplins, etc. During the height of the Chaplins' power one Easter Sunday in the Brooklyn Paramount, Murray the K, the rock and roll deejay, asked the audience in jest, "How many of you'all out there?" A scream pierced the darkness of the theater: *"Chaplitiiins"* and almost the entire audience stood up. I didn't stand and I survived the wrath of the Chaplins only because my cousin was prez of the Little People's Division of the Canarsie Chaplins.

All the famous gangs from these slum communities fought the decisive battle and lost. They could duke it out with each other but they couldn't duke it out with themselves. "Going to Duke City," a phrase we used to mean a fight was going to take place, was never heard. The gangs went from communal fighting to communal nodding.

Joe B realized that what was now respected in his community was the almighty transition, the ability to make good from B.D. (Before Dope) to A.D. (After Dope). He worked for two years as a stock and delivery boy in the garment district, had a bit part in *The Cool World,* a film about gang warfare in Harlem, and for a while tried Bronx Community College.

In 1964 he was arrested again for violation of parole and sent back to Coxsackie.

After serving the final year of his sentence Joe came out rattled but determined to deal with himself and the world. Having received his high school diploma in jail, he entered Hunter College and simultaneously started a little band "with anyone who could blow." The small Latin dance halls where Joe played still exist in Manhattan, Brooklyn and the Bronx. They're usually rented lofts and storefronts frequented by older Puerto Ricans and serve as social clubs. It's not uncommon in our communities to see P.R. women wearing their hair in Minute Maid hair rollers through the week just to be able to fluff it out for the dance on Saturday night and confession on Sunday morning. Puerto Ricans sweat it out all week and let it all hang out on the weekends. Everyone goes to the dances—the pimps, the dope fiends, the hustlers, the workers and the students. It's almost always difficult to tell who is who because the same grimy guy you saw under a car on Friday, on Saturday looks as clean and sharp as a hustler on Seventh Avenue.

In these same dance halls Joe's new group was paid less than the union scale for musicians, but who the hell cared. With a jail record it would've been difficult for Joe to get the necessary cabaret license; furthermore, none of these marginal enterprises made the kind of money needed to pay union rates. The contract was simple and usually verbal. "You play a little, we pay a little," Joe remembers. "Man, I was carrying big pianos to dances without pay just because I wanted to play. People thought I was crazy."

The conflict in his life between music and school became apparent when he found himself doing more playing than studying. And a wife (the former Sylvia Roman, whom he had married in 1961) and child placed added demands on his time. Joe left Hunter College. Months passed as he endured the grueling schedule of one-night stands. Finally, Jerry Masucci, a producer from Fania Records, discovered Joe B and with his first album, *Gypsy Woman,* Bataan became a Latin bandleader celebrity in the barrios of New York.

I walked into Manhattan Center recently just as Bataan's group was starting its set. Joe beats out the rhythm with his foot to the uptempo tune "Puerto Rico Me Llama." The band constructs a driving rhythm that eventually soars into the musical bridge with trombones straining at their upper registers. The percussion in Joe's band provides the polyrhythmic foundation that is the trademark of Latin bands. Joe Bataan did not invent the mambo; it's as old as Cuban and Puerto Rican farmers, but it still swings.

The effect of a fast mambo or guaguanco on a Puerto Rican crowd must be seen to be appreciated. There are the usual stage clingers entranced by the poetry of the musicians' movements. Pete, *el timbalero* (the timbal player), is the most active body in the band as he sways from side to side, his arms seemingly detached from his body as they flail against the drum tops with rim shots and rolls. *El congero* (the conga player), Rocky, is eighteen and plays with youthful exuberance. Latin band is usually three fourths percussion and one fourth brass, reeds, or violins. But there is a percussion group within the percussion group—the congas, the timbals and the bass. It is this group that can make or break a tune. Louie is the only bassist I've seen sit down to play. With a cigarette always in his mouth and his eyes squinted to avoid the smoke, Louie plucks his strings looking straight into the crowd as if looking for his long lost brother. Then there are the two trombones, Robert and Eddie, mod dressed, blaring out melodic lines. There's Mel, the Latin lead solo and drummer who has to run from playing the cowbell to the traps. And there's Karl, the guitar player, Italian, brought up poor and respected for his technique.

Finally, there's Joe Bataan sitting at the piano—leading them home, watchful like a daddy.

But the dancers are their own music. *Portorros* (slang for Puerto Ricans) forget propriety and themselves when they get up to dance. Watch the women move, heads thrown back laughing heartily at some dude's rap, their brown hair alive and curling up under the sweat, showing the kinkiness that is their heritage. Watch the men twirling their partners in the most complex pattern of steps imaginable. The mambo used to be smooth and fluid. These days the youngbloods have made it into a test of Latino hipness: Who can turn the girl the most and which couple has the most intricate dance steps. The men draw crowds as they tear up the dance floor with their extraordinary clothing and their seemingly impossible steps.

There are the old folk, *los ancianos,* not afraid to dance a stiff boogaloo. And there are couples doing the grind. If done correctly, the grind is a slow, close dance done either passionately with limbs almost interlocking and some heavy breathing, or sensuously, with barely perceptible movement. It's as varied as love-making. Like *"el abrazo,"* the warm, all encompassing embrace of Latinos, the grind is eloquent. It screams through gritted teeth, "I love the hell outta you," or whispers gently. "I love you . . . dearly." It is, assuredly, nothing like the foxtrot.

Despite their enormous popularity in the Spanish-speaking communities, bands like those led by Joe Bataan, Tito Puente, Tito Rodriquez, Eddie Palmieri, and Machito have not been able to break into the big time. No one seems to care about promoting these great Latin bands nationally. The few Latin records that reach the larger commercial market are rejected because of the Spanish name on the label. American business and the public will sooner or later find out that there is more to Puerto Rican culture than José Feliciano and Santana.

Black musicians and singers had a similar problem several years ago. The hottest cuts coming from the black community were heard only on "ethnic stations." It took a political movement, black nationalism, to struggle for change. And when white rock artists acknowledged black songs and inflections as the sources of much of their music, America began to realize where the heavy stuff really came from. Puerto Rican music is already beginning to influence white musicians. Many bands lift entire pieces off the musical charts of Latin bands. Some Latin musicians call this robbery and lambaste the guilty for not acknowledging the source of their "hot tempoed" numbers. But, as Joe B points out, the white world is not solely responsible for the lack of success of Latin bands. "Latin bandleaders are plagued by petty jealousies," Joe says. "Get a group of them together to form something like Latin Power, and when it comes to struggling to make it happen, hell, they cop out, saying, 'When you get it together, come see me.' At the same time they'll go around the corner and work with another company whose sole interest is to suck them dry. The older bandleaders are scared of losing what they have and the young ones are still struggling."

Joe B and his band also have an internal problem, acquiring a mastery of musical technique—sight reading, arranging, com-

posing, transposing. Joe says, "I'm in such a bag, I ain't got no time. What I don't have in terms of musical training, I have to make up with my ideas. I don't really believe you need a musical education to be an accomplished musician and to reach people. It comes from the heart. But without technique you never get to the money."

Things are beginning to come together for Joe B, however. His newly formed record company, Ghetto Records, has had the number-one and number-two spots on the Latin record charts in the past few months with Paul Ortiz' "Tender Love" and Joe Acosta's "I Need Her." Ghetto records is getting more air play than any other Latin company except the very successful Fania Records. Joe himself has just released a new album, *Sweet Soul*, and he's waiting to see if it takes off. Joe was recently invited back to Coxsackie prison by his former music teacher and the warden. He spoke to the inmates about his problems while in prison, the dreams that kept him going, and the realities of facing the world again once he was out. He's still riding high on that visit to Coxsackie. "It was a great experience," he says jubilantly.

Joe Bataan has never forgotten his people. He lives in El Barrio, unlike some of the big bandleaders who moved away physically and spiritually, and this has endeared him to Puerto Ricans as much as the memories he evokes with his style of singing. Joe Bataan is tangible, you can see him walking along 106th Street and shopping on Third Avenue with his wife and two children. Andy Gonzales, a Latin bassist who now works with Dizzy Gillespie, once told me, "Whatever happens on the streets you'll hear in Joe Bataan's records." It's true. Bataan's songs talk of cops, riots, unwed mothers, prayers to God, abandoned children, and the names of streets in El Barrio we all know.

HEALTH PLANNING

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. WYATT. The magazine, Portland, published by the Greater Portland Chamber of Commerce, contains a short but thoughtful piece on comprehensive health planning. It was written by Les AuCoin, a State representative from Washington County. I would like to share the following article with my colleagues:

COMPREHENSIVE HEALTH PLANNING ASSOCIATION

(By Les AuCoin)

The prestigious, often conservative Fortune Magazine said in its January, 1970 issue ". . . the time has come for a radical change. The financial distortions, the inequities and the managerial redundancies in the (health care) system are the kind that no competent executive could fail to see or would be willing to tolerate for long."

When Fortune calls for a "radical" change, we know something must be wrong. The cost of health care benefits to employees is the fastest rising cost now faced by business and industry. It's true in the Portland metropolitan area.

Hospital costs have reached all time new highs. Health insurance premiums continue to go up. The hard fact is most Oregonians could still be financially destroyed by a prolonged serious illness in the family, a fact which Fortune says is virtually impossible in countries such as West Germany, Sweden and Great Britain. And none of those countries devote as large a percentage of their gross national product to medical care as does the U.S.

Health care is not the first "crisis" to strike our communities. The dynamics of what brings such a problem to a climax are not readily understood. However, the staggering problem of delivering the best health care to every American at a price we can afford is becoming a national frustration.

A dozen new plans have been produced in the Congress. At least six of those can be considered major health plans to be debated by the country.

The Chamber's Congressional Action this year said, "Employers as a group are the largest single private purchasers of health care services, and unions are pushing hard at the bargaining table for broader and more complete coverage. In 1968 (the latest figures available) business spent between $12 and $13 billion for this purpose."

In the metropolitan area, the Comprehensive Health Planning Association, created by Congress in 1966 (the Partnership in Health Act) is attempting to conduct short and long range planning in health care and health care systems. CHPA is a voluntary, nonprofit, non-government organization. Its Board of Directors is made up of 38 representatives from almost every segment of the metropolitan community.

In order to share in the Federal largess, hospitals and organizations seeking Federal monies for new programs, for manpower training, for special public health programs, must present their plans through CHPA before state, regional and federal officials will even consider their proposal for funding.

A new state law says hospitals must obtain a Certificate of Need before new construction or remodeling can take place. Local comprehensive health planning groups will be the clearinghouse for such needs.

CHPA committees are broadly based in consumers and providers of health services. As a consumer of health services, each businessman is entitled to participate in the planning decisions of CHPA. A number already are.

Zane Campbell, active in Chamber activities, is a member of the Board of CHPA and of the State Comprehensive Health Planning Group. Waldemar Seaton, formerly of PGE, is a newly elected Board member. V. F. Booker of the Freedom Bank is a newly elected consumer representative.

Comprehensive Health Planning Association for Metropolitan Portland has been getting the job done. It has hired the best Executive Director it could find in Richard A. Rix. Rix came to Portland from Iowa and New York where he was the head man for two significant health planning associations. Rix has gathered around him a staff of professional planners who have already made an impact on the health community.

After years of frustration, a coordinated Emergency Services Plan is about to emerge. By combining a half dozen reports and the expert opinion of dozens of witnesses, the volunteer committee and the professional staff will be soon announcing a plan to coordinate ambulance services, emergency manpower, communications, industrial safety, emergency rooms in hospitals and other facilities into a working unit.

Comprehensive Health Planning Association deserves the support and attention of the business community. If for no other reason than its own self interest, business should be giving it active manpower support and its pledge of financial assistance.

Comprehensive Health Planning Association is financed one-half by federal grants and the other half by local contributions. The association operates on a $160,000 budget a year currently.

Contact with CHPA can be made at the Portland metropolitan office, phone number 224-2560, located in the Marquam Plaza Building at 2525 S.W. Third.

VOTING ON NATIONAL CANCER ATTACK ACT OF 1971 ON MONDAY, NOVEMBER 15, 1971

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. ROGERS. Mr. Speaker, I am pleased to announce that H.R. 11032, the National Cancer Attack Act of 1971, has been placed on the suspension calendar for Monday, November 15, I am hopeful that this bill—which will provide the most extensive and comprehensive attack on a single disease in the history of this Nation—will be overwhelmingly passed by my colleagues.

Mr. Speaker, this bill is the product of intense work by the Subcommittee on Public Health and Environment. Following 4 weeks of hearings—1 day of which was at a major cancer center, Roswell Park Memorial Institute in Buffalo, N.Y.—and hours of meeting in executive session a unanimous subcommittee voted to report H.R. 11302 to the full committee on Interstate and Foreign Commerce. The bill was ordered reported to the House by a vote of 26 to 2 with two minor amendments, which were agreed to unanimously. Attempts to substantively change the provisions of the bill were overwhelmingly rejected by the full committee.

Mr. Speaker, copies of the committee report are available in the House Document Room and the Office of the Clerk of the Interstate and Foreign Commerce Committee. Because of the intense interest surrounding this landmark legislation, I include the text of the bill and a section-by-section analysis in the RECORD at this point:

H.R. 11302

A bill to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order to conquer cancer as soon as possible.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as "The National Cancer Attack Act of 1971".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds and declares—

(1) that cancer is the disease most feared by Americans today;

(2) that new scientific leads, if comprehensively and energetically exploited, may significantly advance the time when more adequate preventive and therapeutic capabilities are available to cope with cancer;

(3) that cancer, heart, and lung diseases and stroke are the leading causes of death in the United States;

(4) that the present state of our understanding of cancer, heart, and lung diseases and stroke is a consequence of broad advances across the full scope of the biomedical sciences;

(5) that in order to provide for the most effective attack on cancer it is important to use all of the biomedical resources of the National Institutes of Health, rather than the resources of a single Institute; and

(6) that the programs of the research institutes which comprise the National Institutes of Health have made it possible to bring

into being the most productive scientific community centered upon health and disease that the world has ever known.

(b) It is the purpose of this Act to enlarge the authorities of the National Cancer Institute and the National Institutes of Health in order to advance the national attack upon cancer.

NATIONAL CANCER ATTACK PROGRAM

SEC. 3. (a) Part A of title IV of the Public Health Service Act is amended by adding after section 406 the following new sections:

"NATIONAL CANCER ATTACK PROGRAM

"SEC. 407. (a) In his capacity as an Associate Director of the National Institutes of Health, the Director of the National Cancer Institute shall coordinate all of the activities of the National Institutes of Health relating to cancer with the National Cancer Attack Program.

"(b) In carrying out the National Cancer Attack Program, the Director of the National Cancer Institute shall:

"(1) With the advice of the National Cancer Advisory Council, plan and develop an expanded, intensified, and coordinated cancer research program encompassing the programs of the National Cancer Institute, related programs of the other research institutes, and other Federal and non-Federal programs.

"(2) Expeditiously utilize existing research facilities and personnel of the National Institutes of Health for accelerated exploration of the opportunities for the conquest of cancer in areas of special promise.

"(3) Encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research.

"(4) Collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer, including the establishment of an international cancer research data bank to collect, catalog, store, and disseminate insofar as feasible the results of cancer research undertaken in any country for the use of any person involved in cancer research in any country.

"(5) Establish or support the large-scale production or distribution of specialized biological materials and other therapeutic substances for research and set standards of safety and care for persons using such materials.

"(6) Support research in the cancer field outside the United States by highly qualified foreign nationals (where the Director determines that such support can reasonably be expected to inure to the benefit of the American people); support collaborative research involving American and foreign participants; and support the training of American scientists abroad and foreign scientists in the United States.

"(7) Support appropriate manpower programs of training in fundamental sciences and clinical disciplines to provide an expanded and continuing manpower base from which to select investigators, physicians, and allied health professional personnel, for participation in clinical and basic research and treatment programs relating to cancer, including where appropriate the use of training stipends, fellowships, and career awards.

"(8) Call special meetings of the National Cancer Advisory Council at such times and in such places as the Director deems necessary in order to consult with, obtain advice from, or to secure the approval of projects, programs, or other actions to be undertaken without delay in order to gain maximum benefit from a new scientific or technical finding.

"(9)(A) Prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate for the National Cancer Attack Program, after opportunity for comment (but without change) by the Secretary, the Director of the National Institutes of Health, and the National Cancer Advisory Council; and (B) receive from the President and the Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the National Cancer Institute.

"(c) The National Cancer Advisory Council shall meet at the call of the Director of the National Cancer Institute or of such Council's Chairman, but not less than four times in each calendar year.

"(d)(1) There is hereby established the President's Cancer Attack Panel which shall be composed of three persons appointed by the President, who by virtue of their training, experience, and background are exceptionally qualified to appraise the National Cancer Attack Program. At least two of the members of the panel shall be distinguished scientists or physicians.

"(2)(A) Members shall be appointed for three-year terms, except that (i) in the case of two of the members first appointed, one shall be appointed for a term of one year and one shall be appointed for a term of two years, as designated by the President at the time of appointment, and (ii) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

"(B) The President shall designate one of the members to serve as Chairman for a term of one year.

"(C) Members of the Panel shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Panel, and shall be allowed travel expenses (including a per diem allowance) under section 5703(b) of title 5, United States Code.

"(3) The Panel shall meet at the call of the Chairman but not less often than twelve times a year. A transcript shall be kept of the proceedings of each meeting of the Panel, and the Chairman shall make such transcript available to the public.

"(4) The Panel shall monitor the development and execution of the National Cancer Attack Program under this section, and shall report directly to the President. Any delays or blockages in rapid execution of the program shall immediately be brought to the attention of the President. The Panel shall submit to the President annually an evaluation of the efficacy of the National Cancer Attack Program and suggestions for improvements, and shall submit such other reports as the President shall direct. At the request of the President, it shall submit for his consideration a list of names of persons for consideration for appointment as Director of the National Cancer Institute.

"NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS

"SEC. 408. (a) The Director of the National Cancer Institute is authorized to provide for the establishment of fifteen new centers for clinicial research, training, and demonstration of advanced diagnostic and treatment methods relating to cancer. Such centers may be supported under subsection (b) or under any other applicable provision of law.

"(b) The Director of the National Cancer Institute, under policies established by the Director of the National Institutes of Health and after consultation with the National Cancer Advisory Council, is authorized to enter into cooperative agreements with public or private nonprofit agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for existing or new centers (including, but not limited to, centers established under subsection (a)) for clinical research, training, and demonstration of advanced diagnostic and treatment methods relating to cancer. Federal payments under this subsection in support of such cooperative agreements may be used for (1) construction (notwithstanding any limitation under section 405), (2) staffing and other basic operating costs, including such patient care costs as are required for research, (3) training (including training for allied health professions personnel) and (4) demonstration purposes; but support under this subsection (other than support for construction) shall not exceed $5,000,000 per year per center. Support of a center under this section may be for a period of not to exceed three years and may be extended by the Director of the National Cancer Institute for additional periods of not more than three years each, after review of the operations of such center by an appropriate scientific review group established by the Director of the National Cancer Institute.

"CANCER CONTROL PROGRAMS

"SEC. 409. (a) The Director of the National Cancer Institute shall establish programs as necessary for cooperation with State and other health agencies in the prevention, control, and eradication of cancer.

"(b) There are authorized to be appropriated to carry out this section $20,000,000 for the fiscal year ending June 30, 1972, $30,000,000 for the fiscal year ending June 30, 1973, and $40,000,000 for the fiscal year ending June 30, 1974.

"AUTHORITY OF DIRECTOR

"SEC. 410. The Director of the National Cancer Institute (after consultation with the National Cancer Advisory Council), in carrying out his functions in administering the National Cancer Attack Program and without regard to any other provision of this Act, is authorized—

"(1) if authorized by the National Cancer Advisory Council, to obtain the services of not more than fifty experts or consultants who have scientific or professional qualifications, in accordance with the provisions of section 3109 of title 5, United States Code (but any such expert or consultant may be appointed for a period in excess of one year);

"(2) to the extent that the Director of the National Cancer Institute deems it necessary in order to recruit specially qualified scientific or other professional personnel without previous competitive service, to establish the entrance grade for such personnel at not to exceed two grades above the grade otherwise established for such personnel under the applicable provisions of title 5 of the United States Code;

"(3) to acquire, construct, improve, repair, operate, and maintain cancer centers, laboratories, research, and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the National Cancer Institute for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

"(4) To appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deemed desirable to advise him with respect to his functions;

"(5) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(6) to accept voluntary and uncompensated services;

"(7) to accept unconditional gifts, or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

"(8) to enter into such contracts, leases,

cooperative agreements, or other transactions, without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529, 41 U.S.C. 5), as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution; and

"(9) to take necessary action to insure that all channels for the dissemination and exchange of scientific knowledge and information are maintained between the National Cancer Institute and the other scientific, medical, and biomedical disciplines and organizations nationally and internationally.

"SCIENTIFIC REVIEW; REPORTS

"SEC. 410A. The Director of the National Cancer Institute shall, by regulation, provide for proper scientific review of all research grants and programs over which he has authority (1) by utilizing, to the maximum extent possible, appropriate peer review groups established within the National Institutes of Health and composed principally of non-Federal scientists and other experts in the scientific and disease fields, and (2) when appropriate, by establishing, with the approval of the National Cancer Advisory Council and the Director of the National Institutes of Health, other formal peer review groups as may be required.

"(b) The Director of the National Cancer Institute shall, as soon as practicable after the end of each calendar year, prepare in consultation with the National Cancer Advisory Council and submit to the President for transmittal to the Congress a report on the activities, progress, and accomplishments under the National Cancer Attack Program during the preceding calendar year and a plan for the program during the next five years.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 410B. For the purpose of carrying out this part (other than section 409), there are authorized to be appropriated $400,000,000 for the fiscal year ending June 30, 1972; $500,000,000 for the fiscal year ending June 30, 1973; and $600,000,000 for the fiscal year ending June 30, 1974."

(b) Section 301(d) of the Public Health Service Act is amended by adding at the end thereof the following: Provided further, That, under procedures approved by the Director of the National Institutes of Health, the Director of the National Cancer Institute may approve grants for research or training purposes—

"(1) in amounts not to exceed $35,000 after appropriate review for scientific merit but without requirement or review and approved by the National Cancer Advisory Council, and

"(2) in amounts exceeding $35,000 after appropriate review for scientific merit and recommendation for approval by such council."

REPORT TO CONGRESS

SEC. 4. (a) The President shall carry out a review of all administrative processes under which the National Cancer Attack program, established under part A of title IV of the Public Health Service Act, will operate, including the processes of advisory council and peer group reviews, in order to assure the most expeditious accomplishment of the objectives of the program. Within one year of the date of enactment of this Act the President shall submit a report to Congress of the findings of such review and the actions taken to facilitate the conduct of the program, together with recommendations for any needed legislative changes.

(b) The President shall request of the Congress without delay such additional appropriations (including increased authorizations) as are required to pursue immediately any development in the National Cancer Attack program requiring prompt and expeditious support and for which regularly appropriated funds are not available.

PRESIDENTIAL APPOINTMENT OF INSTITUTE'S DIRECTORS

SEC. 5. (a) Title IV of the Public Health Service Act is amended by adding after part F the following new part:

"PART G—ADMINISTRATIVE PROVISIONS

"DIRECTORS OF INSTITUTES

"SEC. 454. The Director of the National Institutes of Health and the Directors of the National Cancer Institute, the National Heart and Lung Institute, and the National Institute of Neurological Diseases and Stroke shall be appointed by the President. The Directors of the National Cancer Institute, the National Heart and Lung Institute, and the National Institute of Neurological Diseases and Stroke are designated as Associate Directors of the National Institutes of Health, and shall report directly to the Director of the National Institutes of Health."

(b)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(58) Director, National Institutes of Health."

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(95) Deputy Director, National Institutes of Health.

"(96) Deputy Director for Science, National Institutes of Health.

"(97) Associate Director, National Institutes of Health—Director, National Cancer Institute.

"(98) Associate Director, National Institutes of Health—Director, National Heart and Lung Institute.

"(99) Associate Director, National Institutes of Health—Director of National Institute of Neurological Diseases and Stroke."

EFFECTIVE DATE

SEC. 6. (a) This Act and the amendments made by this Act shall take effect sixty days after the date of enactment of this Act or on such prior date after the date of enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) The first sentence of section 454 of the Public Health Service Act (added by section 5(a) of this Act) shall apply only with respect to appointments made after the effective date of this Act.

SECTION-BY-SECTION ANALYSIS

TITLE

Section 1. The Act is titled "The National Cancer Attack Act of 1971."

FINDINGS AND DECLARATION OF PURPOSE

Section 2. States that cancer is the disease most feared by Americans; that if the new scientific leads are comprehensively and energetically exploited, they may advance the time when more adequate preventive and therapeutic capabilities can cope with cancer; that cancer, heart and lung diseases, and stroke are the leading causes of death in the United States; that the present understanding of these diseases is the result of broad advances of all the biomedical sciences; that the most effective attack on cancer should use all of the resources of the National Institutes of Health; that the programs of the National Institutes of Health have produced the world's most productive scientific community centered upon health and disease; and that the purpose of this Act is to enlarge the authorities of the National Cancer Institute and the National Institutes of Health in order to advance the national attack on cancer.

NATIONAL CANCER ATTACK PROGRAM

Section 3(a). Amends Title IV of the Public Health Service Act to include the following new sections:

New Section 407(a). As an Associate Director of the National Institutes of Health, the Director of the National Cancer Institute is to coordinate all cancer-related activities of the National Institutes of Health with the National Cancer Attack Program.

New Section 407(b). Assigns to the Director, National Cancer Institute, a range of responsibilities necessary to accomplish the conquest of cancer. Specifically, this subsection would require the Director of the National Cancer Institute to:

(1) With the advice of the National Cancer Advisory Council, plan and develop an expanded, intensified, and coordinated cancer research program encompassing the programs of the National Cancer Institute, and under policy control by the Director, NIH, related programs of the other research institutes, and other Federal and nonfederal programs.

(2) Expeditiously utilize, and under policy control by the Director, NIH, existing facilities and personnel of the National Institutes of Health to rapidly explore opportunities for the conquest of cancer in areas of special promise.

(3) Encourage and coordinate cancer research by industrial concerns which evidence a capability for such research.

(4) Collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer, including the establishment of an international cancer data bank.

(5) Establish or support the large-scale production or distribution of specialized biological materials or other therapeutic substances for research and set standards of safety and care for their use.

(6) Support meritorious foreign research, collaborative research involving American and foreign scientists, and the training of Americans abroad and foreign scientists in the United States.

(7) Support appropriate manpower training programs in fundamental sciences and clinical disciplines, including the use of stipends, fellowships, and career awards to provide an expanded manpower base from which health professional personnel will be selected to participate in clinical and basic research programs related to cancer.

(8) Call special meetings of the National Advisory Cancer Council as the Director deems necessary to gain maximum benefit from new scientific or technical findings.

(9) Prepare and submit an annual budget estimate for the national cancer attack program directly to the President after the Secretary, the Director, National Institutes of Health, and the National Advisory Cancer Council have had an opportunity to make comment on but not change the estimates. Receive from the President and the Office of Management and Budget directly the funds appropriated by the Congress for the National Cancer Institute.

New Section 407(c). The National Advisory Cancer Council shall meet at the call of its chairman of the Director of the National Cancer Institute but not less than four times each calendar year.

New Section 407(d). President's Cancer Attack Panel. Establishes a three-person panel (of whom at least two shall be distinguished scientists or physicians) appointed by the President to appraise the national cancer attack program. Members shall be appointed for three-year terms (except that appointment provides that terms of original members will be staggered so that one term expires yearly) with a member to be designated each year by the President as chairman. Vacancies will be filled for remainder of unexpired term. The Panel will meet at the call of the chairman but not less than 12 times a year. A transcript will be kept of the meetings of the Panel, which shall be public information. The function of the Panel will be to monitor the National Cancer Attack Program and report directly to the President. It shall immediately bring to the President's attention any delays or blockages in program execution and shall an-

nually report to him on the efficacy of the program with suggestions for improvements. At the President's request, it shall also submit a list of names of persons for consideration for appointment as Director of the National Cancer Institute.

NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS

New Section 408. The Director of the National Cancer Institute is authorized to provide for the establishment of 15 new centers for clinical research, training, and demonstration of advanced diagnostic and treatment methods relating to cancer. This subsection also authorizes cooperative agreements with public and private nonprofit agencies for the planning, establishment, strengthening, and basic operating support of existing or new centers. Federal payments may be used for construction, staffing, basic operating costs, training, and demonstration purposes but support shall not exceed $5 million per year per center, excluding construction. Support under this subsection shall be for three years but may be extended by the Director, National Cancer Institute, for additional three-year periods after review by an appropriate scientific review group.

CANCER CONTROL PROGRAMS

New Section 409. The Director of the National Cancer Institute shall establish programs as necessary for cooperation with State and other health agencies in the prevention, control, and eradication of cancer. For this purpose, there are authorized to be appropriated $20 million, $30 million, and $40 million for fiscal years 1972, 1973, and 1974, respectively.

AUTHORITY OF DIRECTOR

New Section 410. Authorizes the Director of the National Cancer Institute, after consultation with the National Advisory Cancer Council, to:

(1) Obtain the services of not more than 50 experts or consultants who have scientific or professional qualifications, if authorized by the National Advisory Cancer Council.

(2) Recruit specially qualified scientific or other professional personnel (without previous competitive service) at two grades above the grade otherwise established for such personnel.

(3) Acquire, construct, improve, repair, operate, and maintain cancer centers, laboratories, research, and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property as necessary, and acquire by lease buildings in the District of Columbia or adjacent area for use of the National Cancer Institute for a period not to exceed 10 years.

(4) Appoint advisory committees.

(5) Utilize the services of other Federal, State, or local public agencies.

(6) Accept voluntary and uncompensated services.

(7) Accept unconditional gifts or donations of services.

(8) Enter into contracts, leases, cooperative agreements, and other transactions as may be necessary to the conduct of his functions.

(9) Assure that all channels for the dissemination and exchange of scientific knowledge and information are maintained between the National Cancer Institute and other disciplines and organizations, nationally and internationally.

SCIENTIFIC REVIEW

New Section 410A(a). The Director of the National Cancer Institute shall provide for proper scientific review of all research grants and programs over which he has authority. He shall utilize to the maximum extent possible appropriate peer review groups established within the National Institutes of Health but when appropriate may, with the approval of the Director, National Institutes of Health, and the National Advisory Cancer Council, establish other formal peer review groups as may be required.

REPORTS

New Section 410A(b). The Director of the National Cancer Institute, in consultation with the National Advisory Cancer Council, shall prepare an annual program report to the President for transmittal to the Congress. This report shall include the activities, progress, and accomplishments of the cancer program during the preceding calendar year as well as a plan for the program for the next five years.

AUTHORIZATION OF APPROPRIATIONS

New Section 410 B. For programs other than Cancer Control, there are authorized to be appropriated $400 million, $500 million, and $600 million for fiscal years 1972, 1973, and 1974, respectively. Sums appropriated under this section shall remain available until expended. This section, and section 409, constitute the exclusive authorizations in the Public Health Service Act for the programs and activities of the National Cancer Institute.

Section 3(b). Section 301(d) of the Public Health Service Act is amended by adding new language to provide that the Director of the National Cancer Institute, under procedures approved by the Director, National Institutes of Health, may approve grants not to exceed $35,000 after appropriate review for scientific merit but without advisory council review and approval. Grants in excess of $35,000 would continue to require approval by the advisory council.

REPORT TO CONGRESS

Section 4. The President shall conduct a review of all administrative processes under which the National Cancer Attack Program shall operate. Within one year, such findings shall be reported to the Congress together with recommendations for any legislative changes. This section also directs the President to request without delay any additional appropriations and authorizations as are required to immediately pursue any development in the National Cancer Attack Program for which regularly appropriated funds are not available.

PRESIDENTIAL APPOINTMENT OF INSTITUTES' DIRECTORS

Section 5(a). Amends Title IV of the Public Health Service Act to include the following new part: "Part G—Administrative Provisions."

New Section 454 provides for Presidential appointment of the Director, National Institutes of Health, and the Directors of the National Cancer Institute, National Heart and Lung Institute, and the National Institute of Neurological Diseases and Stroke. The Directors of the NCI, NHLI, and NINDS are also designated as Associate Directors of the National Institutes of Health and shall report directly to the Director of the National Institutes of Health.

Section 5(b). Elevates in rank certain officials of the National Institutes of Health. The Director of the National Institutes of Health is elevated to Executive Level III. The following officials are elevated to Executive Level IV: the Deputy Director, National Institutes of Health; the Deputy Director for Science, National Institutes of Health; the Director, National Cancer Institute; the Director, National Heart and Lung Institute; the Director, National Institute for Neurological Diseases and Stroke, the latter three as Associate Directors of the National Institutes of Health.

EFFECTIVE DATE

Section 6. Provides that the Act take effect 60 days after its date of enactment. This section also provides that Section 454 (requiring that certain NIH officials be presidentially appointed) shall apply to officials appointed after the effective date of this Act.

PRICE INTRODUCES WATER QUALITY BILL

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. PRICE of Texas. Mr. Speaker, this afternoon I am introducing a series of amendments to the Federal Water Pollution Control Act. While my proposals are based on the legislation that passed the Senate last week, they are designed to correct what I consider to be some substantial defects in the Senate-passed measure.

In the process of drafting my proposals, I discussed the Senate bill at some length with appropriate officials in the White House and the Environmental Protection Agency. Not only did we concur in our judgments regarding the flaws in the Senate measure, the bill I am introducing today is a direct product of these conversations.

To restore the quality of our Nation's water is a monumental task. It will take a great deal of time, effort, and expense. Because it is such an important endeavor, one with such important consequences, great care must be taken to insure our efforts are well conceived and well executed. Bearing these thoughts in mind, I analyzed the Senate-passed bill and concluded that although it has much to recommend it, it is deficient in certain key respects.

In terms of the available funds that can be diverted to clean up the Nation's water, the Senate bill sets forth a framework of Federal expenditures that are excessive when viewed in relation to the general availability of our national resources. Like it or not, the Nation is in a financial squeeze. We can no longer act like it does not make any difference how we spend our money or on what we spend it. The plain fact of the matter is that the Federal Government cannot successfully be "Uncle Sugar" to the Nation and world; our present economic difficulties bear graphic witness to that. Regrettably, the Senate bill fails to take economic and fiscal realities into account and for this reason, if left unchanged, it may well do an ultimate disservice to the cause of clean water and may further erode the belief the average American has in the promises of the Federal Government. My proposal is designed to make the Federal Water Pollution Control Act more manageable and effective. It establishes a more reasonable framework that can, insofar as is practically possible, eliminate water pollution from the national scene by the target date of 1985.

Despite the statements made regarding the importance of the several States in combating pollution, the terms of the

Senate bill relegate the States to a secondary role and place the Administrator of the Environmental Protection Agency in the driver's seat. Not only does such policy downgrade the importance of the States in combating pollution; there is considerable doubt in my mind whether the EPA Administrator and his staff can adequately make the tens of thousands of individual decisions on pollution standards that will have to made under the Senate bill as written. My bill, in contrast, makes the States and the Federal Government more equal partners in the war on water pollution, and better preserves the constitutional balance between Federal and State levels of power and spheres of influence.

Finally, my bill holds the present line on the level of Federal financing for the construction of waste treatment centers and other pollution control facilities. Under present law, the Federal Government can contribute up to 55 percent to such projects, and the States contribute the rest. According to the Senate bill, however, the Federal share is increased to a maximum of 70 percent, an increase I find unsupportable in terms of other conflicting claims on scarce Federal dollars; for example, national defense, education, transportation, and health. I also am not convinced that increasing the Federal share up to 70 percent will stimulate the construction of more waste treatment facilities. I say this because, despite the fact that the present pollution abatement grants were started in 1966 with a Federal share of 30 percent, as of last September 13 States had still not taken the necessary steps to qualify for the increased Federal grants of 55 percent. This is but another example of the fact that complex problems cannot be solved by merely burying them in tax dollars.

Mr. Speaker, in the main, the changes I have made in the Senate bill are technical in nature. They are designed to make the war on water pollution be conducted on a more efficient and more effective basis than will be possible under the Senate bill as is presently written. It is my hope that my proposals will provide a starting point from which the House Public Works Committee can construct a truly workable bill.

In closing, I urge my colleagues to give this proposal their closest attention. The American people have a right to enjoy clean water. We in Congress have the responsibility to provide the legislative framework within which this much-sullied right can be realized. We have, however, an even larger responsibility in this affair, for the United States is the foremost polluter of water in the world. As we know, water is the source of all life. If it is rendered unfit for use, mankind and all life on this planet will face extinction. Some environmentalists are predicting that world water supplies will reach the critical pollution point before the close of this century. If it does, this Nation will bear a substantial share of the blame, for we have within our power the ability to avert this catastrophe.

We must clean up our water—ultimately, it is a matter of life or death.

THE LATE HON. A. WILLIS ROBERTSON

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. SATTERFIELD. Mr. Speaker, I wish to join with my colleagues from Virginia and throughout the Nation in paying tribute to my friend, the Honorable A. Willis Robertson, who passed away on November 1.

Willis Robertson was a dedicated public servant who loved his State and Nation. He was a strong man—a man's man—and in every instance of public service he conducted himself with dignity and forthrightness.

He served Virginia as a State senator, as a commonwealth's attorney, as chairman of the State Commission on Game and Inland Fisheries, and then for 14 years in the House and 20 years in the Senate.

Willis Robertson was throughout his life an ardent conservationist. While the public record lists his many contributions in the areas of banking, currency, and economics, he, on one occasion stated:

I would be happy if history records my efforts on behalf of conservation as being a worthwhile contribution to my day and generation.

His integrity and patriotism were never questioned and his devotion and strict adherence to the Constitution were fundamental to his philosophy.

I am honored to have known Willis Robertson. Virginia and this Nation are better for his service. He deserves the gratitude of all Americans.

I insert the following editorial from the Thursday, November 4, 1971, Richmond Times-Dispatch in the RECORD at this point:

A. WILLIS ROBERTSON

Sen. A. Willis Robertson served his state and his country well. He was an able, high-minded conservative whose knowledge of banking, currency, taxes and the tariff were exceptional, but whose greatest contribution of all was probably as a pioneer in the sphere of conservation and the preservation of our wild life and scenic resources from pollution and destruction.

He served with great ability back in the 1920's as the first chairman of the just-established State Commission on Game and Inland Fisheries. When he went to the House of Representatives, he served for 12 years as chairman of the Committee on Wildlife Conservation. During that period he was co-patron of the Pittsman-Robertson Act to provide grants in aid to the stages for upland game, and of the Migratory Duck Stamp Act to provide funds for refuge and breeding of migratory birds. Under other legislation that he sponsored, the U.S. Forest Service was directed to make the conservation of wildlife in our millions of acres of National Forest one of its major aims.

In the House he also was appointed to the powerful Ways and Means Committee, which handles all tax legislation. He was the first Virginian in a third of a century to be named to that body, and he rose to become the highest ranking Virginian on the committee since 1850.

Willis Robertson was elected to succeed Carter Glass in the Senate upon the latter's death, and he proved a worthy successor, especially in the field of banking and currency. Robertson became chairman of the Senate Committee on Banking and Currency, and a recognized authority in the field.

He rose fairly frequently on the floor of both the House and Senate, and was a speaker of exceptional ability, who got his facts firmly in mind before undertaking to discuss any question. A strong believer in states' rights, he was never a demagogue or rabblerouser. As an orator on ceremonial occasions he reminded one of the old "stem-winders" of an earlier generation, for he gestured frequently and spoke in the rhetorical style that has now passed almost completely away.

Willis Robertson's defeat for reelection in 1966 by 611 votes at the hands of William B. Spong Jr. is attributable, ironically enough, to the Conservative Party, which urged its adherents to stay out of the primary, since Robertson had not resigned from what it termed "the foul and filthy Democratic party." The result was that one of the leading conservatives in the Senate was retired from that body.

Willis Robertson was a companionable man, with a great love for hunting and fishing in both of which he was a recognized expert. He liked to raise his voice in song, and during the Korean War he belonged to a congressional quartet which entertained the hospitalized soldiers with barbershop harmonies. He was also a raconteur of unusual gifts.

Although, by an astounding coincidence, he and Harry F. Byrd Sr. were born within two weeks of each other in Martinsburg, W. Va., and they entered the Virginia Senate and the U.S. Congress in the same year, they did not remain lifelong political intimates. Robertson's practice of regularly endorsing the Democratic nominee for the presidency did not appeal to Byrd. Robertson felt that "to maintain party government you have got to maintain party regularity and support some candidates you don't personally care for" Byrd disagreed.

The integrity and patriotism of Willis Robertson were strongly marked characteristics, as they were of Harry Byrd. The two men differed sincerely on some questions.

Sen. Robertson accumulated few material goods during his more than half a century of public service, but he died with the admiration and respect of his fellow-citizens. He was entitled to feel that he made a lasting contribution to his state and to his country.

POLAND'S INDEPENDENCE DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. DERWINSKI. Mr. Speaker, today, November 11, is Independence Day for Poland. We all know that, since the close of World War II, Poland has been a captive of the Communists. Her people have been oppressed since the Russian forces drove into the country during World War II, prohibited the restoration of the legitimate government of Poland, and then forced onto the people of Poland a Communist regime which has so badly served them for the past 26 years.

The Polish Government in Exile continues its activities on behalf of Poland and, therefore, I believe it appropriate to place into the RECORD a message from the President of the Polish Government in Exile on the occasion of Poland's historic Independence Day.

The message follows:

MESSAGE OF THE PRESIDENT OF THE REPUBLIC OF POLAND, TO THE POLISH NATION ON THE OCCASION OF POLAND'S INDEPENDENCE DAY, NOVEMBER 11, 1971

His Excellency August Zaleski, President of the Republic of Poland/in-exile/, has issued in London the following message to Poles all over the world on the occasion of Poland's Independence Day, proclaimed in pre-war Poland to commemorate to the restoration of Polish independence in 1918:

Citizens of the Republic of Poland and Poles in the Free World:

The history of a nation is a constant struggle for the preservation of values that are transmitted from father to son, from one generation to another. The nation's glories are reflected on all its members, and all of them take part in its sorrows. Descendants pay for the faults of their ancestors or benefit by the services they have rendered. Hence the great importance in a nation's life of the achievements of each several generation. As Article 5 of the Polish Constitution of 1935 succintly expresses it: "The creativeness of every individual citizen is the lever of collective life."

In celebrating the anniversary of the recovery of Polish independence on 11 November 1918, we pay homage to all those who, by their common effort, reasserted the nation's right to live and develop freely after more than a century of enslavement. Under the leadership of Józof Pilsudski the nation successfully resisted the onslaught of a new tyranny which threatened it from the east. The noble principles of self-determination, proclaimed during the war by President Woodrow Wilson and embodied in the victors' charter, restored freedom not only to Poland but to many other peoples of central and eastern Europe.

Poland, however, was not to enjoy its independence for long. The treacherous attack of Nazi Germany and Soviet Russia in September 1939 plunged the world into the Second World War. In the tragic aftermath of that war, not only were Poland and her neighbors robbed of political and cultural freedom, but the whole world was placed under a permanent threat as a result of the division into rival spheres of influence.

Today, more perhaps than ever, those of us Poles who remained outside our country after the war are in duty bound to contribute, by their own labor and their own efforts, to the defence of those values which are our nation's heritage: its right to be independent once more and to live its life in justice and freedom.

AUGUST ZALESKI.

REDESIGNATE NOVEMBER 11 AS VETERANS DAY

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. MIZELL. Mr. Speaker, I rise at this time to join with my distinguished colleague from Florida (Mr. YOUNG), and with others in this body, in introducing a resolution to redesignate November 11 as the official date for observance of Veterans Day.

Mr. Speaker, I was not a Member of Congress at the time the so-called Monday Holiday Act was considered and passed, so I am not very familiar with the circumstances that led to this important date in our national life being discarded for the sake of a day of idle pleasure.

Frankly, I am disappointed and dismayed that Congress ever approved of making a national observance of such historical significance and meaning into nothing more than the third day of a 3-day weekend.

This practice has now been followed for 3 years, and in that time, Veterans Day and all it should mean to the American people has been seriously diminished and neglected.

I believe it is time we correct this mistake, and I think it is fitting that we begin our effort on this day, November 11, and that we rededicate ourselves and our country to the principles and ideals for which this Nation's veterans fought and suffered and died.

Our debt to them can never be fully repayed, but by the passage of this resolution we can show them once again that they hold a very special and important place in our society, and that they deserve our respect and our abiding gratitude.

POLAND'S INDEPENDENCE DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. DERWINSKI. Mr. Speaker, 53 years ago today the guns on the western front, which had been booming for more than 4 years, became silent—an armistice had been reached between the Allied Powers and Germany. November 11, 1918, proved to be a turning-point in history, as it marked the conclusion of a world-wide conflict.

Americans observed Armistice Day for several decades, but the day became an anachronism when the nations of Europe resumed fighting in 1939. The observance was replaced last month by Veterans Day, the fourth Monday in October, when we honored the veterans of all our wars. In Poland, however, November 11 retains great significance. There it is observed as Independence Day.

Poland, a nation that took great and justifiable pride in its long and glorious history, disappeared from the map of Europe in the latter part of the 18th century when three partitions by Austria, Prussia, and Russia eventually robbed it of all its territory. It was not to become free again for almost a century and a quarter.

Germany and Austria-Hungary fought against Russia during World War I, which meant that Poles fought on both sides, brother against brother. The collapse of Russia in March 1917, and the final defeat of the central powers a year and a half later gave Polish patriots, who had been busy behind the scenes, their opportunity to reestablish the nation whose people had suffered so much from their oppressors.

Poland declared its independence on November 11, 1918, a declaration that was recognized the following summer by the treaty of Versailles. No longer were Poles to be referred to as Austrian Poles, German Poles, and Russian Poles. They were now Poles, no more and no less, citizens of a free country.

Poland enjoyed her independence for but 20 years. In 1939 her neighbors, National Socialist Germany and Communist Russia, divided its territory, the fourth partition of Poland. Nazism was destined to be defeated after 5½ years of bitter fighting, but communism remains firmly in the saddle today and unhappy Poland is one of the many colonies that make up the far-flung Soviet Empire.

Mr. Speaker, long-intrenched regimes have been disestablished before and international communism is no more endowed with immortality than was nazism or the dynasties that preceded it. May God speed the day when Poland and the other countries behind the Iron Curtain will once again be free.

NEEDED: EXTENSIVE OVERHAUL OF STATE DEPARMENT BY OUTSIDE PANEL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1971

Mr. ASHBROOK. Mr. Speaker, two further items of indictment of the U.S. State Department have recently appeared in the press which make a thorough overhaul of that Department urgently necessary. The November 15 issue of Time dealt with conditions in the Foreign Service, with particular emphasis on the tragic case of Charles W. Thomas, who had been selected out of the Service, had tried vainly to appeal his case to officials at State, had tried to no avail to seek gainful employment in other areas, and finally shot himself to death in April of this year. President Nixon asked for a report on the tragedy and one State Department official admitted that the Thomas case did help expedite proposed reforms. The reforms advanced by State unfortunately do not correct one serious condition—an appeals procedure for Foreign Service officers outside of the control of the Department. One official is quoted in the Time article as saying:

I don't care if a grievance panel is headed by Charles Evans Hughes or Jesus Christ, it still remains an in-house procedure without any chance of outside appeal.

The second item describes the State Department in operation at the U.N. during the admission of Red China debate. The veteran columnist of the Chicago Tribune, Walter Trohan, recounts how the State Department types at the debate tried to muzzle Congressman EDWARD DERWINSKI of Illinois who is serving as a congressional delegate to the U.S. mission at the U.N.

The two above-mentioned accounts demonstrate graphically why, whether in matters of policy or personnel, the complete State Department structure is in dire need of a revamping and, as in the case of a new grievance procedure for FSO's—by a review mechanism outside of the Department itself.

I insert at this point the two items mentioned above:

THE STATE DEPARTMENT

UNDIPLOMATIC REFORMS

Charles W. Thomas was a desperate man. A lawyer and a career diplomat, Thomas, 45, had been "selected out" of the Foreign Service. Reason: he had not been promoted from

the Class 4 level to Class 3 within the mandatory eight years. He was dismissed with only one year's salary and $323 a month (money he had himself put into a retirement fund) to support a wife and two children. In nearly three dispiriting years Thomas endured early 2,000 job rejection letters; he was "too old" or "too qualified," and anyway, he had been fired by the State Department. Finally on an April afternoon in Washington, Charles Thomas took up a gun and shot himself to death.

There is a Kafkaesque cast to the Thomas tragedy. Try as he might, Thomas could not get his day in court to determine whether his selection-out was based on the fact that he had received poor performance ratings or that the State Department had somehow failed to consider his highly favorable ratings. In fact, it was the latter. Thomas had carved a distinguished career in posts such as Tangier, Port-au-Prince and Mexico City, where he became a specialist in Mexican radical politics. Indeed, he had high marks from his superiors and colleagues alike; the explicit blemish on his record was an observation by a Mexico City superior that Thomas did not exercise proper "control" over his secretary.

In contrast, a laudatory report from the Foreign Service Inspector, Ambassador Robert McClintock, was accidentally misfiled under the name of another Charles W. Thomas, then Consul General in Antwerp. The report was eventually logged into its proper place, two days after Thomas had been turned down by the promotion board. The board deemed it too much bother to reopen the case.

Fang and claw

The Thomas affair is certainly the most shocking to occur within the labyrinth of Foggy Bottom personnel practices, but it is by no means the only one of its kind. Willard Brown, a Class 2 officer, discovered after his selection-out that the State Department had lost all of his personnel records and that consequently his name had not been considered for promotion for several years. Nor are good men being passed over just for clerical errors. The selection process in the department has traditionally been the last word in Darwinistic elitism. McClintock, although a highly regarded professional, had a reputation for sending overly favorable reports on many officers. With little negative to go on, promotion boards used the tiniest criticisms as justification for passing over a candidate. Hence Thomas' dismissal.

There are 3,000 field officers and aides serving in the Foreign Service, and around 100 are weeded out every year. Two hundred more resign annually. The process follows a fundamental Government pattern. Every man is rated at least once a year by his superior, who then passes his reports on to a departmental reviewing officer, who in turn presents his recommendations to the reviewing boards. While no one in the department argues that incompetents should not be winnowed out, the feeling is that the rating system has deteriorated into an endless round of pettifoggeries and petty jealousies, where too frequently the men who do not play up to their superiors' vanities wind up on the short end.

This fang-and-claw attitude has prompted a thorough reappraisal of the State Department's personnel system. Rather belatedly, Deputy Under Secretary William Macomber Jr., the department's top administrative officer, called in Thomas' widow Cynthia and offered her virtually any job she wanted. More broadly, the selection-out rules have been changed to prevent the flagrant injustice in the systems. Now an officer who achieves Class 5 cannot be fired until he has reached age 50 or served 20 years. This way, at least, he is entitled to retirement pay.

Scornful

Further, the State Department has set up new, formidably titled Interim Grievance Procedures, the first major amendment to the Foreign Service Act since it was passed in 1946. These procedures are to last until employee-management relations are reformed under a plan projected by President Nixon. However, many officers are scornful of Macomber's new measures, since they stipulate that an employees must first take up his grievance with his superior—against whom the grievance is usually brought in the first place—and can only appeal to a board picked by the department. Says one legal official at State: "I don't care if a grievance panel is headed by Charles Evans Hughes or Jesus Christ, it still remains an in-house procedure without any chance of outside appeal."

Help is forthcoming from the outside. The Senate Foreign Relations Committee last week refused to report the confirmation of Howard P. Mace, 55, as U.S. Ambassador to Sierra Leone, which is tantamount to defeat of his nomination. As director of personnel for four years, Mace was the source of much of the department's interior turbulence. He was known behind his back as the "executioner," the man primarily responsible for the selecting-out process. Officers also noted that under his aegis men with high diplomatic potential were often bypassed for plush jobs in favor of men little experienced in diplomacy from his department. Congress is also taking more direct measures. There are two bills pending before Congress that would overhaul and codify the grievance system.

Concerned DOS officers are seizing their own initiative. A group has banded together to launch a class action against the Secretary of State; to raise money for this expensive exercise, they have instituted the Charles W. Thomas Fund. One junior officer invoked a more primitive grievance procedure. Furious over what he considered an unfair performance rating, he stopped his superior in a corridor of the State Department and cut loose a smacking right cross to the nose.

[From the Chicago Tribune, Nov. 8, 1971]

STATE DEPARTMENT TYPES FAIL UNITED STATES

(By Walter Trohan)

WASHINGTON.—The other day, while we watched his pretty and accomplished daughter Maureen, 10, take her pony over the jumps at the International Horse Show in the District of Columbia National Guard Armory, Rep. Edward J. Derwinski (R., Ill.) told the sad story of the American defeat in the United Nations by the expulsion of Nationalist China from that body. It was a tale to freeze the blood and make the hair stand on end.

Derwinski, a veteran of 13 years of service in Congress, who is serving temporarily on the United States delegation to the U.N., placed the blame squarely where he feels it belongs—the State Department types at the U.N. who seek to control the words and actions and even the thoughts of the members of the delegation (and frequently do so). He also saw the visit of Henry Kissinger to Peking, the Red Chinese capital, as giving some American allies the green light to block Nationalist China.

The congressman emphasized that the State Department types are not traitors in thought, word, or deed. It's just that they seem to put the interest of every other country ahead of their own. They try to put, themselves in the position of Mohammed's coffin, which is halfway between heaven and earth, so that they are at best only half Americans.

When Derwinski wanted to answer any Communist speaker, a State Department type was at his hand to shush him. This had obviously worked with delegation members in the past, but Derwinski made it clear that he was the one to decide whether he would speak or not. And when the congressman chided delegates of nations who had said they would support the U.S. proposal to admit Red China and retain Nationalist China, the department types had attacks of the dithers.

The State Department types appealed to George Bush, U.S. ambassador to the U.N. Bush told Derwinski that while he can say what he feels impelled to say, it would be appreciated if the congressman would advise him about what he proposed to do. Derwinski makes it clear that he feels that one of this country's major difficulties at the U.N. is that the State Department lacks the guts to do what should be done against the Communist bloc.

Some of the trouble stems from President Nixon's failure to keep his campaign promise to clean out the State Department. The department isn't a nest of traitors, as some extremists contend. The great trouble is that so many can't seem to realize that what is best for the United States is also good for its friends and bad for its enemies. They seem to consider diplomacy as something above and beyond the call of reason.

Part of the trouble stems from the fact that the State Department is now pretty much of a club or closed corporation. Virtually all the ambassadorial plums fall to career men, where they used to go to men who had made their marks in business and industry or other fields, men who were often heavy contributors to the party in power. These were wealthy enough to afford the expenses of the office and were competent to deal on their own, even though they accepted advice from career men below them.

Now the State Department types are convinced that if they don't rock the boat they can expect to crown their careers with the rank of ambassador and never more sit below the salt at dinner tables. Not rocking the boat means to many cooperating as far as they can with countries other than their own and subordinating American interests, even to unfriendly powers.

Finally, it means working for that nebulous goal of one world, which was the impossible dream that was accepted as workable reality a generation ago. The world has been fragmenting so rapidly that 10 per cent of the world's population in Africa holds the majority power in the U.N. General Assembly, and nationalism is the greatest force in almost every country but our own.

LANDMARK DECISION IN PRISON REFORM CASE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mrs. ABZUG. Mr. Speaker, the recent tragic events at Attica Prison, in upstate New York, have again brought the need for drastic prison reform into the national spotlight. By and large, our correctional institutions are designed, operated, and funded more for revenge than for rehabilitation.

Last week, in ruling on a lawsuit brought by the American Civil Liberties Union, U.S. District Judge Robert H. Merhige, Jr. found that certain practices of the Virginia State prison system violated the eighth amendment to the U.S. Constitution, which prohibits the imposition of cruel and unusual punishment. Among the practices enjoined by Judge Merhige's order were limiting prisoners' diets to bread and water for breaking prison rules, using chains, handcuffs, and tear gas unnecessarily, confining more than one inmate in any "solitary" cell—these cells measure 6½ feet by 10 feet—except in emergency circumstances, and interfering with prisoners'

efforts to file court documents or communicate with their lawyers.

The plaintiffs in the case were represented by Philip Hirschkop, a noted Washington lawyer in the field of civil rights and civil liberties, who was specially retained by the ACLU to handle this case.

Mr. Speaker, I include the text of two news stories about this landmark decision, as well as the text of Judge Merhige's order and scholarly opinion in the RECORD at the conclusion of my remarks:

[From the New York Times, Nov. 1, 1971]

U.S. JUDGE BIDS VIRGINIA HALT ABUSE OF PRISONERS

(By Ben A. Franklin)

WASHINGTON, October 31.—A Federal judge in Virginia has issued a sweeping injunction against that state's prison system, barring as cruel and unusual punishment of inmates the regular use of bread and water, chains, physical punishment, enforced nudity and the censorship of mail.

The order of Federal District Judge Robert H. Merhige Jr., accompanied by a 78-page opinion, was filed yesterday without public notice at his court in Richmond. It was released here today by Philip J. Hirschkop of suburban Alexandria, Va., the lawyer who argued the case for the plaintiffs.

The prohibitions were effective immediately.

Mr. Hirschkop, who was engaged by the American Civil Liberties Union, called the courts' action "a bill of rights for inmates."

"I think you have to expect the state to appeal this decision," he said, "unless Governor Holton can prevail upon his Attorney General and others to accept it. I really expect an appeal, but I do not think that any important part of Judge Merhige's order will be stayed pending the appeal. This is going to be affirmed."

Key state officials received advance notice of Judge Merhige's findings several days ago so that his ruling could be put immediately into effect.

Judge Merhige declared in his opinion that the evidence presented during a two-week trial last November disclosed "a disregard of constitutional guaranties of so grave a nature as to violate the most common notion of due process and humane treatment."

He specifically enjoined the State Department of Welfare and its Division of Corrections from doing the following:

Imposing bread and water punishment on any inmate for any infraction of prison rules.

Using chains, handcuffs, hand-restraining tape or tear gas "except when necessary or required to protect a person from imminent physical harm or to prevent escape or serious injury to property." Testimony at the trial disclosed that such restraints were used commonly on "obstreperous" inmates, often without disciplinary hearings.

Using physical force "against any inmate for purposes of punishment."

Forcing nudity or bodily restraint of any kind as a means of punishment or otherwise "for any period longer than it shall be reasonably necessary to secure the services of a doctor" to determine whether an inmate must be restrained to protect himself from self-inflicted injury.

Placing more than one inmate in the same solitary confinement—Virginia's solitary cells are 6½ to 10 feet—"except in an emergency."

Interfering with or imposing punishment for efforts by inmates to file court documents, to have confidential communication with lawyers, even when confined to solitary, and to write legislative or other government officials.

The judge also ordered the restoration of "good time," or credit toward early release for good behavior, to all prisoners who had been docked such time without hearing or "without compliance with minimum standards of due process," such as written charges and written findings by disciplinary boards.

Judge Merhige gave the defendants, who are the top correctional officials and the directors of many of the 36 state prison facilities, 60 days to institute uniform due-process hearing procedure for cases involving the docking of good time.

All prisoners now in solitary or "padlocked cells" as a result of discipline that cost them good time were ordered freed from such confinement pending a rehearing.

In most Virginia prisons, particularly the maximum-security penitentiary in Richmond and the medium-security state prison farm at Goochland, Judge Merhige said, a prisoner who is docked good time and placed in solitary is effectively denied any reaccumulation of good time as long as he remains in solitary. Such punishment, he said, has been meted out for "indeterminate" periods.

In a specific reference to the so-called C-cell, the solitary confinement cell block at the Virginia State Penitentiary in Richmond, where a week of the trial was held, Judge Merhige directed that prisoners being held there be afforded full due-process hearings within 30 days or be released to the general prison population.

The judge ordered the State Division of Corrections to prepare and distribute to the court, as well as to Virginia's 6,000 state prisoners, a complete list of rules and regulations setting forth "standards of behavior expected of each inmate" and the minimum and maximum punishments for each rule violation.

"In many instances," the judge found, "punishment has been of such a nature as to be abusive and violative of the most generic elements of due process and humane treatment."

VIOLATIONS FOUND

Judge Merhige ruled that Virginia's prison system had consistently violated the Eighth Amendment to the Constitution, which prohibits cruel and unusual punishment.

He said that inmates could be sentenced to punishment for such undefined offenses as insolence, sarcasm or agitation and that there was no appeal.

He noted that prisoners committed to solitary confinement were sometimes placed on bread and water, were in every case given a diet of no more than two meals a day, were allowed to shave and take showers only once a week and were denied exercise, sometimes for months.

In cases of misconduct, "obstreperousness," "agitation" or "bad attitude," Judge Merhige said, the trial record disclosed that inmates were denied mattresses and forced to sleep on a concrete floor.

Mr. Hirschkop said that two different United States Courts of Appeals overturned within the last three years district court findings less sweeping than Judge Merhige's, but he described the Virginia case as "the first one of these suits with such a massive trial record."

The case is known as Landman v. Royster. The plaintiffs included Robert J. Landman, who is now free after serving a sentence for armed robbery. M. L. Royster, the former superintendent of the state prison farm, is dead.

[From the Washington Post, Nov. 1, 1971]

VIRGINIA PENAL REFORMS ORDERED

(By William Nye Curry)

Finding that Virginia state prison officials "violate the most common notions of due process and humane treatment," a federal district judge has ordered sweeping reforms in the way the officials discipline inmates.

The judge, Robert R. Merhige, Jr., of Richmond, decreed an end to a multitude of traditional prison practices, such as diets of bread and water. Judge Merhige outlawed physical force as a form of punishment, and he set forth far-reaching "minimum standards" for officials to follow to protect inmates' constitutional rights.

And his action, which immediately affects 5,700 inmates in 35 state facilities, also called for officials to suspend any present punishment not meeting those minimum standards.

Judge Merhige's findings and orders were contained in a 78-page opinion filed in Richmond Saturday. It was the result of 10 days of trial a year ago in which five prisoners challenged the constitutionality of the prison system's disciplinary process—prison regulations, the adjudication of alleged violations and the punishment imposed. Merhige ruled in their favor on all three points.

Judge Merhige said, "The proof shows three general classes of constitutional deprivation. . . . Discipline has been imposed for the wrong reasons. It has been imposed in cases of what may have been validly punishable misconduct but without the requisites of procedural due process. And punishment of a sort that the Constitution bars in any event has been imposed."

He said, "The evidence adduced has disclosed as to each of these points a disregard of constitutional guarantees of so grave a nature as to violate the most common notions of due process and humane treatment by certain (prison officials)."

The prisoners' American Civil Liberties Union lawyer, Philip J. Hirschkop, hailed the ruling as "the best prison opinion in the country." He said two similar findings in New York and Missouri have been overturned on appeal, but Merhige has the factual evidence "to make it stick" if there is an appeal.

Virginia Attorney General Andrew P. Miller said he has not yet studied the ruling to decide on any appeal. He said he expects to meet today with Otis L. Brown, director of the Department of Welfare and Institutions, to discuss that possibility, among others.

Brown, in a telephone interview, said he has not thoroughly reviewed Judge Merhige's orders but that "I'm sure there will be some problems" in carrying them out.

W. K. Cunningham Jr., director of the division of corrections, declined to comment. According to Merhige's opinion, Cunningham's vast power over prisoners' lives invites intrusions on their right, and cannot continue.

The Merhige ruling, which applies only to Virginia's prison system for now, reflects a growing nationwide challenge to longstanding prison conditions once taken for granted. The challenge has taken a form varying from the Virginia prisoners' lawsuit to the inmate insurrection this fall at the Attica state prison in New York.

(The ruling does not cover Virginia's 96 county jails and 66 other lockups.)

For 25 pages, Judge Merhige summarized case histories in which he found abuses. The judge noted that the testimony of convicted men can be open to doubt, but he also observed, "All of the unreliable testimony in the case has not, however, come from members of the plaintiff class (the prison population)."

Merhige said, "The court has observed a disturbing number of inconsistencies in the officials' accounts of applicable rules . . . Testimony by prison administrators illustrated the accuracy of Tolstoy's observations about the limits of bureaucratic power.

"A specific order invariably deteriorates in content as it travels from chiefs to subordinates on the line. Higher prison officials, generally speaking, displayed a confident perception of the rules and procedures applicable in various situations. Lower officers who in fact implement the rules were, however, less sure about the regulations governing the prisoners' conduct and their own."

The result, Judge Merhige said at one

point, is that "administrators have not been in complete control of their subordinates." And, he went on, new prison regulations issued last year are not sufficient to prevent further instances where officials have exceeded the legal limits of discretion.

Judge Merhige made these specific findings, among others:

Prisoners were held in solitary confinement—one for 265 days—without "even the rudimentary elements of a hearing or opportunity to defend any allegations made against (them)."

Punishments were imposed because prisoners attempted to help fellow inmates file suits and take other court actions.

Letters to attorneys and legislators were not mailed by prison officials, in violation of First Amendment rights.

One inmate's term was extended a year and 11 days after he read aloud a letter to another inmate. He was given no hearing.

Others were punished for talking to their attorneys about prison conditions and challenging racial segregation of prisoners in court.

"Disciplinary action was accorded . . . in some instances simply upon the whim of a guard."

"Regulations which existed frequently became clear only when one was punished for a violation (of them)."

Officials at road camp 30 in Fairfax County refused an inmate's requests for a doctor.

"The purpose and intended effect of a (bread and water) diet is to discipline a recalcitrant by debilitating him physically. Without food, his strength and mental alertness begin to decline immediately . . . Moreover, the pains of hunger constitute a dull, prolonged sort of corporal punishment . . . The court has no difficulty in determining that it is a violation of the Eighth Amendment," which forbids cruel and unusual punishment.

Restraint of two prisoners with chains and handcuffs "constituted physical torture" and is "unconstitutionally excessive."

"Four men were penned like animals in a small cell, designed for one, for 14 days without respite."

Judge Merhige held that such instances as these are not isolated but "have been a consistent course of conduct by prison administrators and those beneath them . . ." The judge then issued the orders designed to overcome the shortcomings he said exist.

Most far-reaching, perhaps, was a "panoply of guarantees" to protect inmates' rights during disciplinary action, except those with minor punishments, such as a small fine.

First, Judge Merhige said, an "impartial tribunal" shall hear allegations of infractions, and, unlike the practice in the past, officials who report the infraction may not sit on the tribunal.

The inmates shall have a right to a hearing, which includes the right of defending himself and the cross-examination witnesses. "The court appreciates the concern of prison officials," Merhige wrote, "that interrogation by prisoners of the guard force may be at variance with their respective positions in the penal heirarchy."

Inmates should be permitted to have lay counsel to present their case, and if there is a possibility of "the loss of substantial rights" the inmate may obtain a lawyer.

The judge said the above "minimum standards" must be followed "when solitary confinement, transfer to maximum security confinement or loss of (time off for good behavior) are imposed, or a prisoner is held (locked in his cell) for more than 10 days."

Judge Merhige gave the prison system 15 days to submit to him a list of rules governing inmates' behavior "and the minimum and maximum punishments to be accorded" for violations. He ruled out "such ill-defined offenses as 'misbehavior' and 'agitation.'"

The rules must be circulated to inmates, too, the Judge said. He also gave the system a limited period to rehear past violations in accord with his ruling. Until then, existing punishments will be suspended, he ordered.

Time off for good behavior that has been revoked shall likewise be restored, he said. The physical restraint of inmates shall be only for the inmates' protection, not punishment, and be based on a doctor's written report.

[In the U.S. District Court for the Eastern district of Virginia, Richmond Division, Civil action No. 170–69–R (C.A. No. 417–70–R, C.A. No. 419–70–R)]

ROBERT J. LANDMAN, ET AL. v. M. L. ROYSTER, ETC., ET AL.

ORDER

For the reasons stated in the memorandum of the Court this day filed, and deeming it proper so to do, it is adjudged, ordered and decreed as follows:

The defendants, their successors, agents, servants, employees, and all acting in concert therewith, be, and they are hereby, enjoined and restrained from performing, causing to perform, or permitting the performance of any acts found in the memorandum of the Court to be violative of the prohibition against cruel and unusual punishment, and specifically:

1. The imposition of a bread and water diet on any inmate of the Virginia State Penitentiary System, or

2. The use of such force as chains, handcuffs, tape or tear gas, except when necessary or required to protect a person from imminent physical harm, or to prevent escape or serious injury to property. In no event shall the use of any of the foregoing be for a longer period than is necessary to isolate any prisoner against whom said actions may have been taken. In no event shall *any* physical force be used against any inmate for purposes of punishment.

3. No inmate shall be kept nude, or restrained, for any period longer than it shall be reasonably necessary to secure the services of a doctor, to the end that said doctor may determine whether or not said inmate's health will be affected thereby, and further whether or not such nudity or restraints are required by reason of a substantial risk of said inmate injuring himself. No inmate shall be so confined or restrained except in those cases wherein a doctor affirmatively states, in writing, that the health of the inmate will not be affected thereby, and that the inmate presents a substantial risk of injuring himself unless said steps are taken. Any such statement shall contain reasons upon which the doctor's conclusions are based.

4. No inmate shall be put in a solitary cell with any other inmate except by reason of an emergency and in no event for longer than it shall be reasonably necessary to make other arrangements.

5. The defendants will cause to be put into full force and effect, forthwith, those minimum due process standards referred to in detail in the Court's memorandum, and they are enjoined from the imposition of penalties prior thereto except as may be necessary to maintain order within the State Prison System until such time as arrangements have been made for the orderly implementation of the requirements of due process referred to in the Court's memorandum.

6. No inmate shall be prevented from exercising his rights of access to the courts and counsel by way of confidential mail communication or interviews by counsel at the place of the inmate's confinement. There shall be no undue interruption of mail from or to members of the legislative and executive branches of the government while acting in said capacity.

In addition, the said defendants, their successors, agents, servants, employees and all acting in concert therewith, shall cause all good time lost to the individual inmates of the Virginia Prison System as may have resulted from the lack of hearings or those hearings conducted without compliance with the minimum standards set forth in the Court's memorandum of this date be restored. Upon the restoration of such good time, in accordance with this provision of this order, leave is granted the defendants to re-try in accord with due process standards those inmates thereby affected within sixty (60) days from this date. Those inmates confined in padlocked or solitary cells who have not been accorded a hearing encompassing the minimum standards of due process, as set forth in the Court's memorandum, shall be released from such confinement, subject to a hearing or rehearing within sixty (60 days from this date, pursuant to and in accord with the Court's memorandum.

Inmates in C-cell and other maximum security units shall be afforded hearings as contemplated by the Court's memorandum on the derelictions which gave rise to their special incarceration, within thirty (30) days from this date, or shall be released to the general population.

In addition, the defendants are mandatorily enjoined to prepare and file with the Court within fifteen (15) days of this date a list of rules and regulations concerning standards of behavior to be expected of each inmate, and the minimum and maximum punishments to be accorded those who violate any of said rules and regulations. The defendants shall in addition take such steps as may reasonably be necessary to cause each member of the inmate population to be aware of the rules and regulations aforesaid.

The defendants shall file with this Court a concise report of each incident in which physical restraints or tear gas is used in connection with any inmate. Said report shall be filed within five (5) days of any such incident and shall describe the period of time in which any such restraints have been so used against any inmate, and the reason therefor. Copies of such reports shall be forwarded to counsel for the plaintiffs.

Defendants shall forthwith take the necessary steps to inform all members of the custodial staff of all units of the Virginia State Penitentiary system of the injunctive terms of this order.

Defendants shall report in detail to the Court within twenty (20) days from this date such steps as they have taken in compliance with this order.

All other issues in this cause be, and the same are hereby, continued until the further order of the Court.

Copies of this order and the memorandum referred to herein shall be forwarded to all counsel of record, and a copy of the order shall be mailed by certified mail to each of the named defendants.

ROBERT H. MERHIGE, Jr.
U.S. District Judge.

Date: October 30, 1971.

[In the U.S. district court for the eastern district of Virginia, Richmond Division, Civil action No. 170–69–R]

ROBERT J. LANDMAN, ET AL. v. M. L. ROYSTER, ETC., ET AL.

MEMORANDUM

This class action by prisoners of the Virginia Penal System is brought against defendants charged with the powers and duties encompassing the maintenance and supervision of the correctional system of the Commonwealth of Virginia. The jurisdiction of the Court is acquired pursuant to 28 U.S.C. §§ 1343(3), (4), 2201, and 42 U.S.C. §§ 1981, 1983, 1985.

Defendants named in the complaint, or their successors, are the Director of the Department of Welfare and Institutions, the Director of the Division of Corrections, the

Superintendent of the State Penitentiary, and the Superintendent of the State Farm.

Plaintiffs, who are representative of the class they purport to represent, mount their attack upon the administration of discipline within the prisons: the reasons for invoking sanctions, the adjudication process, and the various penalties imposed. The evidence adduced has disclosed as to each of these points a disregard of constitutional guaranties of so grave a nature as to violate the most common notions of due process and human treatment by certain of the defendants, their agents, servants and employees.

One of the principal issues before the Court has to do with lack of appropriate due process prior to punishing members of the class for supposed infraction of rules. As the Court has already indicated, it finds that in many instances punishment has been of such a nature as to be abusive and violative of the most generic elements of due process and humane treatment.

Of necessity the Court must herein set out an extensive review of the testimony to illustrate the existence of what the Court finds to have been a consistent course of conduct by prison administrators and those beneath them, resulting in the denial of the fundamental elements of due process.

A prefatory remark is due on a point of terminology. The good conduct allowance—"good time"—is a credit of ten days against one's sentence for each twenty days served without a rule infraction. Va. Code § 53-213 (Supp. 1970). The Director of the Department of Welfare and Institutions is empowered to impose forfeitures and restorations of accumulated good time. Va. Code § 53-214 (1967 Repl. Vol.).

"C-cell" inmates at the Virginia State Penitentiary and occupants of other "segregation" units there and at the Virginia State Farm enjoy substantially fewer privileges than men among the general population. Prisoners in C-cell cannot be employed in any work program; thus they are denied the opportunity to earn money. A reduced diet—two meals a day—is served. Religious services and educational classwork are unavailable, although men may be visited by a chaplain. There is no access to a library, although the men can receive magazines (under a recent change in rules) and books. The likelihood of release on parole is almost nonexistent for men placed in C-cell, and in practice there is no chance that lost good time will be restored. In addition, showers are permitted only at weekly intervals instead of daily, and men in some segregation units are unable to exercise outdoors.

In the Virginia penal system there are five major units and about thirty smaller correctional field units. About 1100 inmates, all felons, are housed in the maximum security Virginia State Penitentiary, located in the City of Richmond. The Virginia State Farm, a medium security facility, holds about 1200. The Virginia Industrial Farm for Women contains about 300 inmates. Southampton and Bland Correctional Farms each hold about 450. The combined Correctional Field Units, minimum security institutions, hold some 2200 inmates. There are about 30 of these "road camps;" the permanent ones house about 80 to 90 men, and the semi-permanent units contain 50 to 60.

The volume of testimony concerning rules generally covering sanctions and their application in specific instances is immense. Even allowing for the changes in policy which no doubt took place over the time period—over two years—embraced by the deposition and ore tenus evidence presented, the Court has observed a disturbing number of inconsistencies in the officials' accounts of applicable rules. These factfindings must be read, and compared with the evidence, with the awareness that when it is said that a given disciplinary procedure is followed, the Court is speaking of theory and not necessarily practice, and, at that, theory as expressed by the most apparently authoritative individual.

There was at the time the Court heard this case no general, central set of regulations for the penal system stating which offenses justify the taking of a prisoner's good time or his commitment to a solitary cell.

As of July, 1970, according to depositions then taken, the Superintendent of the Virginia State Penitentiary was empowered to take a man's good time in any amount on the recommendation of a disciplinary committee. No guidelines exist for the penitentiary fixing the range of penalties available for particular infractions. Men in C-cell maximum security section seem generally to be ineligible for restoration of good time. For men among the general population there is a rule of thumb that good time cannot be restored unless a man has served at least twelve months without an offense.

The disciplinary committee does not call as a witness the guard who reported an offense. Needless to say, cross-examination is therefore impossible. No written charges are served on the prisoner before or after the proceedings, and lawyers may not participate. The committee does not make factfindings. No formal appeal procedure exists.

The Disciplinary Committee jurisdiction, in late 1970, was extended to cover offenses committed in C-cell. It now, therefore, generally hears as well any charge that may result in solitary confinement. The question whether a man should be placed in C-cell in the first instance, however, is not always determined by a disciplinary committee hearing. This decision may be made by the Superintendent alone.

Once he is in C-cell, a man's release to less rigorous quarters may be gained by means of a recommendation to W. K. Cunningham, Jr., Director of the Division of Correction, by a committee composed of the Penitentiary Superintendent, Assistant Superintendent, and two high guard officers.

As of July, 1970, a C-cell inmate could be moved by a guard into meditation without a hearing. Only the Superintendent or Assistant Superintendent could order the man's release. A guard could request leave to keep a man in solitary for more than 30 days, in which event a written report by the guard was to be passed on to Cunningham who, on the basis of the report, would approve or disapprove the request. The meditation cells measure about 6½ feet by 10 feet and contain a mattress (at night), a sink and commode. The usual C-cell diet is served, although bread and water is reserved as a selective form of additional punishment. A man may also be denied use of his mattress for up to about three days as a form of penalty, in which case he sleeps on the bare cement with a blanket.

If a penitentiary prisoner is continually obstreperous in solitary, there is no further method used to control him other than by chaining or tear gassing. On occasion a man's clothing may be taken if he appears to be a suicide risk or a menace to others.

Transfers from the general population to C-cell, since at least 1969, were in theory made only on the recommendation of the disciplinary committee to the Superintendent. Peyton, the Superintendent in February of that year, said, however, that such a transfer, made solely on the recommendation of the Assistant Superintendent, would not necessarily violate regulations. It was his practice, he said, to interview all prisoners in C-cell every six months to determine whether a return to general population was indicated. Criteria determining the decision to place a man in C-cell or remove him were extremely hazy. A man's attitude, his disruptiveness, tendency to challenge authority, or nonconforming behavior, as reflected in written or oral guards' reports, may condemn him to maximum security for many years.

In 1969 C-cell inmates' offenses for which good time might be lost were "tried" usually by the Assistant Superintendent on the record of a guard officer's report.

In the penitentiary the B-basement category of punitive segregation was instituted in September of 1968. Superintendent Peyton himself selected the inmates who were to be placed there. Conditions there were substantially as in C-Building, but somewhat more restrictive. For several months, for example, B-basement inmates were not permitted outdoors for exercise.

Isolation of prisoners in maximum security cells of this sort has often been effected without any formalities. No investigation was made into Leroy Mason's responsibility for a prison work stoppage, yet for that reason, apparently, he was placed in C-cell for nearly two years. As a matter of practice no hearings were held, according to Oliver, when he was at the Penitentiary, on the question of transfers into C-cell, and inmates were held there at the discretion of himself and the then superintendent, Peyton. Generally speaking these two administrators relied exclusively upon written reports submitted by the guards in retaining men such as Mason, Landman, Hood, and Arey in maximum security units. Elaboration as to the Court's findings as to each of these men will be set forth in later paragraphs.

The Assistant Superintendent at the Penitentiary may "padlock" a man without any hearing for any length of time.

In the penitentiary it appears that several disciplinary sanctions are imposed by guards acting alone, or with the permission of the officer in charge. Meditation prisoners lose their mattresses for misconduct, for example. Mechanical restraints such as chains, tape, and handcuffs are placed on rambunctious inmates by guards. At least once an inmate was taken directly to meditation from death row by a guard captain. Several times fines have been imposed by guards. Furthermore, one Captain Baker has both charged inmates with offenses and sat on disciplinary committees which sentenced them to meditation.

Superintendent R. M. Oliver described the punishment procedures which prevailed at the Virginia State Farm in December of 1970.

There are 32 solitary cells at the southside part of the State Farm, and 16 at northside. Permissible punishment, without special authorization by the Director of the Division of Corrections, is 30 days' confinement. Prisoners are given a mattress at night only; during the day they sit on the floor or on the toilet bowl. Two meals per day are served. It is standard fare, save that no beverage, dessert, or second helpings are provided. Prisoners in solitary cells could not initiate legal proceedings nor answer any letters save those concerning pending proceedings or family crises.

Confinement under this regimen is directed only by a disciplinary committee composed of a guard lieutenant, Assistant Superintendent Jackson, a guard captain, and Mr. R. O. Bennett. The group meets as soon as possible after the offense, preferably within 24 hours. Mr. Oliver stated that he would object to assistance by lawyers at such hearings and likewise to lay counsel's presence as encouraging excessive "hassling." He would not object to using written charges in cases of serious offenses but saw no need for written factfindings.

At the State Farm a prisoner may be taken by a guard directly to a solitary cell if he is incessantly disruptive. In any case, however, a hearing by disciplinary committee is held within 24 hours of the alleged offense. At least since February of 1969, a committee has met on questions of good time loss, which they might recommend to the Superintendent, and transfers to maximum security.

Confinement to maximum security areas at the State Farm (formerly C-5 now M

Building) entails a reduced diet, rationalized on the basis that the inmate is not working, weekly showers only, and no outdoor exercise.

At the State Farm, testified Assistant Superintendent Jackson, no prisoner would be confined to meditation without a hearing before himself. Once at least, he said, he placed a prisoner in meditation not for violation of any regulation but because he was mentally incapable of abiding by rules governing life in the general population.

Solitary confinement cells at the State Farm are similar to those at the Penitentiary. The bread and water regimen is now very rarely used, and meditation inmates have not in recent years been deprived of clothing as a type of punishment. Both of these sanctions, however, are held in reserve.

Current practice on good time loss is for the disciplinary committee to forward its recommendation that a man lose good time to the Superintendent. That officer almost invariably approves the recommendation and determines, all on the basis of written reports, by how much time a man's sentence should be lengthened. No specific guidelines prescribing penalties for various offenses exist.

The Assistant Superintendent of the Virginia State Farm may place a man in confinement in his own cell—"padlocked"—without a hearing. This is usually done on a guard officer's recommendation. There is no maximum term.

As of July 1970, the Superintendent of one Field Unit had four men in solitary for various offenses, such as general "misbehavior." While this witness' testimony was to some extent inconsistent and contradictory, the Court concludes that men at this particular Field Unit have been jailed summarily, without a hearing, on the authority of either the Superintendent or a guard. Such solitary confinement has been for an indeterminate period in the sense that as of the time of the taking of evidence in this case the witness could not say for how long those then in solitary would be so confined. In at least one instance a hearing of sorts was held in the Superintendent's office in which one of the men who sat in judgment of the accused prisoner was the guard who had accused him.

This witness also said that no particular standards governed his requests that good time be taken. No hearings are held at which the men are allowed to disprove the information on the basis of which good time loss is recommended.

In 1969, one Reynolds, Superintendent of Field Unit No. 9, stated that he permitted men in meditation to write an attorney whenever they wished, even when held in isolation cells. Whenever an offense meriting taking good time was involved, he said, he would call the inmate accused before him; he did not mention that a formal hearing was requisite.

At Bland Correctional Farm, disciplinary proceedings are conducted by a committee including the Superintendent, Assistant Superintendent, and a captain of the custodial force. Good time forfeiture is often haphazardly administered. After one incident including a sitdown strike involving several inmates, the Superintendent docked several participants all their good time, despite that some had accumulated far more than others, and even though in professed theory the amount forfeited is related to the gravity of the offense. At the hearings inmates were not informed of their right to present evidence by witnesses.

The Superintendent of Unit 7 confirmed that on one cold day when several inmates declined to work, some were given the choice of road work or solitary confinement. One Wade Thompson was sent to solitary. A prisoner named Melton, whom the witness felt had instigated or agitated the strike, was also sent to solitary. No firm evidence lay behind this finding of "agitation" by Melton. Nevertheless the man was kept in jail and put on a diet of bread and water for two days out of three because the administrators disapproved of his "attitude." Although permission is nominally required for extended "jail" terms and bread and water, Blankenship, the Superintendent, did not secure this before the extra sanctions were imposed.

Good time also was taken. This witness stated that he had never held a formal hearing of any sort on restoring lost good time, and the Court so finds.

Good time administration in the field units is in the control of D. P. Edwards, Superintendent of the Bureau of Correctional Field Units, who acts on the basis of written reports and recommendations by the disciplinary courts in the various field units. A guard is often one member of the court panel, although theoretically not the man who reported a violation. Procedure is not fixed by written rules, but the practice prescribed for field units does not provide for a written notice of charges but does allow some cross-examination and the presentation of a defense. This code of practice is passed on by word of mouth to camp superintendents at regular meetings.

A man at a field unit who claims to be ill will be taken to a doctor at his request; there is, however, no provision for regular visits by doctors to some units, much less to men in solitary. There are no medical staffs at any field units.

A prisoner who escapes, or attempts to escape, is automatically docked all accrued good time when he is recaptured, whether or not he is tried and convicted, and he is not considered eligible for restoration of that credit. When a prisoner is put in solitary he sometimes stops accruing good time and some times does not, depending on the administrators' views of his attitude.

Certain principles with respect to discipline apply throughout the Virginia Penal System in theory. There have been, however, no general rules which establish those offenses for which commitment to solitary confinement or the taking of good time may be imposed.

Confinement in meditation is ordered by the institution superintendent or assistant superintendent after a hearing. One of these officials and one or more of his subordinates hear the case. In theory the complaining officer presents his charge in the inmate's presence, and then the presiding hearing officer asks the convict to make a defense or explanation. The prisoner may then depart while the disciplinary committee discusses the case. Subsequently a decision is announced.

The prisoner about to be tried is not given a written notice of the charge he faces. Only custodial personnel sit on the disciplinary boards. No explicit recognition of the prisoner's right to cross-examine exists. After the hearing no written factfindings are made or given to the prisoner. No particular process for appellate review exists, although no one can complain by letter to higher officials.

Before his hearing an inmate, if considered violent, may be held in a detention lockup on a guard's authority, but in theory no guard may commit a man to meditation. Nor does an accusing guard sit on the adjudiciary panel.

No lawyer or lay assistant is permitted to represent or advise an accused prisoner.

These rules also govern proceedings resulting in a recommendation to deny good time. There are no procedures set up to review requests to restore good time.

Until very recently, an inmate in solitary confinement was subject to almost total restriction of his correspondence privileges. On entering meditation he might send a form letter to his family explaining his status and that he could not correspond or receive visitors. The man could receive mail from an attorney, however, and correspond with counsel concerning pending litigation only. He could not file suit.

Meditation cells are equipped with a mattress at night only. No man is fed on a bread and water diet save with the permission of the Director of the Division of Corrections. A doctor's approval is not required, however, and this practice is authorized on the basis of brief written requests. A man in meditation is alone, save when overcrowding requires the placement of more than one man in an isolation cell. The only reading matter is a Bible.

The use of further restraints such as chaining or gagging is not covered by regulation, but is left to the discretion of the unit superintendent. Cells almost uniformly are equipped with a sink and a commode. No specific regulation allows inmates to have a toothbrush, toilet paper, soap, and so forth. Most are given a towel. They are permitted to shower and shave once a week only. A doctor does not regularly visit men in solitary cells. In the penitentiary a man will be examined by a doctor only if the male nurse—a former military medical corpsman or man of equivalent training—recommends that he be taken to the hospital.

W. K. Cunningham, the Director, testified that no intelligible guidelines govern the taking of good time, save that escapees and escape attempts always result in full forfeiture. He could not recall any instance of his overruling a superintendent's decision to take good time. Field Unit superintendents forward their recommendations to Mr. Edwards, the overall superintendent of field units; he usually follows their lead. The individual unit superintendents are for the most part former guards who worked up through the ranks, and not all are high school graduates; in fact a majority are not.

The great majority of prisoners have lost good time restored to them, according to Cunningham nonetheless he testified that in the last eight months of 1970 only one penitentiary inmate received such grace.

Disciplinary boards have at times included the accusing guard. Furthermore, although representation by another is forbidden, the Director testified that some inmates are so very dull mentally that they probably cannot properly present their case.

Good time has been taken in amounts at least as large as one year on the basis of the briefest of guards' reports. Maximum security confinement has often been imposed out of unsubstantiated fear, suspicion, or rumor. In some cases this form of detention has been used for prisoners who were simply too feeble minded to adhere to the usual prison routine.

On October 1, 1970, less than two months before trial on this case, Division Guideline 800 was put into effect. These regulations, as adapted to cover all institutions, govern inmate discipline. They are set out in full as "Appendix A." These were the first substantive regulations on the subject put into effect in the Virginia penal system.

The new guidelines require a three to five member "adjustment committee" composed "normally" of department heads or their assistants. A counselor—a social worker assigned to one of the large institutions—may be present if one of his charges is accused.

There is provision for notice of charges to the inmate, although not in writing. The inmate is put in "detention" pending hearing, which takes place within 48 hours. There is some vague provision for witnesses and cross-examination, at the discretion of the committee chairman. The result of the hearing is recorded and transmitted to the Superintendent for "review and approval;" whether that officer can reverse a not guilty verdict is unclear.

The new regulations do not forbid a charging officer from sitting in judgment. Presumably this practice will be disapproved in

theory, as in the past. In practice, however, an accusing official has sat on the panel; Assistant Superintendent H. P. Jackson of the State Farm has done so numerous times.

Offenses are described only as major or minor misconduct. There is no apparent restriction on available penalties, save that corporal punishment is outlawed, and described "minor" penalties can be imposed by a guard supervisor, with appeal to the committee.

The guidelines place conditions on the use of solitary confinement cells. Normal practice will be to permit an inmate to keep his usual clothing. The cells are to be lighted and heated, and occupants receive something to sit on in the daytime. Mail is not substantially curtailed, and "jail" terms are limited to 15 days. However, a "supervisor officer" may direct the removal of all furnishings and clothing from the cell if the inmate is "destructive," and a man can be kept in isolation longer than 15 days at the order of the Director. Alternatively, he may be placed in a maximum security cell "until he can, with reasonable safety, be returned to the general population."

Forfeiture of good time is imposed on the recommendation of the adjustment committee to the institutional superintendent. That official withholds his decision for seven days while the inmate presents his case to him in writing. There is no procedure established to cover the restoration of lost good time, although the discipline board may "set new behavioral goals . . . and offer restoration of good time." Final authority to restore credit, however, seems to rest in the superintendent, as it did previously.

Procedure for transfer to maximum security facilities is not established, although there is provision for a "formal review" every 120 days of each inmate's "behavior and attitude."

Finally there is a saving provision reserving full authority over disciplinary matters in the Director.

Copies of these regulations were not sent to inmates.

The rules do not seek to define offenses. As before, inmates may be penalized for "abusive language," a term particularly vague in its content in the prison milieu, where the norms of polite conversation do not prevail. Whether language is "abusive," according to Cunningham, depends a great deal on the tone of voice or manner in which words are spoken. In the past, nevertheless, men have been punished for "abusive language" on the basis of written guards' reports which sometimes did not even report the words spoken.

"Insubordination," "insolence," and "sarcasm," likewise offenses, are also undefined; their substance is left to the judgment of administrators. A superintendent also may penalize men for "poor work" and "disrespect" if their conduct is such, in his opinion.

Whether a man has in fact attempted to escape or has escaped will be left to the determination of the adjustment board and the superintendent, as before.

"Agitation" is also undefined. Cunningham states that it consists of influencing others to do illegal things, or acts which would be disturbing to the institution. Guards' reports, however, occasionally give no specifics as to the acts constituting "agitation."

No maximum time of padlock confinement is fixed by the new rules. Cunningham stated that the decision to padlock a man must be made by an official of the office of Assistant Superintendent or higher, but the "minor misconduct" provision appears to allow the chief guard officer to impose this penalty.

The guidelines make no reference to the practice of imposing fines. In the past this has been done summarily by guard officers.

Maximum and minimum amounts of good time that can be taken for various offenses are not set forth. As before, these will be governed, under guideline 800, by patterns and rules of thumb passed on orally. Moreover in practice a superintendent's decision to take or restore good time will not be effectively appealable. At most correctional field units this means that the ruling will be made by a man without a high school education or any special training in the goals and techniques of penology.

Guideline 800 also authorizes a continuation of the practice of confining mental defectives in the maximum security segregation cells. The inmates Elbe and Gonzales were referred to C–5 segregation at the State Farm for the offense of having insufficient mentality to participate in ordinary prison business. This is still authorized for those who "cannot safely function in the regular inmate population."

Regular appeal procedures are not established. In the past prisoners aggrieved by decisions against them have been able to "appeal" to the institution superintendent or the Director, by writing a letter. Review, however, has been highly informal, and the Director has not hesitated to go outside the record to secure information on a man's behavior both on the incident in issue and in the past. Never, however, has he reversed a superintendent's decision to take good time.

The Court finds that the reserved powers clause would retain for Cunningham the power to take good time without a committee hearing, to place someone in a solitary cell without a statement of reasons, and to keep a man in maximum security indefinitely on his sole order. Despite that according to Guideline 800 a normal diet is served in isolation, the director may still nonetheless impose a bread and water menu. Moreover, even the adjustment committee may extend a man's term in "jail" if it finds that he committed a second offense during his first fifteen-day term.

Cunningham had informed no fixed opinion on whether counsel should be admitted to the disciplinary committee hearings. He thought that lawyers might be unfamiliar with the goals and means of penology, even by comparison with some of the guards. The director had no objection to the presence of lay counsel, however.

Going to the Court's findings concerning not only the named plaintiffs but others of the class, the Court makes the following additional factual findings:

ROBERT JEWELL LANDMAN

Landman, a prisoner now released from the Virginia system after having served his full term on August 28, 1970, had been technically eligible for parole for six years prior to his release.

Commencing in 1964, Landman embarked upon a career, well-known to this Court, as a writ-writer. The evidence before the Court is that between that time and the time of his release, on behalf of himself he filed a minimum of 20 suits, and it is estimated that in addition he assisted fellow inmates in approximately 2,000 other petitions.

Landman's troubles with the prison authorities apparently commenced with his having written a letter to one of the local newspapers, for which he served 20 days in solitary confinement. This was followed with correspondence to the then Governor, and in 1964 he was sent to what is known as the "C" Building and placed in punitive segregation where he was held for a period of 150 days. He was removed from there and put in the general population until January 1965 when he was moved to a prison camp. His move from the penitentiary to the camp came the day before he was due to confer with a local attorney.

His reassignment to the penitentiary from the camp undoubtedly came about by reason of his having by then commenced his writ-writing endeavors, and in May 1965 it was recommended that he be placed in the "C" Building for his efforts in that regard. In "C" Building his life appears to have been a series of transfers to and from solitary confinement. In at least one instance he was put in solitary confinement for 58 days and never given any reason whatsoever for this confinement.

Apparently for assisting another prisoner in preparing a writ in 1966, he was once again put in solitary confinement.

This Court finds that up to November 1966, the man was punished 16 times and had good time taken from him once. He served a total of 266 days in solitary confinement and 743 days on padlock.

In August of 1968, this Court entered a consent injunction enjoining the prison officials from denying inmates of the Virginia State Penitentiary certain of their rights. The day following the injunction, Landman was once again put in solitary confinement for a period of 40 days, allegedly for conferring with another prisoner. Landman's attempts to contact his lawyer were to no avail. From March 15, 1969, to July, Landman was placed on what is known as "padlock," wherein a padlock is placed on a particular cell so that when all other cells are opened electronically, that particular cell remains closed.

In short, the Court finds that there was imposed upon Landman over 265 days of solitary confinement and in no instance did he receive even the rudimentary elements of a hearing or opportunity to defend any allegations made against him. The Court is satisfied that Landman's exercise of his right to file petitions with the courts, and his assisting other prisoners in so doing, were the primary reasons for the punishments put upon him.

CALVIN M. AREY

Arey was placed in solitary confinement on December 6, 1965. Although the record is devoid of any accounts of violence on the part of Arey, he had with justification been considered an escape risk and remained in "C" Building for a period of more than 4½ years until released into the general population in July 1970. At least twice while in maximum security he was placed in solitary confinement, one of the times for allegedly discussing with Landman an order of this Court, and he, like Landman, was transferred to solitary confinement for a period of 42 days during which time neither of them was permitted to file legal pleadings or to send letters to courts or attorneys; and in one instance he was placed in solitary confinement for reading to inmates a letter that he had received from a state senator. No notice or hearing of any kind was held in regard to these punishments, nor in regard to his loss of good time which he sustained. It would appear from the evidence that Arey's good time was taken on the basis of information received from a guard and upon the recommendation of the Assistant Superintendent that his good time be taken. Not even the rudimentary elements of a hearing or opportunity to be heard was given this man prior to the taking of good time.

The fact that some of the matters which gave rise to the many punishments received by Arey may well have been factually, accurate can in no way be used as an excuse for the failure to accord him due process.

The record abounds with evidence of Arey's attempts to communicate with attorneys, only to be subjected to delay or frustration. In at least one instance Arey was forbidden by the Superintendent to communicate with an attorney who was not then currently representing him. Perhaps the most striking example of the indignities suffered by Arey is exemplified by an incident which occurred on August 13, 1968. On that day radio news reports gave an account of this Court's injunction against the employment of certain methods of punishment in the state prisons.

According to punishment reports submitted by guards, Arey yelled to other inmates concerning the Court order, telling the population of "C" Building generally that tear gas and the taking of bedding had been prohibited. Arey's commitment to solitary for this was approved by Superintendent Peyton who, so far as the evidence before this Court shows, failed to check out the account of the occurrence with anyone who had been allegedly present. The prison records as to this incident show the spaces on the form designed to record the members of the disciplinary panel who heard the case to be blank. Obviously no hearing was held. In fact it was standard practice at that time, the Court finds, to discipline men in C-cell without any hearing. On occasion, according to the testimony of R. M. Oliver, a committee might sometimes be used.

Arey was released from his isolation on September 23rd. That same day he found on his cell cot a letter he had tried to send to an attorney on August 14th; permission to mail it had been refused. He, of course, had been denied leave to write counsel during his solitary confinement.

The record shows that a letter went from Superintendent Peyton going to Director Cunningham, which indicates as well that copies of this Court's order mailed by an attorney to certain prisoners were intercepted apparently on instructions of an Assistant Attorney General.

It was three days after his release from meditation, where he had not been allowed to shave, brush his teeth or comb his hair, and after having been on a bread and water diet for two days out of three while incarcerated in a cell which contained only a sink and a commode, and, in the night, a mattress and two blankets, that he wrote a letter to a state senator which ultimately was returned to him without having been mailed. The letter, which concerned penitentiary conditions, was taken to R. M. Oliver who disapproved this correspondence. No satisfactory explanation for this action has ever been received.

In 1969 Arey received a copy of a letter from a state senator which he read aloud to another inmate. While there is some dispute over how loud he spoke and what extemporaneous remarks he added, as a consequence a guard filed a punishment report. While no hearing was held, Arey lost all accumulated good time and stayed in meditation until February 5, 1970. The effect of the loss of good time was to extend his term by a year and eleven days.

Arey was kept in C-cell through 1969 and well into 1970. In early 1969 no concrete reason could be given by Peyton as to why Arey was still in maximum security. At least one official testified that it was principally on account of his alleged disruptive, contentious attitude. The same official, however, in conversation with the state senator who visited the prison, stated that Arey's litigiousness was at least a contributing cause for the resolve to keep him in C-cell.

In mid-1969, after J. D. Cox succeeded Peyton as Superintendent, a four-man review committee for the penitentiary recommended to W. K. Cunningham that Arey, Leroy Mason and several others be returned to the general population from C-cell. Cunningham rejected this proposal and the men were kept in segregation for many more months.

ROY E. HOOD

Hood had been in the penal system continuously since 1963 and in at least two instances escaped from road camps and undoubtedly has admittedly caused difficulty, in some instances, during his stay, although in at least one instance he had been made a trusty. Some of the punishment accorded Hood, such as allegedly for refusal to work, fails to show up on the records kept by the authorities.

While in most instances Hood knew of the reason for a particular punishment, the Court finds that he has been put in "the hole", or solitary confinement, in some instances without benefit of any opportunity to be heard as to whether the punishment was either deserved or appropriate. He has lost good time under the same circumstances.

From January 1967 to November 1968 this particular prisoner was apparently devoid of any particular problems until he conferred with an attorney, and within eight days thereafter he was transferred to the penitentiary. Interestingly enough, the attorney with whom he had conferred was the same attorney who was representing the inmates in their suit to desegregate the penitentiary. The attorney had conferred with Hood and one Lambur, and had asked the prisoners to send him information concerning alleged tear gas incidents which might be useful in a case he was then litigating. The same day of the conference prisoner Lambur was incarcerated in a high security section and, as heretofore stated, eight days later Hood was transferred to the penitentiary and put in a padlocked cell. No satisfactory reason for the treatment accorded these men has ever been given. The response received to his several inquiries as to why he had been accorded the treatment referred to was a brief notation from an official to the effect that Hood knew the answers as well as he did.

The files reflect a letter from the Director indicating that Hood and others had been sent to the penitentiary as a result of "agitation" that they were allegedly committing among State Farm inmates. The evidence before this Court shows that the agitation apparently was Hood's inquiries about tear gas incidents.

On March 31, 1969, guards took an inmate named Hargrove from a cell near Hood in a fashion that Hood thought was rough. On that same day he wrote to an attorney—the same attorney with whom he had conferred at the State Farm—and in this letter he wrote of the alleged rough treatment and remarked about alleged poor medical care. The following day he was placed in B-basement, a high security area. That the prison authorities imposed summary punishment on Hood for exercising his right to communicate with an attorney about conditions of confinement is clear. As a consequence he remained in B-basement for thirteen months.

LEROY MASON

A named plaintiff, Leroy Mason, admitted to the Richmond Penitentiary in 1965, had no noteworthy clashes with prison authorities prior to 1968. In early 1968 Mason was known by the authorities to have contacted an attorney concerning certain prison conditions, in particular the alleged segregated nature of the State Penal System. In July 1968, while he was working as a Chaplain's Assistant at the penitentiary, there came about an inmates' non-violent strike or work stoppage. The Court finds that Mason had no prior knowledge of the work stoppage.

The then Superintendent, Peyton, suggested that the prisoners go to their respective work places and elect several spokesmen with whom he would confer. Of those spokesmen Mason was elected as an inmate representative, and generally he spoke for those representatives and met with Superintendent Peyton several times, but continued to perform his regular job. By that time Mason was a named plaintiff in a class action suit pending in this Court for the purpose of requiring a racial desegregation of the Virginia Penal System.

On July 19, 1968, four guards came to Mason's cell, handcuffed him and took him to the isolation cell block in the prison hospital where he remained in what amounted to solitary confinement for approximately a month. It is to be noted that another spokesman, one Pegram, met the same fate. Prison records indicate that the transfer of Mason was allegedly for refusal to return to work, for his own protection, and in an effort to keep him incommunicado. No hearing in regard to this punishment was held and he was kept in an isolation cell for approximately thirty days.

Shortly after being released from isolation he was transferred on August 20, 1968 to the maximum security lockup, i.e. C-cell segregation block, and was held there until April 27, 1970. In addition, it was ordered that he lose ninety days good conduct time.

The Court finds that he was not accorded any hearing, and in addition his release from maximum security had been recommended for some time prior to his actual release from same. The record is devoid of any valid reason as to why he was not released sooner. While the Court is not fully apprised as to the use of punishment report forms in the prisons, it notes with some interest that the report of Mason's August 20th transfer to C-cell was apparently received by the Superintendent's office on August 19th.

While much disciplinary action was accorded many of the prisoners without notice or hearings and for reasons still vague to the Court, and in some instances simply upon the whim of a guard, in the treatment accorded Mason the record is devoid of any justification, and the Court is therefore satisfied that his punishment was attributable to his instituting an action in this Court for purposes of desegregating the Virginia Penal System.

Superintendent Peyton had stated that he could not say for sure whether Mason had stopped work during the strike. According to Peyton's explanation Mason was put into isolation only to keep him out of danger and contact with other inmates. Yet in spite of the uncertainty expressed by Peyton concerning any alleged work stoppage by Mason, ninety days good time penalty was imposed for allegedly refusing to work.

In late 1969 in spite of recommendations of the prison staff that Mason be released from maximum security, Cunningham refused to go along with the recommendation apparently on the basis of Peyton's reports that Mason had been a strike ringleader. Mr. Cunningham's justification for the continued refusal to air these charges in a hearing was based on the grounds that an emergency condition still persisted at the penitentiary. The proffered justification for Mason's segregation confinement and loss of good time is so specious as to add weight to the Court's conclusion that he had been penalized for his participation in a law suit begun in January 1968 in this Court in which he sought and achieved the desegregation of the Virginia * * *.

THOMAS C. WANSLEY

Wansley, serving a life term, had apparently been in no difficulty prior to the strike in July 1968. He, like Mason, was one of the original parties in the suit filed in February 1968, for the purpose of desegregating the penitentiary. Wansley was one of several hundred inmates who refused to work on July 18th at the time of the alleged work stoppage. The Court finds that shortly thereafter he did request an opportunity to return to work. As a consequence of his actions he was placed in solitary confinement from July 1968 to August 1968 and kept in a cell for a period of ten months.

The Court is satisfied that, unlike Mason, Wansley knew of the contemplated work stoppage. It is of particular note that Wansley remained confined for some considerable period after other striking prisoners were returned to their regular duties. It is a fair assumption, and the Court finds, that the reason for this was his actions in the suit to desegregate the Virginia Penal System.

Penitentiary records indicate that the padlocking of Wansley was allegedly for "agitat-

ing" by advising other prisoners to file suits contesting their treatment and by telling others, after his return from Court on August 13, 1968, that guards were barred from using tear gas against them and, apparently according to him, would be jailed if they did. Wansley, the Court finds, was never formally confronted with this alleged charge of agitation and never saw the prison reports prior to the trial of this case. In short, he was put under padlock on the basis of reports that he was yelling in the cellhouse and "agitating." The witness Oliver recalled no details save that Wansley had not been violent. Peyton, in February 1969, made no effort to justify Wansley's detention beyond saying "in his judgment" he should be confined.

As already indicated, the trial of the issues before the Court consumed many days of testimony in which the Court heard at least 46 witnesses, including the named plaintiffs, and read designated depositions of others. As one would expect, the witnesses called on behalf of the plaintiff were for the most part prisoners who either were or had been confined in places of incarceration under the jurisdiction of the defendants. The Court is satisfied that the testimony received is representative of conditions existing generally throughout the Virginia Penal System.

The Court has attempted to bear in mind in its ultimate conclusion that the burden is upon the plaintiffs to prove their case by a preponderance of the evidence, and this the Court is satisfied has been done.

The following additional factual findings are intended to be illustrative to the end that the Court's legal conclusions based upon same may be more readily understandable:

FREDDIE LEE HYTHON, JR.

Hython, a State Farm inmate for approximately six years prior to the date of hearing in this case, refused to perform work at that facility allegedly because another inmate had threatened him and he feared to mingle in the population. He explained his plight to a guard lieutenant and he was forthwith ordered to an isolation cell.

Hython's testimony has been waived by the Court in light of the Court's conclusion that apparently he was a person of extremely limited intellectual capability. He had had his good time taken from him several times without benefit of a hearing, although he did have at least one hearing concerning good time forfeiture.

NATHAN BREEDEN

Breeden, a prisoner at the State Farm, was incarcerated in the C–5 high security section at his own request because of his alleged fears of persons in the general population. His testimony was of significance to the Court in that it corroborated the allegation brought out during the trial that it was common practice to place mentally ill inmates in solitary confinement.

While incarcerated in C–5 Breeden witnessed, in a manner of speaking, the death of another inmate, one Philip Lassiter. The Court finds that in late August of 1970, Lassiter was placed in a meditation cell by reason of the fact that he was mentally disturbed and his behavior was sometimes uncontrollable. Breeden, through an inmate named Marsh Whitney, secured copies of records of Lassiter's psychiatric care over the prior three years.

Between August 25th and Lassiter's death, while Lassiter was confined to a meditation cell, he screamed day and night apparently seeking help. Indicative of Lassiter's state of mind was that on that day he plugged the commode in his cell with a shirt, causing the flooding of his cell.

Efforts, were made by Breeden to bring to the attention of the prison nurse the records he had secured from inmate Whitney. On August 27th Breeden spoke to a lieutenant and subsequently gave him a copy of what purported to be a doctor's letter diagnosing Lassiter's condition as chronic schizophrenia. On August 29th Breeden wrote to Superintendent R. M. Oliver about the case.

Lassiter continued to scream for help until he died on August 31st. At least four inmates in nearby cells corroborated Breeden's account including the fact that at some point, which the Court determines to be approximately August 26th, at least one guard had an altercation with Lassiter concerning a food tray, during which Lassiter, if not the guard, landed some blows.

It should be noted that Superintendent Oliver said that Lassiter had been placed in solitary confinement at his own request, and while he knew that the inmate was under psychiatric care, he never received reports of Lassiter's alleged screaming.

The Court finds that while it was not the routine practice to put mentally disturbed persons in solitary cells, they were occasionally placed there for want of other space pending commitment proceedings.

EDWARD R. BELVIN

The prisoner, Belvin, a person with a Sixth Grade education, had lost 66 days good time for alleged attempted escapes. He was accorded no hearings prior to the taking of his good time. The prison administration simply sent him a "green slip" revising his sentence. As a consequence of these sanctions, 66 days were added to his term.

In April, 1970, Belvin was in the prison hospital for treatment of a nervous condition. On one occasion he threatened to scream if he was not given a shot which he felt he needed. As a result he was taken to a meditation cell without a hearing. There the guards restrained him by handcuffing him and chaining his body to the cell bars. They wrapped tape around his neck and secured that to the bars also. Belvin remained in this position for fourteen hours until a guard cut him down at 4:00 a.m. Belvin was kept nude in a bare meditation cell for seventeen days during April. His clothing was taken because he refused to surrender a food tray to guards.

Guards in the penitentiary have had the authority to chain a violent man until recently; currently it can be done only at the Superintendent's orders. Prison policy, however, dictates that mentally disturbed inmates not be so treated, but rather that commitment proceedings be begun as soon as possible. It is inexplicable why Belvin was placed in an ordinary punishment cell rather than some less brutal form of confinement. He had reportedly twice attempted suicide prior to this episode, yet medical supervision appears to have been lax. The decision to chain him was made by guards, without the prior approval of any doctor, yet this incident did not, so far as the record shows, result in so much as a reprimand for those responsible.

BARRY CLINTON JOHNSON

Johnson, a prisoner under sentence of death, was placed in meditation three times. In January, 1969, he spent about seven days in meditation for complaining to guards and arguing about officials' treatment of money sent to him at the prison. The guards' reports recount a very poor attitude in making requests and nasty remarks about personnel. No hearing was held; Johnson gathered from a guard that his complaints about his money were cause for his "jailing." Just before his confinement, Johnson filed a complaint in this Court along with one Short alleging mistreatment by guards.

The second time, Johnson was reported as having harassed a guard when he inquired of him about some shirts which another correctional officer had promised him. The week before he had been shot with tear gas in his cell and had written to Phillip J. Hirschkop, an attorney in his case, complaining about the incident. He also encouraged other inmates subjected to such treatment to write Hirschkop. Before his transfer to solitary, Johnson was accorded a semblance of a hearing in that he was taken to a bank office and confronted with the charge by three guards, two of whom were officers. The allegedly harassed guard was not present at this hearing to be questioned. The guards sent him to meditation without advising him of the length of his stay.

In July, 1970, Johnson was sent to solitary for loud talking, although the man with whom he allegedly was engaged in loud talking was not punished. One guard, Captain Baker, had previously threatened to punish him for cursing other guards. Another, Gibbs, told him to stop complaining to courts and lawyers or he would be placed in solitary. Johnson was taken to solitary by five or six guards and brought the next morning to the guards' office. There, Gibbs threatened to cut off commissary privileges, hot water, and coffee if he did not cease his complaints. Others accused him of cursing a guard; he denied it, but they refused to check out his story. Less than two weeks before this incident Johnson had written a complaint letter to the Governor of Virginia.

When he was taken to C-cell solitary the third time, Johnson was punched by Captain Baker with a tear gas gun and when, at Baker's orders, chained to the cell bars. This endured for five days. His waist and arms were secured to the bars in such a fashion that he could just barely recline. He was not released in order to urinate or deficate.

At trial there was no cross-examination of this witness.

SAMUEL MACKMAN

Mackman, a fifteen-year veteran of the Richmond penitentiary, gave accounts of being placed in solitary and losing "good time" for breaking up a fight and for having requested his prescribed medicine. On October 31, 1968, punishment report has it that Mackman threatened to hit a guard, one Catron. This occurred, the prisoner said, after Catron shot him with tear gas for failing to eat.

In January of 1969, Mackman lost 90 days good conduct time for "yelling . . . cursing and raising hell." He spent ten days in meditation and received a "green slip" extending his sentence 90 days. No hearing was held.

When the authorities concluded that Mackman in fact had only sought to break up a fight, they restored good time earlier lost. No hearing was held on the charge, however, at any time.

BERNARD R. BOWSER

Inmate Bowser, serving a five year sentence, has lost good time without any hearing. The Court is satisfied that Bowser, on being placed in meditation, was cognizant of the reason for it as well as the reason for good time being taken. The Court does find that no hearing, in at least several instances, was held with a view to finding the facts.

The same situation exists as to the witness Robert Powell and one Wiley A. Reynolds, another State Farm prisoner who although he did receive the benefit of one or more hearings, stated the accusing guard was sometimes not present. The Court concludes that the regulations which existed frequently only became clear when one was punished for a violation.

WADE EDMOND THOMPSON

Wade Edmond Thompson testified concerning discipline in the correctional field units, the state convict road force. At Field Unit No. 27, he was placed in solitary confinement three times.

The first time, in March of 1969, a guard complained of his conduct and he was brought before a lieutenant, acting as superintendent. The complaining guard and a state highway employee were present as well. After about a week Thompson was released from "jail"; he learned sometime later that the charge had been insubordination.

In August, 1969, Thompson, feeling unwell, requested to see a doctor. Instead he was

given the option of working on the road or going into solitary. He chose the latter.

In January of 1970, Thompson, having had a series of run-ins with one particular guard, was brought before the Superintendent on the latter's complaint. The guard stated that Thompson had used profane language; another verified this, and the prisoner was sent to solitary by the Superintendent without an opportunity to state his side of the case.

On his request, Thompson was transferred to Unit No. 7 soon thereafter. At that camp, in February of 1970, Thompson and a number of others refused to work when the temperature fell to eleven degrees. Thompson was called into the Superintendent's office. He told that official that he would not work in such cold weather, as he understood he was not required to do, under applicable regulations. He was ordered to solitary confinement, where he spent twenty-four days, without a disciplinary hearing. Some weeks after his release he learned that he had lost sixty days' good time. Conditions in "solitary" were extremely crowded; from four to seven men were put in a one-man cell.

Thompson later went to Field Unit No. 18, from which he escaped. After trial and conviction for this offense, he was also docked eighty days of good time; no hearing was held.

This witness approached the Superintendent of Unit 18 to request another transfer, stating that he had difficulty living under the regulations. As an example, he stated that a guard in the mess hall had once forced another prisoner to eat a raw sweet potato. In response to this complaint, the Superintendent ordered Thompson summarily taken to solitary confinement. While in "jail," Thompson complained of his plight in a letter to Philip Hirschkop, an attorney. The very day that the letter was mailed, he was given a hearing on his infraction by three guards. The charge was "agitating" the inmate who balked at eating raw food. In fact, Thompson never spoke to the man, nor did he tell anyone save the Superintendent of the incident. This was the only "hearing" that Thompson ever was granted on the issue.

STANLEY DOUGLAS POWELL

Powell, an inmate of Correctional Field Unit No. 4, for six months prior to trial, stated that he was summarily punished for allegedly cursing a guard. Two days after the offense he was taken aside by that guard, Anderson, and one other; the latter ordered him to strip naked. Lieutenant Anderson thereupon struck him with a nightstick. Powell was taken to a doctor some time later and his head was stitched up. The same day he was taken before the Superintendent and ordered into solitary confinement. At some point during this episode, Powell wrote his brother about the incident. Anderson, having apparently intercepted the mail, called him in and said that if he made no trouble about the beating he need not go to "jail." Powell spent eighteen days in solitary confinement; he never had a hearing, nor was he given reasons for his punishment.

The guard, Anderson, testified that he struck Powell only after being attacked himself. Cunningham stated, however, that it is the policy throughout the penal system that any man who attacks a guard loses all of his good time. This did not occur in Powell's case. The Court rejects the account given by Lieutenant Anderson.

THOMAS JEFFERSON

Jefferson gave an account of a series of units. His innocence of misconduct may be and indeed is open to question; nevertheless the procedures followed in imposing sanctions is not seriously disputed.

At Field Unit 16 he was sent to solitary three times at the order of various guards or guard officers. No hearing or statement of reasons was offered. A bread and water diet was enforced at various times.

As soon as he was transferred to Unit 2, Jefferson was jailed for 31 days for misbehavior without a hearing. Following an argument with guards in the dinner line, Jefferson was committed to solitary a second time. The guards refused to let him see the superintendent. When he argued, a guard shot him with tear gas and kicked him, although he did not resist. Twice again that day he was tear gassed in his cell. This jail term lasted 56 days, during which Jefferson did not have a shower nor get a change of clothing. In addition, he lost between sixty and ninety days of good time. No hearing was ever held.

Jefferson's reputation as a trouble maker accompanied him to Field Unit 4. Only minutes after his arrival he was jailed for "misbehavior"—cursing a guard. Jefferson, who is black, says this occurred when a white guard called him "boy." No hearing was held on this offense. This was the first of twenty-one terms he spent in "jail" in Unit 4. His offenses included refusing to work, refusing to work in cold weather, and talking to civilians on the highway. For an escape attempt he lost 60 days' good time. No hearings were held in any case, but he knew generally the nature of his alleged offense each time he was punished.

Superintendent Honeycutt of Field Unit No. 2 wrote to D. P. Edwards, Superintendent of the Bureau of Correctional Field Units, after the chow line affair, stating that he intended to keep Jefferson in a solitary cell indefinitely until his attitude toward authority changed for the better. Honeycutt in theory had no power to confine a man more than thirty days, but Edwards made no objection.

TIM SCOTT

Scott witnessed part of Jefferson's chow line melee. Jefferson was loud, Scott says, but he made no physical threats, nor did he resist physically. Another inmate persuaded him to submit and go to jail, according to Scott's testimony, which the Court accepts.

Scott himself is an adherent of the Black Muslim faith. As part of his religion he must each day wash the exposed parts of his body. At Field Unit 2 he was committed to a solitary cell when he was discovered washing in a basin in the dormitory. A guard, one Wyatt, directed him to stop. Scott protested that he was not breaking any regulation, but continued to wash. The guard drew up a charge and Scott went before the superintendent the next day. That official confronted him with Wyatt's charge and asked why he had not complied with the guard's order; Scott again replied that rules had been posted and no regulation forbade using the basin in the evening. He was sentenced to seven days in jail.

* * * * *

A guard lieutenant then brought him some medicine which had been prescribed and told him to take it. Another inmate told him that the "medicine" was suppositories, not to be taken orally; Scott had received no instruction. The lieutenant returned and discovered that Scott had not taken the medicine. After a hearing of sorts before the guards, the details of which do not appear, the prisoner was taken to another camp and put in solitary for nineteen days. On his return to Camp 11 he was notified that he had lost 30 days' good time for "misconduct." He asked the superintendent what his offense was; that officer said that Scott had asked to see the doctor when there was nothing wrong with him and then refused to take his prescribed medicine. Scott infers that he was punished because only a few days before a man in his camp, one Page Early, had died while begging to be allowed to see a doctor, and the authorities wanted to keep the matter quiet. In fact the superintendent and a guard told other inmates that if they tried to get word of Early's death out of the institution and into court they might be put in solitary or lose good time.

Scott's Islamic religion threatened to bring other sanctions upon him. A guard sergeant threatened him with transfer from Camp 2 if he continued to prosetylize; a captain directed him to speak to no more than one or two at a time. Such restrictions are not imposed upon conversations on other topics, nor is the use of the washbasin restricted for others as it is for Scott. Cunningham himself said that by Scott's own account he had committed no offense.

GEORGE D. CEPHAS

Cephas experienced back trouble while assigned to Field Unit No. 26 in July of 1969. The camp authorities had him taken to two doctors on three different occasions. One of these told a guard lieutenant that Cephas should not be assigned to road work; the other confirmed that he needed medication, but that he should work. Some days after his last examination, Cephas had an attack of pain allegedly so severe that he could not get out of bed. The guard captain had him shackled and moved to Camp 30, where he spend twenty-six days in meditation. At Camp 30 Cephas' requests to see a doctor were denied. After his "jail" term he was returned to Camp 26 and reassigned to road work, although the foreman apparently allowed him to do light work. This was Cephas' only offense in prison.

FREDDIE LEE COLLINS

Collins, who has spend most of his term in Correctional Field Unit No. 2, was placed in solitary confinement three times between November 1969 and April 1970. Each time the charge was poor or unsatisfactory work. No formal hearing was held. Instead he was simply called before the superintendent, who informed him that his guards had reported Collins' misconduct. Collins went to jail. On one occasion the superintendent said merely that "his guards don't lie." During the twenty-one day stay Collins lost twelve pounds.

DAVID LEON BROOKS

Brooks also was committed to solitary confinement in field units three or four times without a prior hearing. At one time in October 1968, he lost 60 days of good time and was jailed for allegedly refusing to work. During one period of confinement Brooks was kept nude in his cell for nine days.

CHARLES LEE MELTON

Charles Lee Melton had a substantial record of infractions at Field Units 2, 31 and 7. "Jail punishment reports" indicate that in most cases the decision to punish was made by a two or three man board, including the superintendent. At unit 31, Melton said, he was usually given a chance to explain his conduct by Superintendent Sumner.

On December 4, 1968, according to the defendants' records, Melton was jailed for the following reason:

Offense: When E. Phillips #90872 was put in solitary, he said, might as well put him in.

Melton was heard on this "charge" by the superintendent alone. Records show that he was not released until March 12, 1969. Until February 12 he received full rations only every third day. Meals the other days consisted of four slices of bread, served twice each day. During the first 32 days of "jail" a window was left open in Melton's cell and snow fell in on him.

From July 29, 1970, through September 15, 1970, Melton was in a meditation cell in Camp 7; during this time his diet was bread and water for two of every three days and his weight fell from 160 to 140 pounds.

After his three month term in meditation had been served in 1969, Melton was transferred to the penitentiary where he was notified that he had lost all his accumulated good time—over twelve months—for refusing to work. No hearing was held.

Testimony by prison administrators illustrated the accuracy of Tolstoy's observations about the limits of bureaucratic power. A

specific order invariably deteriorates in content as it travels from chief to subordinates on the line. Higher prison officials, generally speaking, displayed a confident perception of the rules and procedures applicable in various situations. Lower officers who in fact implement the rules were, however, less sure about the regulations governing the prisoners' conduct and their own.

The rules for years has been that, absent claims of gross violations of fundamental rights, federal courts will make no inquiry into the manner in which state prison officials manage their charges. *McCloskey* v. *Maryland,* 337 F. 2d 72 (4th Cir. 1964). It is not difficult to discern the principal rationales for this doctrine. A prisoner after all is presumed to have been justly convicted and sentenced; that presumptively valid judgment imposed a punishment of confinement under certain contemplated conditions. "Lawful incarceration brings about the necessary withdrawal or limitation of many privileges and rights, a retraction justified by the considerations underlying our penal system." *Price* v. *Johnstone,* 334 U.S. 266, 285 (1948). This is not to say that prisoners possess no further rights to be infringed or liberties to be taken. However, while confined, their fate is by law in the hands of administrators whose acts, like those of most administrative decision-makers, may be presumed legal.

Furthermore, courts have, perhaps implicitly, honored the theory of criminal punishment that holds that men who have been found guilty of violations of criminal laws may be utilized, so to speak, by society for ends related to the general welfare, such as the deterrence of similar acts by others and the alteration of their own patterns of behavior. Criminal activity, it is thought, once proved by legal procedures, fairly works a forfeiture of any rights the curtailment of which may be necessary in pursuit of these ends, such as the right of privacy, association, travel, and choice of occupation. Because federal courts have considered themselves both lacking in the authority to dictate those uses to which society may put convicts and without the specialized knowledge to test the necessity of losing certain liberties to accomplish various goals, they have not generally questioned such deprivations. Even now no court has required that states adapt their penal system to the goal of rehabilitation.

Moreover, in a society concededly subject to increasing legal regulations, prisoners more than any others are subjected to state control. State officials govern inmates' lives by a series of decisions on an hourly, indeed continual, basis. Many of their decisions may be subject to more than colorable constitutional attack. If each is to be subject for federal examination of a plenary sort, the energy and time of the federal judiciary and of state penal officials would be diverted to an inordinate extent. Even if the law permitted many such matters to be determined without the taking of testimony, little if any saving in time would be accomplished. Concerns of judicial efficiency must be among the reasons which cause courts to pause in considering whether Congress intended federal civil rights jurisdiction to extend over such claims. See *Sostre* v. *McGinnis,* —— F. 2d ——, 8 Cr. L. Rptr. 2437 (2d Cir., Feb. 24, 1971); *Weddle* v. *Director,* 436 F. 2d 342 (4th Cir. 1970).

Nevertheless, whether detention should be imposed at all has always been matter for federal review. In consequence any substantial restriction upon access to a federal forum for examination of the legality of confinement has been barried as well. See, *e.g., Johnson* v. *Avery,* 393 U.S. 483 (1969); *McDonough* v. *Director,* 429 F. 2d 1189 (4th Cir. 1970).

Recent caselaw too supports inquiry into prison administrators' restriction of constitutional rights other than that of liberty itself.

There is no doubt that discipline and administration of state detention facilities are state functions. They are subject to federal authority only where paramount federal constitutional or statutory rights supervene. It is clear, however, that in instances where state regulations applicable to inmates of prison facilities conflict with such rights, the regulations may be invalidated. *Johnson* v. *Avery, supra,* 486.

Prior to *Johnson* and since, federal courts have directed state and federal penal officials to honor convicts' claims to religious freedom, freedom of speech and association, and freedom from racial classification. See, *e.g., Brown* v. *Peyton,* 437 F. 2d 1228 (4th Cir. 1971); *Carothers* v. *Follette,* 314 F. Supp. 1014 (S.D. N.Y. 1970); *Lee* v. *Washington,* 390 U.S. 333 (1968). The reasoning supporting such intervention must be that the prison authorities have shown no compelling need to suppress these rights. Plainly stated, they have not shown such remarkable success in achieving any conceivable valid penological end by means which entail the abridgement of these constitutional guarantees as might make their denial seem worthwhile. Cf. *In re Gault,* 387 U.S. 1 (1967).

Courts have also intervened when sentences are administered in a manner that seems unintended and unauthorized by the convicting court. Relief is justifiable in some cases on the fairly basic rationale that to extend or augment punishment beyond that imposed by a state court is to penalize without due process. A valid state judgment affords no license to exceed its terms. *Perkins* v. *Peyton,* 369 F. 2d 590, (4th Cir. 1966).

Inquiry into the administration of sentences has also been promoted by the trend elsewhere in law to reject the so-called right-privilege distinction. Although state law may authorize the grant or withdrawal of certain benefits during incarceration, and state authorities may be taken, in sentencing, to contemplate the administration of their judgments in conformity with state law, still the federal Constitution circumscribes governmental power to withhold such benefits arbitrarily or discriminatorily.

Finally, penal authorities have been constrained to refrain from punishment deemed cruel and unusual in situations where some other penalty might legally be imposed. Some courts have, further, held that any penalty at all for an act which could not legally be a violation amounts to cruel and unusual punishment. *Carothers* v. *Follette, supra,* 1026.

Rejection of the right-privilege distinction as a sterile form of words has likewise cast doubt upon the logical difference between deprivations constituting "punishment" and those presented as techniques for the maintenance of "control" or "security." Presumably the consequence of labeling a deprivation a matter of control is that it may be imposed without procedural preliminaries. The distinction is unpersuasive. Substantial deprivations of rights even in matters called civil where no misconduct is alleged have not been permitted without due process. Reasons of security may justify restrictive confinement, but that is not to say that such needs may be determined arbitrarily or without appropriate procedures. In an obvious sense, too, any treatment to which a prisoner is exposed is a form of punishment and subject to eighth amendment standards. This is not to say, though, that prison officials may not treat their charges as individuals. Deprivations of benefits of various sorts may be used so long as they are related to some valid penal objective and substantial deprivations are administered with due process. "Security" or "rehabilitation" are not shibboleths to justify any treatment. Still courts must keep in mind that a recognized valid object of imprisonment is not just to separate and house prisoners but to change them. When it is asserted that certain disabilities must be imposed to these ends, courts may still inquire as to the actuality of a relation between means and end. The test of necessity will, as mentioned above, be more stringent when a deprivation of a fundamental constitutional right is involved. When officials assert lack of funds needed to achieve their goals by means which would not infringe constitutional rights, moreover, the attempted justification will usually fail. *Hamilton* v. *Love,* —— F. Supp. ——, 9 Cr. L. Rptr. 2293 (E.D. Ark. June 2, 1971).

Extensive evidence was presented and detailed factfindings have been made for the reason that the plaintiffs contend, and the Court has concluded, that the constitutional violations of which they complain are not isolated deviations from normal practice but rather indicated traditional procedures in the penal system. When such a showing is made it is the Court's duty not solely to amend so far as possible the defaults of the past but to prevent their likely recurrence in the future.

The Court, at trial, granted counsel a certain amount of leeway in presenting evidence; as a result the record runs at some points far afield into issues not strictly of constitutional scope. For this reason it bears examination not only by lawyers but by any officials of our state government concerned to provide a penal system better, perhaps, than required by minimum constitutional guaranties.

One problem raised and not resolved by a study of the cold record, the credibility of much of the testimony, pervades this case as it has few others in this Court's experience. Witnesses drawn from a society of convicts as a rule may not have so refined a regard for the value of truth as most citizens. All of the unreliable testimony in the case has not, however, come from members of the plaintiff class. Custodial personnel life with their charges in a climate of minimum tension; it would be surprising indeed if an exchange of standards and values did not take place between them. Prison administrators too, perhaps understandably, may develop a self-protective instinct that manifests itself in a tendency to preserve and fall back on the written record of propriety, although it may not reflect reality. These observations must lead this Court, and anyone else concerned with maintaining fairness in the operation of our penal system, to conclude that the fairest rules must fail to fulfill that goal if they are not administered by fair-minded and intellectually capable men. The work of custodial personnel is such as to frequently try the patience of Job. Nevertheless, the daily administration of rules for conduct of an admittedly different society requires not only firmness but awareness of the purpose of incarceration.

The proof shows three general classes of constitutional deprivation, each a subject for injunctive relief. Discipline has been imposed for the wrong reasons. It has been imposed in cases of what may have been validly punishable misconduct, but without the requisites of procedural due process. And, punishment of a sort that the Constitution bars in any event has been imposed.

Just as the cruel and unusual punishment clause restrains the judiciary and the legislature, *Ralph* v. *Warden,* —— F. 2d ——, (4th Cir. 1970), *reh. denied,* —— F. 2d —— (4th Cir. 1971), so also it limits the discretion of administrators. The evidence here shows that these limits have been exceeded.

In gauging the compliance of Virginia officials with this constitutional command, the Court has not found it necessary to explore deeply the question whether a practice in issue constitutes a punishment. Compare *Trop* v. *Dulles,* 356 U.S. 86 (1958). As noted above, in an obvious sense any term of incarceration, with all of its incidents, constitutes a penalty. The purposes of the eighth

amendment might best be served by treating the preliminary issue as thus resolved. Any treatment imposed upon the convict would then be tested by the cruel and unusual standard. See, *e.g., Holt* v. *Sarver*, 309 F. Supp. 362 (E.D. Ark. 1971), aff'd. —— F. 2d ——, 9 CrL. Rptr. 2171, (8th Cir., May 5, 1971). A deprivation imposed for purposes not of deterring misconduct in the institution but instead for some nonpuntive end, such as disabling a man from injuring himself or property, or for no specific purpose at all, might nonetheless be unconstitutional. A defect in that approach taken alone is that it tends to obscure the issue of disproportion between offense and penalty—a valid eighth amendment inquiry—when a deprivation has concededly been imposed as a consequence of past misconduct within the prison and for the end of deterrence and example. A prisoner is both a participant in society as a whole and a member of the smaller penal community, a relatively closed society subject to a separate set of rules. The cruel and unusual test may validly be applied, in effect, on both levels to intraprison discipline.

Courts have not articulated detailed standards establishing what penalties are cruel and unusual. It is recognized that standards may change. Indeed it is hoped that they will.

The basic concept underlying the Eighth Amendment is nothing less than the dignity of man. . . . The Amendment must draw its meaning from the evolving standards of decency that mark the progress of a maturing society. *Trop* v. *Dulles, supra*, 100–01.

The provision, some have suggested, may be violated by the imposition of a penalty that is excessive in comparison with prevailing practice, disproportionate with the gravity of the crime, or greater than is necessary to achieve the permissible aims of punishment. *Rudolph* v. *Alabama*, 375 U.S. 889 (1963) (Goldberg, J., dissenting from detail of certiorari). It is cruel and unusual, furthermore, to impose any punishment whatsoever upon an individual guilty of no harmful act but solely possessed of an incriminating condition. *Robinson* v. *California*, 370 U.S. 560 (1962).

A penalty may likewise violate the clause even though it consists only of exposing an individual to a high probability of suffering grievous injury. Cruelty exists for example in imposing on a man the anguish of continued uncertainty as to his fate, with knowledge that severe consequences may befall him for unforeseeable reasons against which he is powerless to protect himself:

This punishment is offensive to cardinal principles for which the Constitution stands. It subjects the individual to a fate of ever-increasing fear and distress. He knows not what discriminations may be established against him, what proscriptions may be directed against him, and when and for what cause his existence in his native land may be terminated . . . It is no answer to suggest that all the disastrous consequences of this fate may not be brought to bear on a stateless person. The threat makes the punishment obnoxious. *Trop* v. *Dulles, supra*, 102; See also, *Holt* v. *Sarver, supra*, 309 F. Supp. at 372–73.

Our own Court of Appeals has stated that lawful incarceration must not include exposure of the prisoner to the risk of arbitrary and capricious action, *Landman* v. *Peyton*, 370 F. 2d 135, 141 (4th Cir. 1965), *cert. denied* 388 U.S. 920 (1967).

Although most of the administrators who testified in this case stated that the imposition of a bread and water diet is now extremely rare, the issue is not moot nor unsuitable for injunctive relief. The director still retains the power to approve bread and water, and in the past he has done so on application by subordinates. Moreover, subordinates have on their own initiative used the practice without approval in the past.

Bread and water provides a daily intake of only 700 calories, whereas sedentary men on the average need 2000 calories or more to maintain continued health. Evidence is not presented on the other nutritional shortcomings of a bread diet, but it does no violence to doctrine of judicial notice to remark that vitamin, protein, and mineral content is probably deficient as well. The purpose and intended effect of such a diet is to discipline a recalcitrant by debilitating him physically. Without food, his strength and mental alertness begin to decline immediately. It is a telling reminder too that prison authorities enjoy complete control over all sources of pleasure, comfort, and basic needs. Moreover, the pains of hunger constitute a dull, prolonged sort of corporal punishment. That marked physical effects ensue is evident from the numerous instances of substantial weight loss during solitary confinement.

Even the Superintendent of the Virginia State Farm, one of whose foremost concerns, and rightly so, must be the safe confinement of dangerous men, has not found it necessary to use bread and water in his memory. Other officials report a very rare use of the tactic. A current manual on prison practices strongly disapproves any disciplinary diet which impairs health. American Correctional Association, Manual of Correctional Standards (hereinafter A.C.A. Manual), 417 (1966).

The practice is therefore both generally disapproved and obsolescent even within this penal system. It is not seriously defended as essential to security. It amounts therefore to an unnecessary infliction of pain. Furthermore, as a technique designed to break a man's spirit not just by denial of physical comforts but of necessities, to the end that his powers of resistance diminish, the bread and water diet is inconsistent with current minimum standards of respect for human dignity. The Court has no difficulty in determining that it is a violation of the eighth amendment. *Jackson* v. *Bishop*, 404 F. 2d 571 (8th Cir. 1968); *Wright* v. *McMann*, 321 F. Supp. 127 (M.D. N.Y. 1970).

Likewise, to restrain or control misbehavior by placing an inmate in chains or handcuffs in his cell is unconstitutionally excessive. The evidence showed that in Belvin's case this practice left him with permanent scars, and in his case and that of Johnson it caused lack of sleep and prolonged physical pain. Neither man was released to respond to a call of nature, nor could they eat. Further details are not necessary in order to reveal that it constituted physical torture.

Corporal punishment should never be used under any circumstances. This includes such practices as . . . handcuffing to cell doors or posts, shackling so as to enforce cramped position or to cut off circulation, . . . deprivation of sufficient light, ventilation, food or exercise to maintain physical and mental health, forcing a prisoner to remain awake until he is mentally exhausted, etc.

. . . *The regulations of well-run prisons usually provide, in effect, that force may be used only when necessary to protect one's self or others from injury, or to prevent escape, or serious injury to property.* A.C.A. Manual, *supra*, 417 (italics original).

Corporal punishment of this variety is outmoded and inhuman. The Constitution forbids it, and this Court shall enforce that ban. It is not contended that a man in a locked solitary cell cannot be kept from escaping, injuring others, or destroying things of value. The only justification for the policy is to prevent self-injury. (Ironically, Belvin seems to have been seriously cut by his "protective" chains, either despite or on account of his own efforts). The Court simply cannot conceive that no less drastic means can achieve that legitimate end. The extent of the constitutional guaranty is not fixed by the administrators' budget or imagination. *Jackson* v. *Bishop*, *supra*, 580. Here the evidence shows that Belvin's fetters were put on without medical approval.

A doctor, if called on for a recommendation, might well have prescribed some form of drug treatment. Only recently have penitentiary officials sought to borrow some strait jackets for such emergencies. Indeed to a great extent the control of violent inmates has been left in the hands of guard personnel, who call to their superiors' attention incidents such as Belvin's experience only after the fact by brief written reports. Thus efforts to explore alternative treatment methods have not been exhausted; indeed they have hardly been commenced. On this showing the practice of fettering inmates in closed cells is both cruel and unnecessarily so.

The practices of taking inmates' clothing while in solitary and keeping them in unheated cells with open windows in the winter have been disapproved in *Wright* v. *McMann*, *supra*. Such penalties, which work to degrade an inmate by denying him any of the sources of human dignity and imperil his health as well, are cruel and unusual. The Court recognizes, as pointed out by the prison authorities, that recalcitrant inmates may well, and undoubtedly do, break windows deliberately—nevertheless this conduct can surely be punished by a method less likely to endanger the health of the inmate. See also, *Anderson* v. *Nosser*, 438 F. 2d 183 (5th Cir. 1971). The Court will permit an inmate to be kept nude in his cell only when a doctor states in writing that the inmate's health will not thereby be affected and that the inmate persents a substantial risk of injuring himself if given garments.

The instances of chaining, denial of clothing, and exposure to cold have, on the evidence, not been everyday occurrences. New regulations in Guideline 800 also purport to outlaw some of these practices. Nevertheless injunctive relief seems appropriate for the reason that in the past punishments of this sort have been inflicted by guards acting alone. Administrators, in other words, have not been in complete control of their subordinates. There is no particular reason to believe that this situation is being remedied. See *Landman* v. *Peyton, supra*. Only injunctive relief will adequately protect the plaintiff class.

On occasion prisoners in solitary confinement have been deprived of their mattresses and blankets as punishment for misconduct. The new guidelines authorize this to be done to punish "destructive behavior." In the past this has been done for such offenses as noisemaking, as in Moon's case. The penalty is undoubtedly harsh, but the Court is not persuaded that it is cruel and unusual. There is no evidence that it had a substantial effect upon anyone's health. If the cell is otherwise clean, and well heated, and the prisoner keeps his clothing, it should not be detrimental. Other cases holding solitary confinement, which included a denial of bedding, cruel and unusual generally included the element of unsanitary conditions. See *Wright* v. *McMann, supra*, 321 F. Supp. at 139–41; *Knuckles* v. *Prasse*, 302 F. Supp. 1036, 1061–62 (E.D. Pa. 1969); *Hancock* v. *Avery*, 301 F. Supp. 786, 792 (M.D. Tenn. 1969); *Jordan* v. *Fitzharris*, 257 F. Supp. 674 (N.D. Calif. 1966).

The practice of crowding several men into a single "solitary" cell, however, must be condemned. Ware Edmond Thompson was held for twenty-four days in a meditation cell at Field Unit No. 7. When first "jailed," he was put in a one-man cell with six or seven others. All had apparently refused to work in cold weather, but there is no evidence that any threatened violence. Thompson was taken briefly to a solitary cell at another camp, but then for some reason he was returned to Unit 7 and kept for a further two weeks in a cell with three other men. Three men slept on two mattresses, and the fourth

slept in one corner with his feet stretched over the others. They were also denied the usual Bible to read. Several administrators stated that more than one man should be put into a solitary cell only if emergency conditions required it. In Thompson's case, however, no such justification is shown. Clearly if a number of men had earned a term in meditation, the authorities had the capacity to distribute them among various penal units. The crowding is thus shown unnecessary and takes on a vindictive aspect.

Cases involving overcrowding in prison cells have generally included aggravating conditions such as denial of clothing, unhygienic conditions, and other abuses. *Anderson* v. *Nosser, supra; Knuckles* v. *Prasse, supra.* Here there is no sign that health was in fact jeopardized. *Anderson* and *Knuckles* concerned conditions that prevailed for less than three days. Four men here were penned like animals in a small cell, designed for one, for fourteen days without respite. Lack of space made sleeping very difficult. If confined men retain any claim at all to human dignity, they cannot be needlessly so dealt with for such long periods of time. The system's new guidelines provide that superintendents shall "proceed to alleviate [excess occupancy] as promptly as possible." Again, in view of the system's past difficulties in securing compliance with its regulations at lower levels, the Court shall enjoin extended, unnecessary confinement in solitary cells of more men than the cell was meant to hold.

Tear gas has also been used to silence noisy, misbehaving men while confined to their cells. Thomas Jefferson was gassed three times, and others have been gassed in their cells at the penitentiary. The problem of dealing with convicts who persist in disturbing entire cell blocks and inciting others to join in the disorder is a real one. The Court has not found any instances of gassing men in cells who were not currently disruptive. Yet the use of gas to disable a man physically who poses no present physical threat constitutes a form of corporal punishment, the use of which in such a situation is generally disapproved. Undoubtedly it is effective, but it is painful, and its abuse is difficult to forestall. The problem appears to arise because there appears to be no way to isolate a misbehaving inmate to an area where his rantings will not disturb anyone. This difficulty is, however, one of the system's own creation. If chaining a man to his bars, punishing him with a strap, and other corporal punishment should be enjoyed, *Jackson* v. *Bishop supra,* this Court cannot make a principled distinction which would permit the use of tear gas to punish or control the nonthreatening inmate.

There was evidence, furthermore, that some inmates were not permitted to shower during extended stays in solitary. Relief on this score will be denied because there is no proof that at such times they were also denied the necessary sanitary items so that they might wash in their cells.

The Court would not enter upon a review of the procedural aspects of prison discipline were there a lack of evidence in this case that discipline had been imposed upon men guilty of no infraction. Unfortunately, there is credible evidence to the contrary. Many of the prisoner witnesses, who testified that they were placed in solitary cells or lost certain privileges, readily admitted that they had disrupted legitimate prison functions. Others, however, just as plainly were penalized for communicating with courts or lawyers in a fashion that might not be punished, for protected litigation activities, for offenses that simply had not occurred, or on the basis of unfounded suspicion. In other cases the reasons men were punished cannot be determined with certainty; had more explicit procedural directions been followed in such cases there might well be no question now. These factors distinguish this case from *Sostre* v. *McGinnis, supra,* where the evidence did not disclose a pattern of due process violations, and from such cases as *Burns* v. *Swenson,* 430 F. 2d 771 (8th Cir. 1970), and *Courtney* v. *Bishop,* 409 F. 2d 1185 (8th Cir. 1969), where procedural faults did not work to deny any fundamental rights.

Still, matter for preliminary inquiry is whether this Court ought to consider any claim of unlawful denial of good time credit prior to the exhaustion of state court remedies. The general rule is that the 1971 Civil Rights Act, 42 U.S.C. § 1983, will not serve as substitute for the federal habeas corpus remedy, such that one might avoid the exhaustion requirement by invoking the former. *Brigham* v. *McGinnis,* —— F. Supp. ——, 9 Cr. L. Rptr. 2050 (2d Cir., Mar. 16, 1971). So stated, the rule begs the question: When must a claim be presented in habeas?

Recent caselaw has expanded the scope of federal habeas corpus, so that the writ is available to achieve relief other than immediate release. See, *e.g., Peyton* v. *Rowe,* 391 U.S. 54 (1968). In consequence it has been said that "[i]nsofar as one attacks only the state computation of sentence-service, and not the validity of the entire sentence, habeas corpus is still the proper remedy in those exceptional cases where the state's computation of service of a sentence presents a federal question." *Schiro* v. *Peyton,* No. 13,086, *mem. decis.* (4th Cir. Dec. 23, 1968).

In a sense, of course, any claim of violation of a prisoner's constitutional rights amounts to an allegation that he is "in custody in violation of the Constitution . . . ," 28 U.S.C. § 2254(a). Still it has long been clear that many such claims, whether or not they might have been raised in a habeas case, see Developments in the Law—Federal Habeas Corpus, 83 Harvard L. Rev. 1038, 1079–87 (1970), are nonetheless properly presented in a civil suit in equity.[1] Prevailing precedent in this Circuit permits claims that good behavior time has been arbitrarily denied, and that injunctive relief is therefore owing, to be litigated in § 1983 action, and indeed disapproves the use of habeas corpus. *Roberts* v. *Penelew,* 313 F. 2d 548 (4th Cir. 1963). If the scope of habeas has since expanded, see *Johnson* v. *Avery, supra; Peyton* v. *Rowe, supra,* there is nonetheless no reason to assume that the ambit of § 1983 has thereby *pro tanto* contracted. Other circuits as well have dealt with "good time" claims under the Civil Rights Act. *United States ex rel. Campbell* v. *Pate,* 401 F. 2d 55 (7th Cir. 1968); *Douglas* v. *Sigler,* 386 F. 2d 684 (8th Cir. 1967). The rule of *Rodriguez* v. *McGinnis, supra,* does not prevail in this Circuit.

Whether certain procedural prerequisites are required before intraprison discipline is imposed is governed by conventional due process standards, adapted as may be necessary to the prison environment. The argument that the right to be free of the substantial restraints of solitary confinement, "padlock," or maximum security segregation or to earn statutory "good time" are matters of mere legislative or administrative grace falls in the face of current constitutional doctrine.

The constitutional challenge cannot be answered by an argument that public assistance benefits are "a 'privilege' and not a 'right.'" *Shapiro* v. *Thompson,* 394 U.S. 618, 627 n. 6 (1969). Relevant constitutional restraints apply as much to the withdrawal of public assistance benefits as to disqualification for unemployment compensation, *Sherbert* v. *Verner,* 374 U.S. 398 (1963); or to denial of a tax exemption, *Speiser* v. *Randall,* 357 U.S. 513 (1958); or to discharge from public employment, *Slochower* v. *Board of Higher Education,* 350 U.S. 551 (1956). The extent to which procedural due process must be afforded the recipient is influenced by the extent to which he may be "condemned to suffer grievous loss," *Joint Anti-Fascist Refugee Committee* v. *McGrath,* 341 U.S. 123, 168 (1951) (Frankfurter, J., concurring) and depends upon whether the recipient's interest in avoiding that loss outweighs the governmental interest in summary adjudication. Accordingly, as we said in *Cafeteria & Restaurant Workers Union* v. *McElroy,* 367 U.S. 866, 895 (1961), "consideration of what procedures due process may require under any given set of circumstances must begin with a determination of the precise nature of the governmental function involved as well as of the private interest that has been affected by governmental action." See also, *Hannah* v. *Larche,* 363 U.S. 420, 440, 442 (1960). *Goldberg* v. *Kelly,* 397 U.S. 254, 282–83 (1970); see also, *Caulder* v. *Durham Housing Authority,* 433 F. 2d 993 (4th Cir. 1970).

Our Court of Appeals has given effect to this principle in a closely related area, that of parole revocation. *Bearden* v. *South Carolina,* No. 14,079, —— F. 2d —— (4th Cir. June 10, 1971). The court there required, at a minimum, notice of allegations said to amount to noncompliance with parole conditions, and an opportunity for a hearing at which one might present witnesses. The Fourth Circuit has also expressed concern over the lack of certain due process elements in the Penitentiary, which lack may bring about the arbitrariness that the due process clause forbids. In *Landman* v. *Peyton, supra,* the court took note that the entrusting of disciplinary matters to guards, so that contact between prisoners and administrators is seldom made, invites capricious and partial decision making. *Id.,* 141.

In dictum, the Second Circuit has recognized the requirement of procedural fairness:

> We would not lightly condone the absence of such basic safeguards against arbitrariness as adequate notice, an opportunity for the prisoner to reply to charges lodged against him, and a reasonable investigation into the relevant facts—at least in cases of substantial discipline. *Sostre* v. *McGinnis, supra.*

That case has been followed in this Circuit in *Bundy* v. *Cannon,* —— F. Supp. ——, 9 Cr. L. Rptr. 2254 (D. Md., May 26, 1971), where the court required procedural safeguards prior to withholding of good time credit, transfer to maximum security, and solitary confinement.

Similar possible penalties were found sufficiently grievous in *Clutchette* v. *Procunier,* —— F. Supp. ——, 9 Cr. L Rptr. 2291 (N.D. Cal., June 21, 1971), to require notice, hearing before an impartial tribunal, confrontation, the presentation of witnesses, counsel or a substitute, and written factfindings. See also, *Nolan* v. *Scafati,* 430 F. 2d 548 (1st Cir. 1970); *Meola* v. *Fitzpatrick,* —— F. Supp. ——, 8 Cr. L. Rptr. 2404 (D. Mass., Feb. 2, 1971); *Carothers* v. *Follette, supra; Kritsky* v. *McGinnis,* 313 F. Supp. 1247 (N.D. N.Y. 1970); *Morris* v. *Travisono,* 310 F. Supp. 857 (D.R.I. 1970).

As directed in *Cafeteria Workers, supra,* the Court must identify and analyze the precise

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[1] See, *e.g., McDonough* v. *Director,* 429 F. 2d 1189 (4th Cir. 1970); *Blanks* v. *Cunningham,* 409 F. 2d 220 (4th Cir. 1969); *Jackson* v. *Godwin,* 400 F. 2d 529 (5th Cir. 1968); *Abernathy* v. *Cunningham,* 393 F. 2d 775 (4th Cir. 1968); *Arey* v. *Peyton,* 378 F. 2d 930 (4th Cir. 1967); *Landman* v. *Peyton,* 370 F. 2d 135 (4th Cir. 1966); *Howard* v. *Smyth,* 365 F. 2d 428 (4th Cir. 1966); *Coleman* v. *Peyton,* 362 F. 2d 905 (4th Cir.), *cert. denied,* 385 U.S. 905 (1966); *Rivers* v. *Royster,* 360 F. 2d 592 (4th Cir. 1966); *Edwards* v. *Duncan,* 355 F. 2d 993 (4th Cir. 1966); *Fircus* v. *Director,* 331 F. 2d 613 (4th Cir. 1965; *Childs* v. *Pegelow,* 321 F. 2d 487 (4th Cir. 1963), *cert. denied* 376 U.S. 932 (1964); *Roberts* v. *Pegelow,* 313 F. 2d 548 (4th Cir. 1963); *Sevell* v. *Pegelow,* 291 F. 2d 196 (4th Cir. 1961).

nature of the individual interest at stake and compare it with the purpose and function of the governmental body. See also, *Hannah* v. *Larche, supra,* 440–53. The disciplinary function fulfilled in the decision to place a man in solitary confinement, to deny good time credit, to "padlock" him in his cell involuntarily, or to impose the substantial disabilities of maximum security confinement, adjudicates the question of a substantial deprivation or grievous injury. Whether cast in terms of a finding of unfitness to circulate in the general population or seen as a determination of guilt, the decision to place a man under greater than usual restraint is founded upon a finding of noncompliance with general prison standards. Cf. *Goldberg* v. *Kelly, supra.* The effort to depict "C" cell and the like as a rehabilitative facility, usable at the penal authority's discretion, is unsuccessful. See *Howard* v. *Smyth, supra.*

The individual interest at stake is obvious—the avoidance of severe punishment. The privileges at stake are substantial. A man in solitary confinement is denied all human intercourse and any means of diversion. Padlock confinement isolates the individual as well from his fellows. Maximum security confinement is a lesser penalty, but like the others it interrupts a prisoner's efforts at rehabilitation and curtails many recreational activities. Loss of good time credit may in effect amount to an additional prison sentence. On the other hand, the effect on a man in prison of a further sixty day term may be less than the effect of a sixty day jail term on a free man. The prisoner, one assumes, has already suffered loss of his job and damage to his reputation, and his family ceased to rely upon him, when he was convicted, whereas the free man may find these interests imperiled by even a short sentence. The losses which ensue from a prison disciplinary action may not be as lasting as the employment opportunities at stake in *Greene* v. *McElroy,* 360 U.S. 474 (1959) and *Willner* v. *Committee On Character and Fitness,* 373 U.S. 96 (1963). At the same time deprivation may be momentarily as telling as the loss of financial support or housing which were treated in *Goldberg* and *Caulder.*

A proper consideration is the effect that the introduction of procedural safeguards may have on legitimate prison functions both within and without the ambit of discipline. The security of a population confined against its will in close quarters is a prime concern. Moreover, administrators must have a certain leeway in allocating scarce resources available for rehabilitative purposes. The speed with which misbehavior is punished may rightly be considered essential to its effectiveness. Administrators with many nondisciplinary duties must not be sidetracked from their tasks. Minor on-the-spot exactions for minor offenses may well be deemed necessary to keep order effectively; it is not only major regulations, after all, that must be enforced.

However, to say that individual rights may be sacrificed to custodial or rehabilitative necessity is not to state that courts will not inquire as to the need for such sacrifices and the reality of the claimed benefits. *In re Gault, supra,* 17–31.

In these adjudicatory proceedings the Court concludes that certain due process rights are both necessary and will not unduly impede legitimate prison functions.

First, the decision to punish must be made by an impartial tribunal. This bars any official who reported a violation from ruling. *Goldberg* v. *Kelly, supra,* 271; *Escalera* v. *New York City Housing Authority,* 425 F. 2d 853, 863 (2d Cir. 1970). A substantial question arises whether field unit officials can ever so divorce themselves from events in their small units sufficiently to sit impartially. The Court has not been shown that this is impossible, but in any individual case participation in occurrences giving rise to a charge shall bar any man from sitting in judgment. There appears to be no reason to require that the disciplinary board be composed of any specific number of individuals. Each member of a panel must, however, be free of prior involvement with the incident under examination so that he may settle the case on the basis of the evidence at the hearing.

Second, there shall be a hearing. Disposition of charges on the basis of written reports is insufficient. Prisoners are not as a class highly educated men, nor is assistance readily available. If they are forced to present their evidence in writing, moreover, they will be in many cases unable to anticipate the evidence adduced against them. "Particularly where credibility and veracity are at issue . . . written submissions are a wholly unsatisfactory basis for decision." *Goldberg* v. *Kelly, supra,* 269. Necessarily a hearing encompasses the right to present evidence in defense, including the testimony of voluntary witnesses.

A hearing must be preceded by notice in writing of the substance of the factual charge of misconduct. Only with written notice can a prisoner prepare to meet claims and insist that the hearing be kept within bounds. *In re Gault, supra,* 33. A reasonable interval to prepare a defense must be allowed as well, but the Court declines to fix any definite period. Rather whether a trial has been too speedy must be determined on a case-by-case basis.

Cross-examination of adverse witnesses likewise is necessary. The Court appreciates the concern of prison officials that interrogation by prisoners of the guard force may be at variance with their ordinary respective positions in the penal hierarchy. Because most disciplinary cases will turn on issues of fact, however, the right to confront and cross-examine witnesses is essential. *Escalera* v. *New York City Housing Authority, supra,* 862. It is, however, well within the power of the disciplinary official or tribunal to restrict questioning to relevant matters, to preserve decorum, and to limit repetition.

Fundamental to due process is that the ultimate decision be based upon evidence presented at the hearing, which the prisoner has the opportunity to refute. *Goldberg* v. *Kelly, supra,* 271; *Escalera* v. *New York City Housing Authority, supra,* 862–63. "To demonstrate compliance with this elementary requirement, the decision maker should state the reasons for his determination and indicate the evidence he relied on," *Goldberg* v. *Kelly, supra,* 271. To permit punishment to be imposed for reasons not presented and aired would invite arbitrariness and nullify the right to notice and hearing.

The Court will not require an appellate procedure. However, if higher authorities than the disciplinary committee feel duty bound to re-examine decision, their review must be restricted to the charge made and the evidence presented. The practice of going outside the record in search of bases for punishment must cease. "It is as much a violation of due process to send an accused to prison following conviction of a charge on which he was never tried as it would be to convict him upon a charge that was never made." *Cole* v. *Arkansas,* 333 U.S. 196 (1948).

In addition, for the reason that the evidence shows that some inmates are unfortunately intellectually unable to represent themselves in discipline hearings, the tribunal should permit a prisoner to select a lay adviser to present his case. This may be either a member of the noncustodial staff or another inmate, serving on a voluntary basis. See *Bundy* v. *Cannon, supra.* Notice of charges shall include the information that such assistance is available.

In other instances where proceedings may result in the loss of substantial rights, the right to representation by counsel has been considered an essential element of due process. "Counsel can help delineate the issues, present the factual contentions in an orderly manner, conduct cross-examination, and generally safeguard the interests of the recipient." *Goldberg* v. *Kelly, supra,* 270; see *Caulder* v. *Durham Housing Authority, supra,* 1004. Following *Bearden* v. *South Carolina,* No. 14,079, —— F. 2d —— (4th Cir. June 10, 1971), it seems that there is no requirement that the state provide legal aid. However, where substantial sanctions are possible and the assistance of counsel may be of benefit, retained counsel is necessary to protect the factfinding and adjudication process unless there is shown some "compelling governmental interest in summary adjudication," *Caulder* v. *Durham Housing Authority, supra,* 1004 n. 3, the fulfillment of which is inconsistent with the right to retained counsel. Cf. *Brown* v. *Peyton, supra,* 1231. The state has not endeavored to do so, other than by testimony that the presence of counsel might turn the hearing into a "hassle." The Court does not accept this speculation as well-founded. Experience with *pro se* trial litigants indicates that the contrary is more likely true. On the other hand, the Court has observed that prison officials legitimately desire to conduct disciplinary proceedings speedily. Therefore a prisoner who desires to secure counsel for hearing may be required to notify the committee of that fact, and postponement of the hearing to secure counsel may reasonably be limited to four days.

These minimum due process standards are necessary when solitary confinement, transfer to maximum security confinement, or loss of good time are imposed, or a prisoner is held in padlock confinement more than ten days.

The imposition of the minor fines disclosed by the evidence, for example, or, hypothetically, loss of commissary rights, restriction of individual recreational privileges, or padlocking for less than ten days, do not require this panoply of guaranties. The right to be represented by another may be omitted. Written notice may be dispensed with, and appellate review need not be formally conducted. The Court will only require verbal notice and the opportunity for a hearing before an impartial decision maker, with a chance to cross-examine the complaining officer and to present testimony in defense. As always, however, procedural formality may not shield arbitrary action. Impartiality and a chance to air the facts may be expected to prevent arbitrary action as well as the good faith factual errors which the Court has observed in the record.

Few of the opinions to date on prison discipline treat in depth the real problem of vagueness in institutional regulations. The evidence, however, shows that the purposes of the constitutional requirement of reasonable specificity—fair warning so that one may conform to the rules, and exactness so that arbitrary penalties or penalties for protected conduct will not be imposed—have been ill-served by the rules enforced against Virginia prisoners. Particularly in a situation where the safeguard of public trial is absent, cf. *McKeiver* v. *Pennsylvania,* —— U.S. ——, 39 U.S.L.W. 4777, 4786, (June 21, 1971) (Brennan, J., concurring and dissenting), and necessarily so, other procedural safeguards against arbitrariness should not be slighted. *Morris* v. *Travisono, supra,* 861, notes the seriousness of the problem, but does not resolve it. *Talley* v. *Stephens,* 247 F. Supp. 683 (E.D. Ark. 1965), required in cases of corporal punishment that recognizable standards of conduct be set. Likewise it is settled that imprisonment does not remove a prisoner's right to be free from arbitrary sanctions. *Landman* v. *Peyton, supra.* The Constitution requires even of minor criminal laws that they give in advance fair notice of forbidden acts. *Palmer* v. *City of Euclid,* —— U.S. ——, 39 U.S.L.W. 4612 (May 24, 1971); *Bouie* v. *City of Columbia,* 378 U.S. 347 (1964). Virginia prisoners have been penalized for such ill-defined offenses as "misbehavior" and "agitation." Recent amendments to discipline procedure have not sharpened the outlines of these offenses.

On the other hand, existing regulations governing maximum security facilities, which are in the record, demonstrate that the prison authorities are capable of phrasing their requirements with reasonable specificity. The Court does not imply approval of all of those rules; they show, however, that the authorities themselves believe in the practical value and feasibility of rules. See also the disciplinary code reproduced in *Bundy* v. *Cannon, supra.*

To recanvass the full range of justifications for the vagueness doctrine would unduly prolong this opinion. For useful commentary, see *McGautha* v. *California,* —— U.S. ——, 39 U.S.L.W. 4529, 4542–62 (May 3, 1971) (Brennan, J., dissenting); *Soglin* v. *Kaufman,* 418 F. 2d 163 (7th Cir. 1969). In the prison context these considerations argue for application of the requirement:

1. At least in Virginia, where discipline has been used to suppress litigation efforts, the need exists to establish in advance, to avoid a chilling effect, the limits of administrators' power.

2. Like other elements of due process, prior notice of standards of behavior enhances the prisoner's sense of fair treatment and contributes to rehabilitation. See *In re Gault, supra.*

3. Equal treatment of similar conduct—at least to the extent of recording offenses, if not in penalties—will be more certain with fixed rules.

4. The ingredient, in vagueness law, of something like a doctrine forbidding delegation of legislative powers is essential in prison, where the risk of arbitrary action by lower officials is great.

5. The need for judicial review of prison disciplinary actions may greatly decrease in the future if violations of existing rules can be shown.

6. Prison life is highly routine; it therefore ought not to be difficult to establish in advance reasonably clear rules as to expected behavior. Automatic compliance may be expected of many.

7. Specificity has been required in the academic sphere, where administrators likewise are not specialists in legislation.

8. Severe sanctions may result in prison; the greater the individual loss, the higher the requirements of due process.

Countervailing considerations deserve mention:

1. Life is complex in prison as well as outside, and all forms of misbehavior cannot be anticipated. Some may go unpunished for want of a rule.

2. Administrators ought not to be put to the choice of foregoing discipline in such cases or resorting to the ordinary criminal process, for flexibility may work to the benefit of the institution and the inmates as well.

3. Legalistic wrangling over whether a rule was broken may visibly undermine the administration's position of total authority, necessary for security's sake.

4. Prisoners, unlike free men, must well know that they are considered potentially dangerous men and must expect to be highly regimented. In such cases the law requires less in the way of notice, and places a greater burden on the individual to make inquiry or ask permission before acting. Cf. *United States* v. *International Minerals & Chemical Corp.,* —— U.S. ——, 39 U.S.L.W. 4650 (June 1, 1971).

The objections to the application of some vagueness principle may all be met simply by relaxing the standard somewhat in deference to the state's legitimate needs, rather than by abandoning it. The Court concludes, therefore, that the existence of some reasonably definite rule is a prerequisite to prison discipline of any substantial sort. Regulations must in addition be distributed, posted, or otherwise made available in writing to inmates. Discussion here will be confined to those bases for punishment disclosed in the evidence.

"Misbehavior" or "misconduct," for which for example, Jefferson and Scott were penalized, offers no reasonable guidance to an inmate, *Giaccio* v. *Pennsylvania,* 382 U.S. 399 (1966), whereas it leaves the administrator irresponsible to any standard. Penalties may not be imposed on this ground.

"Agitation" appears to encompass discussing litigation with other prisoners, assisting them in litigation, or advising them as to the law It also includes, as is apparent from Thompson's case, complaining to the authorities, and according to Cunningham, it may include the giving of incorrect legal advice Prison authorities may legitimately fear the incitement of rule violations and the interruption of orderly activities, and may punish men who engage in such conduct. However, the ban on "agitation" at once gives no fair warning that certain conduct is punishable and, in practice, includes the rendition of legal advice and the preparation of legal pleadings, protected activities.

On the other hand, the Court is not persuaded that the offenses of "insolence," "harassment," and "insubordination," directed against custodial or administrative personnel, are unduly vague. This is not to say, however, that in a given case the imposition of sanctions on such grounds may not be found arbitrary if not based on evidence.

The evidence has shown as well certain instances of the imposition of penalties for constitutionally protected activities. The law by now should be clear that whereas prison officials may reasonably regulate the preparation of legal pleadings in service of valid state interests, they may not prohibit or punish inmates for conducting litigation of their own or for rendering assistance to other inmates, in the absence of any other adequate source of legal aid. *Johnson* v. *Avery, supra; Ex parte Hull, supra; Nolan* v. *Scafati, supra; Gittlemacker* v. *Prasse,* 423 F. 2d 1 (3d Cir. 1970); *Blanks* v. *Cunningham supra; Landman* v. *Peyton, supra; Coleman* v. *Peyton, supra; Edwards* v. *Duncan, supra; Meola* v. *Fitzpatrick, supra.* These rights have been construed to extend to prisoners desiring to sue under the Civil Rights Act, *Nolan* v. *Scafati, supra; Blanks* v. *Cunningham, supra.* There is also a corollary right to communicate for the purposes of enlisting an attorney's aid. *McDonald* v. *Director, supra.* The evidence as to procedural irregularities makes it unnecessary to analyze in depth how these rights have been abridged in disciplinary proceedings according to the evidence. Nevertheless express findings of fact have been made as to each instance in which such abuses were disclosed, for the sake of a complete record.

The exercise of the right to contest confinement or punishment has also been restricted by less sophisticated means. Landman and Hood were transferred to the Penitentiary from lower security institutions. Arey was kept in maximum security for many months, and some of his letters to attorneys simply were not mailed. Hood's correspondence with counsel was intercepted and copied. Landman and Johnson were explicitly told to refrain from filing complaints or, in Landman's case, doing so for others. Landman's papers too have been taken or destroyed. Mason was kept in "C" cell as retribution for his successful desegregation suit.

In addition, for many years persons held in meditation could not file suits or write to counsel. Counsel have suggested that recently this prohibition has been lifted. In view of the difficulty, which the Court has mentioned before, which administrators have experienced in securing compliance with regulations by subordinates, and the tardiness of changes in regulations, injunctive relief is nonetheless due. *Lankford* v. *Gelston,* 364 F. 2d 197, 203 (4th Cir. 1966); *Rakes* v. *Coleman,* 318 F. Supp. 181 (E.D. Va. 1970).

Arey's attempts to communicate with a state legislator likewise deserves relief, on the evidence. The Court can conceive no interest that the State's executive arm might have in keeping whatever information penitentiary inmates may have out of the hands of lawmakers. Compare *New York Times Co.* v. *United States,* —— U.S. ——, 39 U.S.L.W. 4879 (June 30, 1971). No witness has suggested one. Interruption of mail to public officials infringes upon the first amendment rights of prisoners and likewise the right of legislators to be informed. *Palmigiano* v. *Travisono,* 317 F. Supp. 776, 786 (D.R.I. 1970). An injunction shall issue as to this practice.

Appropriate relief for the class shall look both to past and to future violations. Damages are not at issue in this instant proceeding. The Court shall direct that all good time lost as a result of hearings conducted without compliance with the standards set forth herein be restored, with leave to retry those punished within a reasonable time. Those confined in padlocked or solitary cells likewise shall be released, subject to retrial. Men reasonably thought dangerous may be detained apart from the general population pending their hearings. Inmates in "C" cell and other maximum security units shall be afforded hearings on the derelictions which gave rise to their incarceration within thirty days or shall be released to the general population. Injunctive relief shall likewise be granted as to those practices deemed cruel and unusual or violative of other constitutional rights.

Rehabilitative treatment, to repeat, constitutes no talismanic state interest which will justify any exactions from individual prisoners. In this case the state officials have candidly not attempted to make it so; the word rarely was spoken in the course of the trial. Partly because they failed to assert the necessity for current disciplinary procedures for the sake of rehabilitation, the Court has presumed to intrude as it has into the workings of the system.

For the time may come in the future when substantial reasons for depriving men of various liberties, to the end that their behavior may be amended, may be presented. "Prison authorities have a legitimate interest in the rehabilitation of prisoners, and may legitimately restrict freedoms in order to further this interest, where a coherent, consistently-applied program of rehabilitation exists." *Brown* v. *Peyton, supra,* 1231. At such time the best justification for the hands-off doctrine will appear. While courts by definition are expert in the field of quasi-criminal procedures, their knowledge of the administration of programs that educate and change men may rightly be questioned. Likewise, it may be imagined that judicial intervention or formal administrative procedures might be positively harmful to some rehabilitative efforts.

This is not to say, of course, that courts should then abandon the individual. However, where the state supports its interest in certain practices by demonstrating a substantial hope of success, deference may be owing, and courts may tend to find certain rights, now protected by conventional procedures, implicitly limited while a man is incarcerated.

ROBERT H. MERHIGE, Jr.,
U.S. District Judge.

Date: October 30, 1971.

TRADE: TOO MUCH OF A GOOD THING

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. BOLLING. Mr. Speaker, the following article by Richard Ablin presents a point of view too little considered in

current discussions of international trade. The article appeared in the Wall Street Journal of November 10. It follows:

[From the Wall Street Journal, Nov. 10, 1971]

TRADE: TOO MUCH OF A GOOD THING

(By Richard Ablin)

It is commonly overlooked in current discussion of the so-called international monetary crisis that the stakes are at least as high for the trade surplus nations as for the deficit nations. More precisely, they are much higher.

That this is overlooked is a classic example of the fallacies of composition that have continuously plagued the field of international trade since at least the merchantilist times of the 17th and 18th centuries. More sales are always good for an individual businessman or exporter, ergo more exports are always good for a nation.

But trade can thrive only in a state of balance. A nation can increase its exports indefinitely only by increasing its total imports at about the same rate. Otherwise where will foreign countries get the additional currency needed to purchase its exports? If the exporting nation accepts the currency of the importer or of some third country (e.g. the dollar) it will inevitably find itself in a ridiculous position. Since it will be earning steadily more foreign currency than it spends for imports it will simply be heaping up indefinitely larger reserves of foreign currency.

What on earth for? Is it in the interest of a nation, after it has provided itself with a reasonable liquid reserve against emergencies, to go on converting the labor and capital of its people into an endlessly growing heap of foreign currency (or even foreign time deposits paying low interest)? What this means is simply that part of the increased product of its people cannot redound to their benefit in the form of higher real wages and other incomes and higher living standards. In effect, the people of such a curiously managed economy produce more and more only to save more and more so that the fruits of their growing productivity can be enjoyed as higher living standards by the people of importing countries overseas.

SOME ARE 'SITTING PRETTY'

The nations on the other side of this unbalanced trade, on the other hand, are in a real sense sitting pretty. They experience a growing "import surplus"—imports larger than and growing faster than exports. For the extra imports, which contribute directly to their real living standards, they pay, not in sweat and real wealth, but by exporting pieces of paper or, even more simply, entries in a bank account.

Well, then, why, if the export surplus country is in a fundamentally ridiculous position, and the import surplus country in a very convenient one, does the pressure for an end to the trade imbalance generally come from the latter?

This is unfortunately very simple to answer as well. It is merely another example of the political and psychological supremacy of concentrated producer interests over much larger but diffused consumer interest. The industries in direct competition with the undervalued exports of the surplus country protest loudly and vociferously. Since the benefits of the under pricing of imports are spread almost evenly over the entire population and represent only a very small fraction of their total real income, they do not react with anything like the same furor.

By the same token, the "exploited" population of the surplus country—Japan, for example—hardly notices its marginal loss of real income due to the exclusion of a larger and larger export surplus from domestic market supplies (thus keeping prices higher than they otherwise would be), while the export industries of the surplus country are keenly alive to any threat to their continued expansion.

So we see the pathology of a long-engrained trade imbalance under fixed exchange rates. The trouble obviously arises from the long persistence of the tendency toward undervaluation of one currency and overvaluation of the other. This has led industries to adopt to an unhealthy resource allocation, creating the vested special interests that resist disturbance. The fact is that a reduction of export profitability in the surplus country would not mean the end of sales but a reorientation of some resources and sales toward the home market. Of course, such a process cannot proceed without friction. Each export firm would redirect some sales to the home market and some export-oriented firms would naturally suffer losses or even bankruptcy. More will imagine that they face such losses and so the resistance to a change in the exchange rate will be intense. It is quite a natural trait for men (and firms) to fight harder to resist retreat or ruin than to obtain windfall gains or extra prosperity.

This all explains clearly enough the resistance of special interests to socially beneficial change. It does not excuse the governments of these countries for paying more attention to such pressures than to the obvious general interest. Perhaps, however, it should lead us to expect that the governments which, by maintaining excessively rigid exchange rates, are responsible for the disequilibrium in the first place, would pay some attention to the problems of those who stand to lose because of the need finally to remove it. They can do this in two ways, by moving toward equilibrium gradually rather than abruptly, or by compensating the obvious losers for their worst losses.

The first point militates against the attitude expressed by Treasury Secretary Connally with his demand for a $13 billion turnabout in the U.S. trade balance. Here is the representative of a power that has permitted the gradual development of disequilibrium not over 2 or 3 years, but over 15 years, during which time industries world-wide could be fully adapted to the overvaluation of the U.S. dollar, demanding that the imbalance be eliminated in one coup. Worse still, since we cannot really know the "turnabout" in U.S. trade appropriate to present market forces without an extended period of free flotation of the dollar—without capital export restrictions or import surcharges—the insistence on measures that will bring about a particular change may just as well reverse the disequilibrium as end it.

AN EQUITABLE SOLUTION

The second alternative suggests the best, most economical and equitable solution. Let currencies float freely to their true equilibrium rates so that the public need not be deprived of the full benefit of an early return to equilibrium. And let governments in formerly surplus countries seek to remove the sting by paying special temporary compensation to export industries and, perhaps, to industries particularly dependent upon imported inputs in formerly deficit countries. Such compensation should of course, be related not to the quantity of continued exports, but to the capital losses suffered by the investors (and workers) who have specialized in the affected industries.

But however refined the policy adopted toward sectorial losses in a correction of the disequilibrium, by no means should we accept the tacit reversal of basic national interest so commonly seen in journalism and governmental statements alike. It is pre-eminently the interest of the surplus countries to end the absurdity of a persistent imbalance. By no means should the U.S. or the deficit country adopt a belligerent or extreme tone in order to browbeat the surplus countries into appropriate action—and this is the image that the U.S. has apparently begun to project. If not "benign neglect," a gentle prod is all that makes any sense. The surplus countries will finally stop intervening in foreign currency markets to keep at least a part of the dollar's overvaluation when they finally tire of accumulating absurdly large reserves of inconvertible dollars.

The danger of the present U.S. tone is that, by giving the impression that we are the one most interested in a sharp reversal of the present situation we shall wrongly convince other countries that they are expected to sacrifice something significant or even vital merely for our benefit. Nothing could more greatly stimulate nationalist obstinacy abroad. And this is an exact reversal of the true state of affairs. The surplus countries stand to gain the most from a return to balanced growth in trade. We are actually being a little altruistic even to prod them in this direction.

HIGHER EDUCATION BILLS ARE ON THE WRONG TRACK

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. MICHEL. Mr. Speaker, as one of the 38 House Members voting against the higher education bill a few days ago, I was interested to see the following article in a recent edition of the Chicago Sun Times. The author, D. J. R. Bruckner, terms the House bill destructive, and warns that—

Congress at last seems about to find a way to wipe out variety and excellence in higher education at the same time.

I commend the article to the attention of my colleagues:

HIGHER EDUCATION BILLS ARE ON THE WRONG TRACK

(By D. J. R. Bruckner)

NEW YORK.—The search has been long, but Congress at last seems about to find a way to wipe out variety and excellence in higher education at the same time. The House higher education bill is more destructive than the one voted by the Senate, but perhaps a conference committee will agree on all the worst features of both and dissipate the rich intellectual heritage of the United States with a single measure.

The Senate bill actually had some good features. Most of the money it would make available would go into grants to students; it would give special support to graduate students, and it would give money to institutions in proportion to the number of students in each one receiving federal grants. That system of aid would tend to distort the balance and limit the freedom of a university, but not disastrously.

However, it included an ingenious device of mischief that the House did not get into its bill: a special fund to be used by the Office of the Commissioner of Education to promote innovation and experiment in universities and colleges. Evidently the principle is: Grab them by their greed and the educators will wreck their own institutions without any outside help.

On the whole, the House is a better vandal. Its bill would allocate two-thirds of its funds strictly on a per capita basis. It provides a little padding of the formula to give an extra buck or two to small institutions, but in general it would simply enrich the big ones. Payments would go to the institutions rather than the students, which ought to encourage them to grow like mad.

In a fit of sanity, the House voted down a pernicious section that would have denied funds to any institution the government thought was not giving males and females

an equal chance. For some reason, the section, as proposed, would have exempted church-affiliated institutions, possibly on the grounds that faith justifies chauvinism. The House will have another chance to resurrect this one.

Hundreds of universities and colleges are in serious financial trouble. They need help. But Congress is rushing into this crisis without sufficient consideration of what education is, might be, or should be. It seems to think of higher education as a kind of resource supply and service industry. Higher education will meet all needs, correct all wrongs, open all doors, improve all people's fortunes, eliminate all physical differences, end all discrimination, enlighten all ignorance and triumph over all evil. American mediocrity will then become superior to any mediocrity known in history.

There are 3,000 institutions of what is called higher education in the United States. A few of them are places of learning. Is there any reason to think that America could afford the commitment of resources needed to make them all places of excellence? Their present financial condition is evidence to the contrary. Three hundred, maybe. But only maybe. And is the society so rigidly controlled and so unimaginative that it can think of no access to life and dignity except the academic portal?

Unless the question of access to higher education is decided first, the attempts by the federal government to fund that education will, in the long run, destroy both standards and variety in learning. A recognition of this priority would not be politically embarrassing to any member of Congress or any administration, if they did not make it so.

The people of the United States are not ignorant of the value of a group of learned people, nor are they so silly as to think that intellectual excellence is a group experience. They are not going to be offended if the political leadership of America recognizes that excellence is essentially discriminatory; even if all people were equally bright, all people cannot do everything at the same time. The politics of spreading the money around is phony; it is an ignoble response to the lobbying of the institutions themselves.

If present trends continue, many of the smaller private colleges will probably be absorbed into state systems. That would not be a bad development, especially if the states would allow them to continue being different. And, if the states need financial help for their institutions, it would be much the safest method to give it to them as part of general revenue sharing.

Finally, if the federal government gives aid to private institutions, there are reasonable means of doing this. One is to give direct grants, without strings, to students, allowing universities to assess more realistic tuitions and fees, and leaving them with their freedom. Or, if the government insists on giving money directly to institutions, then it should face the fact that some are better than others, that there is great variety in the educational institutions, and that grants have to be tailored according to some judgment about the worth of the recipient.

Given the complexity and cost of the enterprise, could Americans establish some of the great private institutions of the United States today? I suspect Americans could not; the task would be beyond the United States. Americans ought to be very careful about preserving them, then, and very cautious.

PHOSPHATES IN DETERGENTS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. BOB WILSON. Mr. Speaker, many Americans have found themselves in a quandry trying to analyze and assimilate the mass of conflicting testimony on the dangers to our environment caused by phosphates in detergents. Several congressional committees are currently considering the problem. Two months ago, the administration cast some much-needed light on the controversy in announcing that eutrophication due to phosphates is a problem only in a limited number of areas and that the Environmental Protection Agency will study and identify those bodies of water which have a eutrophication problem due to phosphates. In the meantime, a warning has been issued to the public on the hazards of the untested products which have hastily appeared on the market in the wake of the phosphate controversy. Howard J. Morgens, the president of Procter & Gamble Co., in an address delivered in October before the annual meeting of the company's shareholders in Cincinnati presented an excellent case history of the phosphate controversy and the myriad complexities in which it has become enmeshed. I know my House colleagues will find his comments of interest and insert his speech at this point:

PHOSPHATES IN DETERGENTS

(By Howard J. Morgens)

The story of phosphates in relation to detergents, the environment and public health represents an interesting case history of how confusion and misunderstanding can sweep the country.

It started in 1967 when a federal agency said that phosphates were "polluting" the lakes and should be removed from detergents. This statement was based on quite inadequate information and without any understanding at all of the alternatives.

The country accepted this well-intentioned but ill-considered statement as gospel. The word spread like wildfire. Many segments of the press and a number of politicians fanned the flames. Some state and local governments leaped to legislate against phosphate detergents. Opportunistic manufacturers rushed to sell non-phosphate detergents without anything approaching adequate testing. It became the fashion in certain circles to talk emotionally about detergents "choking the life out of our rivers and streams" and "murdering or poisoning our lakes."

Since those first days, however, the subject of phosphates and eutrophication has received a great deal of quiet study by independent scientists across the land—by medical, environmental and sanitation authorities and by men who have spent their lives studying algae and the chemistry of fresh water lakes. More than fifty of these independent scientists submitted testimony last spring to the Federal Trade Commission. Since then, many others have testified before local and state organizations. We cannot say that all scientists agree on this subject; indeed, it may be impossible ever to get all scientists to agree on anything. However, the overwhelming majority of the scientists who came forward used their specialized knowledge to oppose irrational actions and attitudes in regard to phosphates in detergents. This ground swell of independent scientific opinion was well under way before the Federal Government began to change its views.

Since those early days also, the subject of phosphates and eutrophication probably has received more study by all branches of the Federal Government involved with public health and the environment than any other health-environmental subject has ever received. These various departments of the government have recently united to take a new stand based upon new knowledge.

On September 15, 1971, the Federal Government issued a statement attempting to give the country a clear direction for dealing with this complex problem. The Council on Environmental Quality, the Department of Health, Education and Welfare, and the Environmental Protection Agency all joined forces to urge people to continue to use detergents containing phosphates. They asked state and local governments to reconsider any laws they may have passed against them.

However, we have not yet come full circle. Once people have expressed themselves publicly on an issue of this kind, they find it difficult to reverse their position regardless of the facts. Many of those people who rushed blindly to accept the original statement of one branch of one Federal agency now refuse to accept the considered and combined view of all the Federal departments concerned with public health and the environment. Confusion in the public mind still exists. It is hoped that this statement will explain how all this confusion came to pass.

It began with a desire to do something about the eutrophication of lakes—a process which is marked by an excessive growth of algae.

The men in the Federal Government who originally considered this problem of eutrophication started by recognizing that some 15 or 20 chemicals nourish the growth of algae. These same chemicals, of course, nourish the growth of all life—yours and mine—all human, animal and plant life whether on land or in water. These 15 or 20 nutrients include carbon, nitrogen, phosphorus, calcium, iron, sodium, potassium and many others. If any one of these nutrients is eliminated completely, we die. Every living cell of either plants or animals requires all of them.

These same men decided that if they could "control" any one of these 15 or 20 nutrients, they could control the growth of algae. They decided rather arbitrarily that phosphorus was the most "controllable." Because it was considered the most controllable nutrient phosphorus was labeled a *pollutant*. Then the finger was pointed at detergents because they contained phosphates, and the detergents became in the public eye a pollutant. The public thinks of something that pollutes the water as something nasty, dirty, or vile. When the term is applied to either phosphates or detergents, nothing could be further from the truth.

A few key facts were either overlooked or discovered later.

First of all, it came to be recognized that the vast majority of homes in the United States can use detergents containing phosphates without in any way contributing to eutrophication or in any other way harming the environment.

No one knows today exactly how large this vast majority of homes is. Outstanding independent scientists testified before the Federal Trade Commission that 85% of the homes in the country can use phosphate detergents without having any adverse effect upon the nation's waters. In answering questions at a press conference on September 15, an Administration spokesman said that from 70 to 85% of the homes did not contribute to eutrophication by using phosphate detergents. Mr. Russell E. Train, Chairman of the President's Council on Environmental Quality, in his letter to the Federal Trade Commission dated September 22, 1971, said on this point that ". . . phosphates are not the limiting nutrient, and hence a pollution problem, for a number of communities and in certain important types of water bodies. Phosphates are rarely the limiting nutrient in salt waters and rapidly flowing rivers."

The fact is that eutrophication is a problem only in shallow slow moving bodies of water. Most of those homes which discharge their sewage into septic tanks draining into the earth make no contribution to eutrophication by using phosphate detergents because in most areas of the country the earth forms an effective barrier to phosphate penetration. *All* those homes in municipalities whose

sewage treatment facilities discharge their effluent into the oceans or into rivers that eventually flow into the oceans cannot contribute to eutrophication. Remember that the only attack on phosphates in detergents that has ever been made is that they contribute to eutrophication. It is difficult to escape the arithmetic which says that some 80 to 85% of the homes in this country cannot harm the environment by using detergents containing phosphates.

Secondly, it has been learned that, even in those limited areas of the country where eutrophication is a problem, phosphates are not always the villain.

It is difficult for anyone today to make a definite statement of fact on this point also because almost every lake has a different water chemistry. In some lakes, carbon or carbonates can be the critical element. In others nitrogen can be the limiting factor. There are lakes with very high phosphate content that show no sign of eutrophication. There are lakes with very low phosphate content with heavy algae growth.

Phosphates can help to nourish the growth of plant life in a lake only when they are present in proper combination with all other nutrients. If what we eat or drink contains too many phosphates, our bodies absorb only what is needed. Similarly, if a lake contains more phosphates than can be used in proper combination with all other nutrents in that lake, those excess phosphates can't nourish the growth of algae or other plant life. Phosphates by themselves do not cause eutrophication in any body of water.

The Administrator of the Environmental Protection Agency announced on September 15 that a study would be made by his agency to identify those bodies of water that have a eutrophication problem *due to phosphates!* Such a study is badly needed because there is a great lack of knowledge on this point.

Thirdly, even after the Government identifies those lakes which have a eutrophication problem due to phosphates, there is an increasing question about whether the problem in those lakes can be "controlled" by the elimination of phosphates from detergents alone.

In other words, if phosphates are in fact more "controllable" than the 15 or 20 other nutrients, what must be done to achieve that control?

There are many sources of phosphates other than detergents. All human waste, all animal waste, all agricultural run-off contain phosphates. Leaves that fall, trees and shrubs and weeds that die all produce phosphates that flow into our lakes in the run-off of surface waters from the land. Within the lakes themselves, all fish and plant life produce phosphates when they die.

Thus, algae can be a problem in farm ponds and lakes that are never exposed to detergents. Algae was a problem in Lake Erie long before the advent of detergents. When the white man first discovered Green Bay, it was so named because of the algae on its surface.

The Environmental Protection Agency has stated that once it identifies those lakes which have a eutrophication problem *due to phosphates* it will help the communities which border those lakes to control the problem through better sewage treatment plants. Such sewage treatment can remove 85% to 90% of the phosphates from municipal sewage along with many other nutrients that nourish the growth of algae. This is the only sound way to control the problem.

Here again in recent months a great deal has been learned about the removal of phosphates and other nutrients by means of sewage treatment. Testimony before the House of Representatives' Committee on Public Works last month revealed that technology has been developed, and is available now, to remove phosphates from sewage and other waste water in an efficient manner in today's existing waste water treatment plants. It further revealed that this technology can, right now, be rapidly and inexpensively implemented. Technically, almost all present sewage disposal plants could be made to remove phosphates in a period of months rather than years. The Environmental Protection Agency is currently sponsoring a demonstration project in the City of Grand Rapids, Michigan, where this technology is being used. Thus, here again, the Government has developed new knowledge on this subject.

In summary, 80% to 85% of the homes in this country cannot harm the environment by using detergents containing phosphates. Even if all detergents containing phosphates were eliminated from the remaining 15% to 20% of the homes, there is no assurance, and certainly no proof, that this step alone would have any significant effect upon eutrophication problems. There is a need to identify those lakes in which phosphates—as opposed to some other nutrient—may be the cause of a eutrophication problem and the Environmental Protection Agency is now doing this. In those lakes in which eutrophication exists due to phosphates, improved sewage treatment may be the best and, indeed, the only answer to the problem, and this answer can be applied rapidly and inexpensively to existing sewage treatment plants.

Another very compelling fact, of course, is that there are no safe materials that can be satisfactorily substituted for phosphates in laundry detergents in the United States at this time. Procter & Gamble is convinced that NTA is a safe alternative to phosphates but we have agreed, at the request of Federal agencies, to delay using it in this country until further testing has been completed. As far as other alternatives are concerned, the United States Government—after many months of study—has now spoken repeatedly and quite emphatically about them. On September 15 the Surgeon General and the head of the Food and Drug Administration again warned of the dangers of most *non*-phosphate detergents now being sold in this country, saying that the labeling of these products as "hazardous substances" may not be sufficient warning. Detergents are, after all, in quite a different category from hazardous products like drain cleaners due to the volume of detergents used in the home, their frequency of use, the many rooms in the home in which they are used and stored, and the fact that for generations they have been symbols of safety.

There are, of course, two types of *non*-phosphate detergents. There are those that are safe but just won't get dirty clothes clean and these account for about 15% of all non-phosphate detergents sold. Then there are those that rely on highly alkaline and corrosive materials for what cleaning power they have and these account for an estimated 85% of all non-phosphate detergents moving to the consumer today. Procter & Gamble could easily make either type of these products—and improve its profits in so doing—but we have consistently stated our conviction that this would not be a responsible thing for us to do.

However, the fact that *non*-phosphate detergents can be dangerous to people should not be used to disguise the errors in previously taken positions about detergents which contain phosphates. Neither should the hazardous nature of most *non*-phosphate products be used to hide the new understanding about the very limited role which phosphate detergents play in the eutrophication problems of the country.

This does not mean that we should not continue to learn more about eutrophication and about excess algae wherever they may exist and about the best method of solving these localized problems. Procter & Gamble, for one, will continue to work intensively to develop sound alternatives to phosphates in detergents and to prove their safety both to the environment and to people. When we have developed such products and proven their safety, they will be made available to the public promptly.

AEC COMMISSIONER WILLIAM O. DOUB LAYS IT ON THE LINE

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. HANSEN of Idaho. Mr. Speaker one of the most important and forthright statements indicating the new directions that the Atomic Energy Commission is likely to take in the licensing and regulation of nuclear powerplants was made recently by one of its newest members, William O. Doub. In addressing a meeting of the Atomic Industrial Forum in Miami, Fla., last month, Commissioner Doub discussed some of the factors that have contributed to delays in licensing nuclear powerplants and some steps that can be taken by the Commission and by the industry to deal with the problem while protecting the right of the public to participate in the decisionmaking process.

Commissioner Doub is uniquely qualified to speak on this subject. He brings to his assignment on the Commission a wealth of background in the field of utility regulation. Prior to his appointment to the Commission in August, he served as chairman of the Maryland State Public Service Commission.

Mr. Speaker, I include as part of my remarks the text of Commissioner Doub's speech to the Atomic Industrial Forum:

"THE RIGHT TO BE HEARD"—LAYING IT ON THE LINE

(Remarks by William O. Doub)

It is a distinct honor and pleasure for me to be here today. The Forum brings together an unusually stimulating and perceptive segment of the nuclear community, and I look forward to meeting many of you personally.

The topic for your symposium session is "The Crisis in the Licensing and Regulation of Nuclear Power Plants." While there may be divergent viewpoints as to the aptness of the word "crisis" for describing the present situation, there is an undeniable and widely shared concern as to the ability of the nuclear licensing process to cope with the demands which are being placed upon it—a problem to which I am devoting a substantial amount of my time together with my fellow Commissioners.

At a time when the Nation is demanding more electrical power and when nuclear facilities are being called upon to meet a constantly mounting share of that energy demand, we have been encountering vexing—and frankly untenable—delays in completing the licensing consideration of nuclear power plants.

There is, to be sure, a complex mix of factors which enter into the overall "delay" picture. A full survey of these matters is plainly not feasible within the scope of my brief remarks this afternoon. Instead, following the enjoinder to "particularize," which I hope will soon become the hallmark of our licensing hearings, I am going to focus on one element in this mix, that of public participation in decision-making on nuclear plant siting, construction, and operation. This is not to imply that other important

parts of the regulatory program are not receiving vigorous review, and I intend to comment briefly on some of these aspects also.

So that there will be no mistaking the guiding premise in my approach to this subject, let me state my basic and fundamental belief at the outset. In my judgment there are sound practical and social reasons why the public properly claims and is afforded the right to be heard in our licensing proceedings. Public participation is a cornerstone of administrative law and is an inherent and necessary factor in the regulatory processes of a public agency such as the Atomic Energy Commission. As far as I am concerned, this right of the public to be heard is non-negotiable and should not be the subject of time-consuming debate. For in the final analysis, it is the public which derives the very real benefits from the safe operation of well designed and constructed nuclear power plants and which must as a corollary of that benefit shoulder the associated environmental costs.

I recognize that many thoughtful observers are disquieted by the fact that the systematic environmental inquiry, which is an integral part of the nuclear licensing process, is singularly absent (at least at the Federal level) when it comes to the construction of fossil-fueled plants which concededly have appreciable environmental consequences of their own. Some environmentalist and other concerned groups are seeking to fill this "gap," using legislation such as the National Environmental Policy Act (NEPA) to require broad-gauged environmental reviews in individual cases, like that of the Four Corners project in the Southwest. More broadly, power plant siting legislation now pending in the Congress would provide a national structure for thermal plant environmental reviews on an across-the-board basis.

But whatever the future may hold in the non-nuclear sphere, in the nuclear area we are presently operating within the demanding framework of existing law, and of court decisions applying that law. The Calvert Cliffs decision,[1] regardless of individual personal opinions as to its merits, leaves no doubt as to its "holding" and I believe that the AEC is being responsive to its clear definition of the agency's responsibilities under NEPA. Nuclear plants are now subject to a plenary environmental review prior to the issuance of a construction permit—and then again before operation—and at each stage affected segments of the public have the legal right to be heard in a quasi-judicial proceeding.

Of course, as I am continually discovering, stating these obvious requirements is one thing; translating them into a viable regulatory process—one which keeps step with a dynamic technology and equally dynamic social patterns—is quite another matter. And nowhere is this more evident than with the hearing phase of the process. We are confronted today with formidable problems in restructuring our hearing procedures so as to meet not only our obligation to the participating public but also our responsibility to the general public—a responsibility to arrive at sound decisions in a timely fashion. This present broad-gauged AEC responsibility demands a total in-depth review of the AEC licensing program with equal attention to the past approach of industry intervenors, and the utilities in the process. My initial reaction—which is more than just an impression—is that there is need for considerable improvement across the board.

The dimensions of problems are reflected in the increasingly lengthy proceedings which we are seeing in plant licensing. In some instances, hearing times are beginning to be measured in years—not simply weeks or even months. Parenthetically, as we all know, the time factor between the filing of an application and the granting of a construction permit or operating license has been increasing in recent years on the average of something in excess of 20% annually. And a look to the future, with the additional review responsibilities stemming from the *Calvert Cliffs* decision, serves only to underline the potential scope and the seriousness of these matters.

What are some ways that the hearing procedures and the actual conduct of the hearings can be improved? This is the focus of our attention this afternoon.

In approaching the matter, I should like to put to one side the legislative proposals affecting plant siting—nuclear and otherwise—now before the Congress. We have, whatever their outcome, an independent administrative obligation to act now with the means we presently possess.

Moreover, I am not disposed to be pessimistic about the possibilities for substantial progress through changes which are within our present capabilities: changes which build on concepts which have been subjected to intensive reexamination in recent months by the Commission. I would like to share with you some of these possibilities this afternoon. While the majority of my suggestions—particularly the ones for procedural change—are within the domain of the AEC, before I conclude these remarks I should like to discuss several suggestions for changes which the industry itself might undertake and also some observations for those environmental groups which have taken an active interest in our licensing proceedings.

Let me turn first to the licensing hearing itself the ground rules under which it is conducted, and the role—and responsibilities—of the respective parties in a contested proceeding.

I see no inconsistency between active public participation in the decision-making process and the legal prerequisite that this participation take place in a reasonably ordered manner. Indeed, if it cannot, the concept of public participation will be on a collision course with another concept—that of the necessity for the administrative process to permit decision-making on a basis timely enough to serve vital public needs.

I am not willing to concede that there is any inherent incompatibility between these two concepts. Hearings, of course, take time; but agencies, like courts, are not without means to so structure a proceeding as to accomplish its purpose with the maximum possible dispatch. The Commission recently issued proposed amendments to its procedural guidelines (Appendix A to Part 2) which were designed to take account of the fact that reactor licensing had passed from an era of essentially uncontested hearings, where public education was a primary function of the licensing proceeding, to one of contested hearings, where the settlement of disputed matters was the central purpose of our adjudicatory process.

The recent *Calvert Cliffs* decision clearly called for a reexamination of the matters dealt with in those proposed guidelines; and we are now in the process of recasting them—as well as some of the basic procedural rules in Part 2 itself—to take account of *Calvert Cliffs* and also of suggestions received from industry, environmental groups, and some further thoughts of our own. I might add that we expect shortly to complete a new draft issuance of Part 2 and its appendix and that we plan to discuss our proposals with representatives of industry and environmental organizations and to assess their further comments prior to adoption of new procedures.

As to our present thinking, let me outline briefly some of the procedural changes we are considering. Functionally, these changes are built around two objectives, which I view as being mutually complementary: First, to provide for earlier public participation in licensing proceedings, within a context of maxmium and convenient public access to facility licensing information and, second, to demand a sharper focus on matters which are actually in controversy, and a greater discipline in dealing with those matters, during the hearing phase of the licensing process.

To be more specific about the direction the thoughts of some of us are taking:

In the sphere of earlier public participation, consideration is being given to allowing intervention in licensing proceedings at a much earlier point in time than is now permitted—even under our early notice procedure. This is a step which some environmentalists have been urging the AEC to take to facilitate public participation and to expedite the conduct of the later hearing—and I believe it makes sense.

As a correlative step, we would plan to assure that the application and all of its amendments, the staff-applicant correspondence, the safety review and NEPA documents, and the like, would be conveniently accessible to the public as they become available from the date of the filing of the application onward. We have just recently moved in this area by establishing a public document room at each site locality.

As an additional measure in pursuit of this objective, we are considering liberalizing further our rules dealing with availability of AEC records by eliminating certain of the present privilege exemptions for internal documents. This would not only broaden information access to the public—desirable in and of itself—but could also appreciably lessen the time loss involved in licensing proceedings through protracted arguments over document production.

Early, readily available access to all of the foregoing information, and a forthright approach in the manner and attitude of applicants with regard to the production of information—about which I'll say more in a moment—could make early intervention a highly useful step. It is painfully apparent to me that a considerable, and to a large degree unnecessary, amount of time is expended by concerned parties in simply trying to acquire what I believe should be readily available information regarding the proposed plant.

Let me add one further thought on the matter of early public participation. I can well understand the concern—if not the sense of frustration—of local citizens and civic and environmentally minded groups who observe site preparation and construction to grade of a proposed plant prior to an opportunity to be heard. I believe constructive steps are needed to come to grips with this problem, and we will be giving this additional attention.

Turning to the matter of providing a sharper focus and a more orderly process for the contested hearing, we are looking at the following steps:

Early identification of the issues to be considered in operating license hearings and restriction of testimony to those matters which are actually in controversy;

Greater utilization of the prehearing mechanism for the purpose of showing substantiality of issues both in construction permit and operating license proceedings, as a prerequisite to the raising of radiological safety or NEPA contentions;

Greater utilization of prehearing conferences and procedures to better define and narrow controverted issues and to deal with related discovery matters; and

Recognition of the authority of the licensing boards to impose limitations, where appropriate, on the time within which a hearing or any part of it may be completed. This last point, as some of you will recall, is in line with the provisions of our revised NEPA regulations in Appendix D to Part 50.

I believe, moreover, that our procedures should contain some express recognition of the role which can properly be played by

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[1] *Calvert Cliffs' Coordinating Committee, Inc., et al.* v. *United States Atomic Energy Commission, et al.* (Nos. 24,839 and 24,871, D.C. Cir., July 23, 1971).

party settlements of disputed matters in contested licensing procedures. Settlement by mutual agreement of all parties is an accepted aspect of judicial proceedings and, as a practical matter, it is an essential ingredient in day-to-day business and personal affairs. There are sound public interest considerations for encouraging this kind of settlement of disputed matters in our licensing procedings and our procedures should not only reflect this but also provide mechanisms which take account of productive party settlement efforts.

Beyond these and other measures which might be adopted, a cardinal objective on our part will be to set the tone for the conduct of hearings by our presiding officers—a tone which while demanding recognition of legitimate party rights would also require the shouldering of corresponding responsibilities. The boards would be urged in this regard to use the tools given them by our rules and in principal accepted by the courts as precepts of effective administrative law—for control of prehearing and hearing schedules, for preventing abuse of discovery mechanisms and for maintaining rein over hearing examination and cross-examination—to move the parties to completion of the decisional record as expeditiously as possible consistent with the right of all parties to be heard.

Having said all this, I want to emphasize that a licensing hearing is obviously not an opportunity for a free-for-all nor is it a Hyde Park where unlimited oratory can be practiced. Such a hearing functions—or should function—within reasonably defined sensible and logical rules. Intervenors, equally with the staff and applicant, must be required to respect the rights of all participants. Hearing boards are obligated to consider all timely presented, relevant evidence, but should not unduly accord special privileges to any one participant. In practical terms and putting it bluntly, this means that no one has the right nor should be permitted to use a hearing simply as a device to delay a decision on construction or operation of a plant.

In advancing these suggestions, I would not want to appear the pollyanna or to profess to believe that licensing miracles can be wrought with these or any other rules changes. But I do believe that earlier, informed, public participation can only help the licensing process; and, further, that such participation provides the most viable framework for subsequent adherence to firm procedural groundrules.

As to the efficacy of those groundrules, we must, of course, recognize their practical, and proper, limits. We do know, however, that our country's judicial system has been able to achieve similar goals within the framework of procedural rules roughly parallel to our own; and I know from my own experience as People's Counsel before, and then as Chairman of the Maryland Public Service Commission, that fair and well-defined rules administered by tough, impartial and fair-minded hearing officers can do a great deal to move a proceeding forward to its conclusion.

I promised earlier that I would have a few thoughts regarding changes in approach on the part of the industry which could help in the amelioration of hearing delays.

At the outset, let me remind you that the hearing is only the capstone of an overall process which begins with utility planning and ends with governmental licensing. The public's disposition to raise contentions for governmental consideration at the relatively late adjudicatory stage is, more often than you may care to acknowledge, a byproduct of a utility-applicant's failure to do its "homework" with its constituency in the earlier phases of the process. In all too many cases a frustrated, confused, and often alarmed citizenry has no other recourse than to contest an application—if initially only to acquire information.

I am speaking now of early, open and full communication of utility plans for facility siting and construction. I recognize that some utilities have established a fairly impressive track record in this regard of late, and that others are improving on past performance. But we still see instances of plant construction plans that are disclosed relatively close to, if not contemporaneous with, the filing of governmental licensing requests. And we also know that public information programs, when they have been mounted—as they increasingly are these days—have ofttimes been found to be superficial by responsible environmental groups; and that some utilities may not be prepared to give these groups the hard information they are seeking. This old-line, close to the vest approach is a residual byproduct of a philosophy of managerial prerogatives that is not viable in an economy such as this where electricity plays such a significant role.

Moreover, the impact of delays that occur at the hearing stage cannot be divorced from events within a utility's control that occurred much earlier: less than adequate plans for load growth; indecisiveness in making basic determinations, such as whether to go fossil fuel or nuclear; woefully incomplete initial construction permit applications; failure to develop in-house quality assurance expertise; not pressing for licensing hearings as early as one might because of what may be termed "local resistance" factors. These are only the examples that most readily come to mind.

In another vein, the industry has quite rightly urged the Commission to utilize rulemaking for the establishment of generally applicable design and other standards, rather than leaving matters to *ad hoc* facility review and adjudication. The Commission has, in fact, been moving in this direction but our pace is in no small measure influenced by the degree of standardization which obtains among the equipment vendors and particularly the architect-engineers. Reading some of Craig Hosmer's comments in this year's Joint Committee hearings on the regulatory program, I am convinced that there is considerable room for improvement on this score. Whereas there appears to be a gradual and encouraging trend toward limiting the types of nuclear steam supply systems being offered by the vendors, the non-nuclear portions of the plants (by far the largest fraction of the investment made by the utilities) change from one plant to the next. In my own mind, this seems to be an unnecessarily expensive approach and there is no question that it complicates the regulatory process when the interaction between the nuclear and non-nuclear portion of each plant must be exhaustively studied in a safety context.

In terms of the hearing itself, the most useful step I could urge upon the utility-applicant is maximum openness with information in its possession. Proprietary information may present special problems but, with limited exceptions such as that, I frankly believe that a license applicant is best advised to make available to a requesting intervenor the greatest amount of information possible. And I include within the "availability" category information which may only be arguably relevant. The hearing boards, after all, will ultimately determine the evidentiary admissibility of any information furnished. The dividends realized in enhanced communication—and in simple savings in hearing time—make this, to my thinking, the eminently sensible course.

Since I am being liberal with my advice today, it is only appropriate that I save a few words for the representatives of environmental organizations. I hope you will be frank and recognize that these organizations have been instrumental in rightfully bringing to light a national lack of concern about the environment. As a result, a striking and irreversible change in the outlook of policy makers has occurred and "concern for the environment" is no longer a catch phrase but a mandate that we must follow and enforce. As in most matters involving radical change, adaptation has been accompanied by the need to resolve practical as well as legal and administrative problems. For example, in the past, a primary complaint of a number of the environmentalists was the jurisdictional refusal of the AEC to consider the full environmental impact of proposed nuclear plant licensing actions. The grounds for that complaint went by the boards, so to speak, with the enactment of NEPA, the subsequent Calvert Cliffs decision and our recent procedures implementing that decision. We now have a system, and scope of review, which is truly unique insofar as environmental examination of industrial undertakings is concerned.

The basic question confronting us now is whether this system can be made to work in a fashion timely enough to serve essential public needs—or whether it will be overwhelmed, as some are fearful. I can only assume that it is in the best interest of environmentalists to help us make the new system work, as they have repeatedly stated in the past that it could be made to work. Responsible participation in our proceedings and a recognition of the practical limits of the new system—particularly at this early state—will be key elements in this regard.

I would hope also that the emotionalism which has marked the approach of some to the question of nuclear plant environmental impact will be tempered in the cold light of the NEPA review process. The Commission fully intends, as Chairman Schlesinger has stated, to be responsive to the conservation and environmental concerns of the public. But we would be serving no sound public purpose, and defeating NEPA's ends, if we were to deal with these matters other than through the process of dispassionate and balanced assessment.

CONCLUSION

Let me add a concluding observation on the licensing "crisis" we are examining this afternoon.

I harbor no illusions as to the magnitude of the task facing the Commission as we move forward into what, in a very real sense, is a new era of licensing responsibility. We are called upon to match the capabilities of a dynamic and complex technology to the urgent energy and environmental needs of the country, and to accomplish this within a legal and social framework which calls for the most sophisticated type of decision-making.

But meeting the challenge which changes poses is hardly a novel experience for either the Commission or you members of the nuclear community. The Commission's licensing program and the industry it covers never have been static. They are today the end-product of evolvement and of adaptation to the constantly changing circumstances of the past 15 or so years.

Without pretending to special insights—only a willingness to tackle the problems—I am cautiously optimistic for the future. We have available the talents of an unusually gifted group of people, both in the public and the private sectors, and the pressing needs of our country provide an unremitting reminder that we have no choice but to succeed.

FACTS AND MYTHS IN WORLD AFFAIRS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. CRANE. Mr. Speaker, there have for some time been many myths about world affairs and America's international role which have been given currency by spokesmen in the Congress, in the academic community, and in the mass media.

One of these myths is that America has been arrogant, even imperialistic, in its use of power. Such a charge, of course, overlooks the fact that at the end of World War II the United States was the only Nation in possession of the atomic bomb. Had we desired to do so, we could have imposed any kind of peace we chose upon the world.

Instead of imposing an American peace, we permitted communism to dominate the nations of Eastern Europe and to come to power in China. We assisted our former enemies, the Germans and the Japanese, to become free and prosperous. We ignored the construction of the Berlin wall, and the revolts in East Germany, Czechoslovakia, and Hungary. This may have all been foolish, even acting against self-interest. But it was hardly arrogant, or imperialistic. Still, despite the facts, these false charges are heard with increasing frequency.

Many other myths are also being heard. One is that the cold war is over and that communism has changed its goal of world domination. Recently, the distinguished journalist, Edgar Answel Mowrer, now retired and living in New Hampshire, discussed what he called the facts versus the myths of foreign policy.

To the statement that communism has really changed and that the cold war is over, Mr. Mowrer writes:

> Within the USSR, Red China and even Red Cuba, the Cold War has never been so much alive. Communist leaders admit this. Western democrats refuse to believe they mean what they say.

To the charge that recent events in Southeast Asia have proven the domino theory to be invalid, Mr. Mowrer states that:

> To the contrary, North Vietnam's military determination has already helped Communism in Thailand, Burma and India—with no end in sight.

I wish to share Mr. Mowrer's thoughts with my colleagues, and insert his analysis into the RECORD at this time:

A LONG VIEW OF FACTS VERSUS MYTHS

(EDITOR'S NOTE.—A former foreign correspondent and syndicated newspaper columnist, Edgar Ansel Mowrer has viewed the U.S. and its relations with the rest of the world close-up for half a century. Now retired and living in New Hampshire, he occasionally writes on world events as he sees them. In this report, Mowrer discusses what he calls the "facts" versus the "myths" of foreign policy.)

(By Edgar Ansel Mowrer)

Myth: "The Cold War is over."

Fact: Within the USSR, Red China and even Red Cuba, the Cold War has never been so much alive. Communist leaders admit this. Western democrats refuse to believe they mean what they say.

Myth: "The United States is fighting in Vietnam primarily to keep South Vietnam democratic—and obviously failing."

Fact: Americans are fighting in Vietnam to prevent the spread of a totalitarian system that aims at subjugating the entire world—that is, in defense of their national interest.

Myth: "Events are proving Eisenhower's 'domino theory' of Communist expansion in Southeast Asia an illusion."

Fact: To the contrary, North Vietnam's military determination has already helped Communism in Thailand, Burma and India—with no end in sight.

Myth: "The war in Vietnam has revealed the limits of American power."

Fact: Untrue. The United States *could* have won the war in six months and perhaps eliminated the regime in North Vietnam in the process had it not refrained from using all possible weapons—through fear of provoking the Soviet Union.

Myth: "The Vietnam war is really just a police action."

Fact: Only because neither the Kennedy nor the Johnson Administrations realized how hard it is for a democracy to support the restrictions inherent in an undeclared war. Had either secured a proper declaration from Congress, the American people's attitude toward the struggle in Vietnam would have been totally different. And how can you call a struggle in which some 50,000 fine young Americans have died a "police action"?

Myth: "Former Secretary of Defense McNamara helped relax the Cold War by his acceptance of military parity with Moscow."

Fact: Nonsense. Such acceptance has not only nourished the Cold War but will, if not speedily reversed, sooner or later, lead either to a nuclear war or to the acceptance of a Soviet ultimatum by an American Administration.

Myth: "By trading with Red China, the democratic countries are increasing the rivalry between Peking and Moscow and strengthening democracy."

Fact: Only up to a point. Any strengthening of Communist countries encourages their common aggressivity. In a war against capitalist imperialism, they will cooperate—as Russia and Red China are doing in Vietnam.

STATE MAY FACE ELECTRIC, GAS SHORTAGES

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. HILLIS. Mr. Speaker, I would like to call the attention to Members of the House of the critical effects that face us as a result of the United Mine Workers' strike.

Unless this strike is soon ended, many Americans will be out of work.

I would like for the Members to read the following newspaper story which was published in the Indianapolis Star.

The article follows:

STATE MAY FACE ELECTRIC, GAS SHORTAGES

(By John S. Mason)

Hoosiers may face shortages of both electricity and natural gas this winter, W. W. Hill Jr., chairman of the Public Service Commission of Indiana, said yesterday.

The electric problem is caused by coal shortages at generating plants due to the United Mine Workers' strike, now in its fifth week.

The natural gas shortage, due to inadequate national supplies, is a greater long-term problem, Hill said.

If the coal strike continues, electric service cutbacks will occur before the end of the month, Hill said.

He will meet Wednesday with officials of electric utilities most seriously threatened by the coal shortage to discuss plans for possible service cutbacks.

Officials of Indianapolis Power and Light Company, Southern Indiana Gas and Electric Company and Public Service Indiana have indicated they will attend.

Some Public Service Indiana plants may have to cut back service in about two weeks if they do not receive additional coal, it was learned.

Underground supplies of coal are plentiful and only the strike threatens electric power supplies, Hill said.

The natural gas shortage stems from a lag in development of natural gas wells. This occurred because the Federal government long imposed a low price limit on natural gas, making well exploration and development unprofitable, Hill said.

In recent years the Federal government has allowed natural gas prices to increase, making well exploration profitable enough to attract investment.

Vaughn C. Beaty, deputy chief engineer of the PSC's accounting and engineering department, said the cost of gas to the retailer increased an average of 11½ per cent between August, 1970 and August, 1971.

Seriousness of this winter's gas shortage will depend on how severe Indiana's winter weather is, he said. Most Indiana gas utilities use natural gas at least in part.

PSC and gas utility officials are working out plans for cutbacks in natural gas service.

The first plan, for Central Indiana Gas Company of Muncie, was approved by the commission earlier this week.

Under the Central Gas plan, first gas users to feel cutbacks would be "interruptible" customers, large industrial users who buy gas at reduced rates with the provision that continuous service is not guaranteed.

These users, who have alternate power sources available, can expect service cutbacks this winter, Beaty said.

Some industrial users who purchase gas on a constant supply basis also can expect service cutbacks, particularly if winter weather is severe, he said.

Large commercial store and similar users would be next on the cutback list.

Last service to be affected would be that provided residences, schools, hospitals and other "human needs," Beaty said.

However, the shortage is not expected to be severe enough to affect commercial or human needs users this winter, Beaty said.

One pipeline firm has informed its utility customers it will reduce the amount of natural gas it supplies by 3 to 6 per cent this winter.

"This is a sizable amount," Beaty said.

While "critical problems" are not expected, there will be more "curtailment of gas service" than in the past, Beaty said.

Development of new wells may ease the shortage problem within about two years, Beaty said.

However the shortage "could be a little worse" next winter, depending upon the speed with which new wells are put in service, Beaty said.

FOUNDING OF THE PERSIAN EMPIRE

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. PURCELL. Mr. Speaker, last week the capable Ambassador of Iran, Dr. Amir Aslan Afshar, spoke before the 26th annual meeting of the Iran Amer-

ican Chamber of Commerce in New York.

On the occasion of the 2,500th anniversary of the founding of the Persian Empire it seems significant to me that, in the scope of things, the United States is a comparatively young nation. However significant the matters before the Congress might seem at this time, it is the context of history that the majority of all peoples destined to populate the earth will judge us. Let us legislate and couch our actions, Mr. Speaker, toward that end, as well as to answer the pressing problems of the present and immediate future.

We in the United States are fortunate to have such a capable Ambassador from Iran as Dr. Afshar. Because his speech so aptly illustrates the progress made under the Shahanshah Arymehr, in his "White Revolution," I commend it to my colleagues. As an outsider's opinion, the people of Iran are fortunate to have such a forward looking leader guiding Iran now what, we here can only hope, will be a prosperous and rewarding second 2,500 years.

The statement follows:

STATEMENT OF HIS EXCELLENCY, DR. AMIR ASLAN AFSHAR, AMBASSADOR OF IRAN TO THE UNITED STATES BEFORE THE 26TH ANNUAL MEETING OF THE IRAN AMERICAN CHAMBER OF COMMERCE IN NEW YORK ON NOV. 5, 1971

Your Excellency Ambassador Hoveyda, Mr. Miklos, Mr. Consul General, President Cross, Honorable Members of the Iran-American Chamber of Commerce and distinguished guests:

Let me first extend my thanks to Mr. Cross for his kind and warm introduction regarding myself and my country, I am greatly honored to have the privilege of addressing the 26th annual meeting of the Iran-American Chamber of Commerce, a forum which permits our two countries to engage in a continuing effort to strengthen our economic and commercial ties.

This year's annual meeting is especially significant because it coincides with the 2500th anniversary celebration of the founding of the Persian empire and the declaration of human rights which is being celebrated not only in our country but throughout the world. A nation draws strength from its history and on this occasion we pause to recall our great heritage stretching back thousands of years, but which is little known to some westerners. The late Dr. Arthur Pope, an eminent scholar who devoted his life to the study of Iran's cultural heritage and who now rests in peace in the country he loved and admired so much, put it most eloquently when he said:

"In western education, Persia has, since the days of Xenophon, been a blank page, or at most, a footnote to the history of ancient Greece. Yet, scholars now agree that the Iranian Plateau was probably the cradle, first of the human race and later of civilization itself. Independent considerations have led Sir Arthur Keith, Dr. Henry Field, and Professor Ellsworth Huntington, working separately, to the belief that man emerged as Homosapiens in the land of Persians. That this land and the adjoining regions in the Northwest produced the first civilized communities now seems certain to most scholars."

For sixty known centuries—some even say for 7,000 years—the Iranian Plateau has contributed ideas and techniques which have helped to sustain and humanize mankind. writing, numbers, the art of agriculture and of working metals, the sciences of astronomy and mathematics, the beginning of religions and philosophical thinking—these all come from the near east, and the fountain head of much near eastern culture was on the Iranian Plateau.

The 2500th anniversary celebration was also a celebration commemorating the emergence of a modern and dynamic Iran. The world witnessed a strong, viable, self-sufficient, prosperous nation standing as a bastion of freedom and democracy in the turbulent region of the Middle East. News media throughout the world focused on this aspect of the commemoration.

For example, one of this country's leading newspapers, the Christian Science Monitor, in a comprehensive article headlined, "prosperity, Vitality Mark Iran's 2500th Year," Summarized the prevailing view throughout the world by observing "Iran has become an Asian power commanding respect and admiration from its neighbors and the world's big powers alike." And the well known British publication, the economist, commented: "The Shah has put his message across: Iran is now a force to be reckoned with."

This was more than a national commemoration; it had international significance because the founding principles of the Persian empire were based on the declaration of human rights set forth by Cyrus the Great which included a rule of law based on morality, justice and equality. Her imperial highness, Princess Ashraf Pahlavi has recently presented for posterity a replica of the cylinder containing this declaration of human rights to the United Nations.

This momentous and unique occasion in history, brought to Iran world leaders from the corners of the globe who were able to meet in a congenial atmosphere free of tension, and exchange ideas which are proving to be of great value and significance. The fact that Iran could host such a distinguished gathering and marshal various sectors of the country together to achieve this noble goal indicates not only the pride, national spirit and unity of the people of Iran, but also the world-wide recognition of Iran's past and present contribution to world civilization.

The unity and pride of the Iranian people and their desire to show the world their new Iran is indicative of the results of the White Revolution led by my august sovereign, His Imperial Majesty the Sahanshah Aryamehr. The revolution was achieved without repressive tactics but, instead, was a positive, bloodless revolution of far-reaching consequences; hence it is known as the white revolution since it is being fashioned without the violence typically associated with such drastic changes. It was achieved, under the enlightened leadership of His Imperial Majesty—aptly called in a recent U.S. News & World Report article, a "king and revolutionary," a combination rarely found. He has blended modern technology, modern managerial concepts and a reordering of priorities for the benefit of all of the people.

Although time does not permit a full discourse on all aspects of the White Revolution, which I am sure are familiar to you, a few highlights should be mentioned. Iran has implemented a vast land reform program of such a magnitude that Iran's peasants now own their own land. The success of our land reform, one of the few of its kind successfully implemented, is widely recognized and admired throughout the world. A dedicated group of 75,000 youths have banded together to serve in the literacy corps throughout the country to teach all how to read and write and set an example for other countries in combating the illiteracy problem. Iran's goal for the 2,500th anniversary celebration was 2,500 new schools, but 3,000 have already been built from funds contributed by people of different walks of life. To maximize their efficient use, we nationalized our water resources and put our forests under public ownership. On the other hand, showing that we ascribe to no particular ideological dogma, state-owned industrial plants were sold to private corporations and industries. Iran has established profit sharing for factory workers. We have greatly improved our health services through the establishment of a public health corps. We have established universal women's suffrage. Now women have equal rights in all phases of Iranian life. We have women members of the lower house and the senate and a woman Minister of Education. Her Imperial Majesty Empress Farah, Shahbanou of Iran stands as a shining example of the role of women in Iran with her outstanding work in the arts and social welfare programs. We created village courts of equity where the farmer or townsman can get a fair hearing in minor grievances or disputes. The White Revolution—a revolution for all of the people which has gained the support of all the people—has thus brought even greater political stability to Iran.

As I am sure you sophisticated observers of economics and commerce are well aware, political stability breeds economic stability. Iran stands as a classic example of this rule. The facts speak for themselves. Per capita income, which was approximately $180 ten years ago, has almost doubled and now exceeds $350. The gross national product is expected to increase 11% this year, a growth rate second only to Japan. Foreign investment, always a good barometer of investment confidence of the world community, has risen to 1.3 billion dollars, of which $700 million is American capital.

These are the facts. But what is the story behind the facts? Basically we see an economy no longer entirely tied to oil but which has been diversified to include many industries such as petrochemicals, tires, pharmaceutical products, appliances, cars, machinery and other consumer goods. The constant traffic jam in Teheran caused by Iranian made automobiles attests to our progress in this area. Perhaps the harried pedestrian attempting to cross a main thoroughfare can take comfort in knowing that by diversifying our industries we in Iran now produce over 90% of our needs in consumer goods.

Just as our industries have diversified so have our exports, whereas in the past our exports traditionally were raw materials, and carpets, we are presently exporting finished goods such as clothing, shoes, transistors, television sets, air conditioning units and all kinds of electrical appliances, buses and automobiles in large quantities.

Although we have turned inward to revitalize our economy we have not abdicated our international responsibilities but in fact have taken a greater role in the council of nations. With the withdrawal of the British from the Persian Gulf at the end of the current year the role of Iran will be even greater in the future.

As a founding member of the United Nations, one of the cardinal principles of Iran's foreign policy has been respect for the charter of the United Nations and we have always adhered to the resolutions of this body.

Iran will fulfill its international responsibilities using the same simple principles it has always followed: A peaceful settlement of disputes, understanding of the problems of others, a support for efforts to maintain justice, cooperation to bridge the gap between the poor and the wealthy countries and cooperation to combat illiteracy. These principles have been exemplified in the peaceful solution set forth to the Bahrian principle which was lauded by U Thant of the United Nations as an example for the solution of international disputes. These have also been exemplified in the fruitful mediation undertaken by the Shahanshah of Iran between Pakistan and Afghanistan and between Pakistan and Malaysia which resulted in amicable settlement.

We live in peace with our neighbors as illustrated by our close cooperation with Turkey and Pakistan and our friendly relations

with the Soviet Union and Afghanistan. And, there is and has always been a cordial relationship between the United States and Iran, even prior to the emergence of this great country as a global power with immense international responsibilities. Both countries recognize the rights of individuals to pursue their freedom and both countries view government as a vehicle to bring a better life to their people. Iran is most grateful, and will never forget, the helping hand extended by America during the dark days following World War II; the United States will always maintain a warm spot in the hearts of every Iranian.

Iran and the United States have also been trading partners for many years and this Chamber of Commerce through its dedicated and distinguished members has played a significant role in strengthening not only economic and commercial ties between the United States and Iran but also in promoting friendship between our two countries. Last year you celebrated your twenty-fifth anniversary. I offer my congratulations and hope that you will one day celebrate your twenty fifth hundred anniversary.

Let me say that our energies in Iran are directed to the improvement of the lives of our people as well as making a positive contribution to world peace, stability and prosperity. We can achieve these goals by using technology and harnessing our resources in an organized and efficient manner. I think that it was most eloquently put by my august sovereign in his welcoming speech at the 2500th anniversary celebration which carried the theme that man's eternal and changeless nature is an effort toward perfection when he said:

"Each one of us must try as hard as possible, as much as circumstances allow, to turn the world into one of love, peace and cooperation for mankind, a world in which every person may enjoy the benefits of science and civilization."

Thank you very much—I have enjoyed being here tremendously.

THE SECOND MILE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. BROWN of Ohio. I am pleased at this time to place in the RECORD the full text of a recent sermon entitled, "The Second Mile" by Lowell Russell Ditzen, D.D., LL.D., L.H.D., Litt.D., which I wish to bring to the attention of my colleagues:

THE SECOND MILE

Text: ". . . whosoever shall compel thee to go a mile, go with him twain."—Matthew 5:14

Scripture: Matthew 5:33–48

The Bible is alive! It is contemporary!

The longer I read it the more I find myself present when first it came into being. The more vividly, too, do I find it speaking to us and to our times.

Let me give you an example. I have visited the land, as have some of you, where Jesus walked and where He spoke to His day and to eternity. Recently, reading again the Sermon on the Mount, the scene was before me. There came to me a picture of how one individual was affected by what was said on that occasion.

Though the multitude seemed welded into united attention as the Master spoke, one young man, who had recently seated himself on the hillside above Capernaum, seemed to be only partially listening. If you had watched him you would have been aware of a restlessness that came from deep within him.

His eyes roved. They took in the flower-jeweled hillside that curved down to the waters of Galilee. He looked intently for a moment at the gray-red escarpment on the opposite shore, above which rose the Syrian plain. His eyes, sharp with seeking, might even have noted, through the crystal air, the tip of Mount Hermon far to the north.

His body, naked to the waist, glistened with perspiration. Across his shoulders were raw, red bruises, as though he had just been freed from some heavy burden.

Someone, unknowing, might have asked, "Is he a slave?" But any native would have immediately answered, "No, no slave." The tunic tied loosely at his girdle was of too fine a fabric. The careful chiseling of his face and the independent set of his chin revealed a high-bred youth. If he were a slave, he had not long been subjected to serfdom.

Yet it was obvious, as you looked at him, that there was conflict in that man. His jaw was tense. His eyes smoldered with resentment, and the knuckles of his fists were white, as though anxious to strike a blow of retaliation or vindictiveness.

And why should it not have been so?

For, a few hours earlier, he had been on the road toward Magdalena, where it was his monthly custom to spend the day with the wisest man of the area, a great tutor and scholar. Nearing the place, he was accosted in the middle of the road by a Roman legionnaire, stumbling and groggy with his carousal of the night before. He obviously was being transferred from one barracks to another. The soldier roughly turned him about, tore his tunic down to his waist, and taking off the full burden of his impedimenta, lashed it firmly on the other's shoulders. Then he commanded huskily, "You know the law. Carry it now one mile."

The young man burned with anger at every step that he took. The thought of his grandfather's counsel that "as life requires us to do things, we must do them with patience and without resentment," was an old man's folly. He seethed at the century-long injustice, practiced by the ancient Persians centuries before, which legalized impelling the person or conveyance of a citizen to carry the goods or the messages of royalty or the conquering soldiers. Here he was, a man of refined tastes and affections, being required to act like a beast of burden.

Finally the irksome mile ended.

People were gathered on a hillside listening, apparently, to some itinerant preacher. Wearily he settled among them, trying to find in the scenery about him, in the impersonality of the situation, some release of the inner anger that ate at his heart.

Then the sound of that voice speaking, the quiet authority of the "rabboni," captured his attention. And he found himself increasingly alerted—with an electric intensity that began to shock out of his mind and system the dragging anger—as he heard these words: "You have heard it has been said, 'an eye for an eye and a tooth for a tooth,' but I say unto you, do not resist one who is evil. But if anyone strikes you on the right cheek, turn to him the left also."

He had never heard such daring, such unconventional words! The books of Exodus, Leviticus, Deuteronomy, all condoned the principle of retaliation—"an eye for an eye, a tooth for a tooth." Why, it was an old law as far back as Hammurabi!

And then he was taut with surprise and shock, like some woodland animal that has been pierced by the huntsman's arrow, as he heard the Teacher say *"And whoso shall compel thee to go one mile, go with him twain."*

From years of talking with boys and girls and men and women. I know that there is someone listening in this congregation who feels he's wrongly compelled to go that awful mile—who has a sense of resentment at what life has required him or her to do—someone who feels forced to assume and carry burdens that didn't seem to be in the original contract of life—someone for whom duty is a painful thing, who asserts that he's being taken advantage of, who feels he's overburdened, that there are unjust expectations made of him. I know this person is here, because that person is a part of me.

And the words that the Master spoke, seemingly so long ago, need speaking today—the words that say, "There's no real mastery of life, no real mastery of yourself, when you're always struggling against life's minimal requirements." You're a whining slave. You're increasingly ineffectual until, as someone said who had the second mile idea, "You stop kicking about what you have to do, and give the kick to yourself."

Not as inelegantly as that, it could be put this way, "You begin really to build yourself into a fulfilled person when you let the idea get hold of you *to do more than is required!* Make of life a quality and a quantity beyond what is expected! Do it and you become a mighty precious person to yourself and to those about you."

The application of this principle is so obvious in our work. Where is the growing edge? Where is the most vital part of any institution, any industry, any profession, any calling? Is it in the clock-watching group? The individual lamenting about what he has to do? The dropouts? The one who cries about what the job is doing to him? Or the one who says, "What are the opportunities here? What additional responsibility can I take on? What can I do for this company?" Not "What can my customer's clients do for me," but "How can I most fully help my customers, my boss, my employees, my clients, my patients, my parishioners, my constituents, my subscribers?"

What marks a great teacher? A great student? Isn't it always the quality that is willing to go the second mile?

In this mood, if someone were foolish enough to ask me to nominate a Commencement address that was to be emphasized in every graduating assembly in the country, I would be moved to give the theme in fifteen words. There are three points:

(1) Life will always demand that you go one mile.

(2) You go two!

(3) Now get going!

There's power there. There's the rootage of ultimate success wherever we are and in whatever we have to do, as we get the spirit of not just one mile—but two.

I want here to talk to the young people and the youth in every heart here today, no matter what your chronological age.

Our country is going through troubled waters! We have grave problems, both nationally and internationally, economically, socially, politically, morally. It's a time of flux and change with our concerns vastly more complex over what they were when I, as a boy, became conscious of our corporate life.

I know few of the answers. But this I do know—we have *portentous opportunities!*

One of the fields that intrigues me is that of "Cybernetics." It concerns the various forms of technology and control that will determine the future. For example, with a properly programed computer we can foresee the end results which will come from any given action. This we could not do with the beginning of the automobile—see the landscape chewed by highways, the parking lots, the air pollution, the mobility of our population, the problems in our urbanization.

But mankind will not be moved forward by these means and instruments ecologically, politically, humanely by people who resent going mile one.

This is Labor Day Weekend. Can I reach someone who will use this occasion to live more unselfishly; who will dedicate himself to our country's welfare more sincerely; who will work for our future with creativity and hope? Friend, our past and our future call out to enroll you as a "second miler."

II

Looking at it from another angle, one of the surest ways to really get a "kick," use what word you will—to get "joy" in living is in this way.

I knew a man some years back who was in the social service field, employed by an institution. Due to a change in personnel, he was asked to be in charge of the Boy Scout troop. He whined about it. It wasn't a part of the original deal. He had no training or inclination. And, he growled, as for dealing with twelve-year-old boys, he'd rather try training a cage full of panthers. Grudgingly! Resentfully! He went at what appeared to be a nasty necessity, a duty.

Some time later I saw that individual inquiring about sources for maps that could be used in his Boy Scout program. He was happy as a lark! I asked him about the change and, in essence, he said that he went to the first Boy Scout meeting jaded and resentful. But he couldn't escape the eyes of a towheaded boy who had come, eager and hopeful, to his first meeting as a Boy Scout. The lad was expecting so much. My friend said, "I couldn't be a traitor to what I read in that boy's eyes." He went on to say, "The interesting thing is that, as I began reading about the history of the Boy Scout movement, its programs, its aims, and as I began devising means of keeping ahead of that boy and others so they wouldn't be let down, *I found that I was the one who was getting the lift.*"

Isn't it always so?

In cooking a meal, when does it become fun? When it's another one of those painful, regular duties that comes three times a day, 365 days a year, and one wants to get rid of it as fast as possible with a minimal effort? Or when one treats a meal with the extra touch—the special recipe of grandmother's is prepared with care, the food is arranged beautifully, and the best linen and candles may be placed on the table. When is it fun? When is there joy and lift, in one mile or two?

When do we get a "kick" out of human relations? When we do the minimal in the way of social duty, what's expected, what we think is required—saying "thank you" to the hostess, being sure we won't forget talking to this individual five minutes about the weather, and don't overlook talking to those boring ones on raising dogs, about baseball, or stamp collecting, and then getting away as fast as possible? Or when in human relationships, with interest, inquiry, concern, and really caring, there is the second mile of interest and concern and support?

A helpful book some years back divided life into the four categories of work and worship and love and play. Ask yourself when ones does what is required—when do the tasks and demands of life—turn that corner of drudgery and become play, become fun? When is there delight and love in what one is doing? When does it have a preciousness, almost of sacramental quality? Well, the individuals who are the one-milers will never know. It's only those who go two.

Here's the matter of religion. How do we get the real meaning out of religion? Not from the point of view that says, "Oh, I suppose it's the thing to do. We're in a community where there's a social pressure to belong to the church."

"It's the thing to do. I'll join the church because my wife twists my arm and tells me I ought to go to it for the sake of appearance and the children. But it gripes me. I'm offended by some of the tenets of orthodox theology. Religious leaders, I find, are not realistic. I find references made to God and vague spiritual values that really are irritating." Grudgingly, one mile.

Friends, you or I don't get any treasures of faith until, in this area as in every other one, we get the second mile attitude. There are ethical principles, alive and vital, in every religious tradition. How can these be applied specifically in business, in my industry?

There are Christian ideals of justice in human affairs and good will that have been held up for two thousand years. What can be done to give them impact in our world? People for centuries have talked about prayer, about the healing of the spirit, of the mind, and the body. How about going two miles in investigating this avenue of human experience and practicing it in my life?

Where is both progress and joy to be found? One mile? Or two?

I wonder, as I ask myself, if it really is imagination that sees that young man all resentful, centuries ago, by the shore of Galilee, listening to the Master. Is it imagination?

Yes, in a sense.

But perhaps, in an even truer sense, it isn't imagination. For He was there, and is here too.

And the words that were spoken there that day so long ago, and the spirit that prompted them—are they limited to one circumstance, one day in Palestine, centuries ago?

Yes, but also, no! For the One who spoke them, speaks them still. And hearts and minds—as then, so now—need to listen to them and apply them, to really get from life these: "Whoso shall compel thee to go a mile, go with him twain."

THE WATERSHEDS PAPER

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. BOB WILSON. Mr. Speaker, as a Member long interested in the problem of our defense posture vis-a-vis the Soviet Union, I read with particular interest a recent column by Joseph Alsop and am pleased to share his comments with my House colleagues.

[From the Washington Post, Oct. 27, 1971]

THE WATERSHEDS PAPER

(By Joseph Alsop)

Something called "The Watersheds Paper" is circulating in the governmental inner circle; and it is causing talk. The paper's details are naturally not discoverable, but its main point is known. The point is that a watershed in world affairs has been passed, and a quite new situation has been created, because of the enormous increase of Soviet nuclear-strategic power.

The point is well taken, alas. Yet one can hardly imagine an official paper putting the problem bleakly enough to describe the real nature of this new world situation, even if a major watershed is beginning to be timidly and belatedly recognized.

The essence of the new situation is very simple, however. With their vastly increased nuclear-strategic power, the Soviets can comfortably think about doing all sorts of things that would have been quite unthinkable before. One such is the surgical nuclear strike, to destroy the Chinese Communist nuclear program, which the Soviets have in fact been actively and methodically preparing.

The illustration is particularly relevant, because the Soviet preparations abovementioned have conspicuously included a huge, immensely costly build-up of conventional military power along the Sino-Soviet frontier. The two kinds of investment in power go hand in hand, in other words; and each serves the other.

No sane person can suppose this country will do anything but wail and wring hands, if the Soviets eventually decide to make the unprovoked nuclear attack they have been getting ready for. That particular aspect of the new world situation will not be changed in the least by President Nixon's forthcoming visit to Peking.

As the Chinese also lack the means to defend themselves, what still seems unthinkable to most people in this flabby-minded country, is in truth an almost risk-free choice for the Soviets. The sole remaining question, in fact, is what the Soviet choice will be in the period before the Chinese gain the power for a counter strike.

It is vitally important to note, moreover, that the same rules apply in other areas more vital to U.S. interests than the Sino-Soviet border. Particularly at sea, the build-up of Soviet conventional power has been worldwide in its potential impact. And in the new world situation, the American "deterrent" cannot be rationally expected to "deter" anything at all, except (one hopes) a direct Soviet nuclear attack on this country.

Hence, lots of other formerly unthinkable things have become things the Soviets can quite comfortably think about. Here consider the troubled Middle East. Our State Department is overjoyed at the moment because the Soviets have become "our silent partners"—the phrase is actually used—in pressing for an interim agreement on the Suez front.

The Soviets are undoubtedly exerting a strong negative pressure on Egypt's President Anwar El-Sadat, to prevent him from reopening hostilities with the Israelis. There is a real chance that this will end by Sadat's accepting terms for an interim agreement that the Israelis can also accept.

Suppose, then, that this is the outcome. Israel will still be very much there, as a permanent irritant to inflame the Arab world against the U.S. Meanwhile, however, the main result of an interim agreement will be the reopening of the Suez Canal, about six months after the agreement has been reached.

When that happens, all the problems of the Soviet Navy in the Indian Ocean will be automatically solved. At present, Soviet vessels in those waters are commanded from Vladivostok, halfway 'round the world, because that is their nearest port. With the canal reopened, the nearest port will be Odessa. And Soviet naval power in the Indian Ocean will be predictably multiplied by ten.

Meanwhile the Persian Gulf, where the world oiltap is conveniently located, is being left a political and military vacuum by the departure of the British. No place on earth is more beautifully arranged for the practice of 19th century gunboat diplomacy. Ask yourself, then, what will happen if the Soviets do the unthinkable in the Persian Gulf—if they in fact end by resorting to gunboat diplomacy to gain control of the world oil-tap?

In the new world situation, the answer is that the U.S. will do nothing, once again, but wail and wring hands. So it seems a bit odd, to a returning traveler, that so many Americans also want to impair the world balance of power still further, by needlessly losing the war in Vietnam.

THE DAVIS-BACON ACT OUGHT TO BE REPEALED

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. PRICE of Texas. Mr. Speaker, I speak today on behalf of a measure which I am cosponsoring with my colleague, BILL ARCHER. This legislation

would repeal the Davis-Bacon Act, which requires contractors and subcontractors working on Federal and federally assisted projects amounting to $2,000 or over to pay laborers and mechanics at least the rates prevailing on similar contract projects in the area in which the work is to be performed.

The original Davis-Bacon Act, enacted in 1931, was designed to protect local wage standards against the then popular practice of importing cheap labor into a local community. The law was essentially an emergency measure passed to help stabilize wages in the construction industry. It was also hoped the act would increase wages and prices thereby helping to pull the Nation out of depression. Lastly, many were beginning to conclude that in labor-management relations, the cards were stacked in favor of management. Davis-Bacon seemed a logical way for the Government to offer unions a helping hand.

Today it is an entirely different game with the building trades holding the high cards. They no longer need the Government to do battle for them as is evident by recent wage settlements they have won. For example, contracts negotiated in 1970 provided for annual wage increases averaging 15 percent over the life of major contracts, while in the first quarter of 1971 new contracts pushed that figure up even higher to increases averaging 16 percent.

Mr. Speaker, because of the Davis-Bacon Act wage rates on Federal projects have been artificially set at an extremely high level rather than being a reflection of market forces. Continuing the Davis-Bacon Act means Federal endorsement of severe inflationary pressures.

Furthermore, there are many problems in administering the act and determining the prevailing wage rate. The General Accounting Office recently completed a survey of Labor Department wage rate determinations covering a 10-year period for 29 selected construction projects. GAO estimated that, as a result of minimum wages being established at rates higher than those actually prevailing in the area of the project, construction costs increased 5 to 15 percent.

Repeal of the Davis-Bacon Act would not deny construction workers Government protection. Contractors would still be subject to the Fair Labor Standards Act and the Contract Work Hours Standards Act. But repeal of the Davis-Bacon Act would help the construction industry return to free collective bargaining and voluntary agreements between labor and management.

Mr. Speaker, today conditions in the construction industry are far different from what they were in 1931. Management no longer maintains an unfair advantage over labor, and construction workers no longer receive substandard earnings. In 1931, the Davis-Bacon Act was designed to aid the struggling worker; today it supports inflation and limits free collective bargaining. I strongly urge my colleagues to repeal this outdated harmful law.

REA CO-OPS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. OBEY. Mr. Speaker, most of my colleagues are aware of the very useful work being performed by rural electric co-ops throughout this country. It was rural electrification which "lighted" our rural areas 35 years ago, and their growth is truly vital to the continued growth of rural America today.

Recently the National Rural Electric Cooperative Association of region V, including the States of Illinois, Iowa, and Wisconsin, held their annual meeting in Des Moines, Iowa. The farm and rural leaders passed a number of resolutions reflecting their attitudes toward issues of concern to Americans in both rural and urban communities. I think it would be worth the time of my colleagues to read them, and I ask that they be printed below:

NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION, REGION V, DES MOINES, IOWA

5–1. REAFFIRMING FAST ACTIONS

Resolved, we reaffirm our support of the Continuing Resolutions adopted at the NRECA Annual Meeting at Dallas, Texas, February 18, 1971, subject to the following amendments:

Be it resolved that Continuing Resolution No. 38 be deleted, and in lieu thereof, the following Resolution, titled Rural Housing, be substituted:

38. *Rural Housing*—We recommend that the level of the Farmers Home Administration insured housing program be set at 300,000 units a year beginning with the current fiscal year so as to make possible the achievement of the rural part of the national housing goal set by Congress in 1968. We urge NRECA, state-wide associations, power supply and distribution systems to continue their vigorous support of the National Rural Housing Campaign which in large measure has been responsible for the tremendous momentum gained by the FmHA rural housing program during the past year.

Be it further resolved that Continuing Resolution No. 48 be amended by omitting the period after the word program and adding the following phrase: *and as a step towards compliance with the Federal Occupational Safety and Health Act of 1970.*

Be it further resolved that Continuing Resolution No. 52 be amended by striking the words Women's Participation from its title and by striking the first two sentences and by striking the word *also* from the next sentence.

Be it further resolved that the following resolutions be added to the list of Continuing Resolutions:

63. *Reorganizing USDA*—We recommend that as an alternative to the Administration's proposal for reorganizing the Department of Agriculture out of existence that the USDA be given the official overall responsibility for the mission of rural development which it is obviously better suited to perform than any other existing or proposed department by virtue of its rural people, and its extensive local field operations. Further, we recommend that Congress devise a comprehensive, nationwide rural development program to be undertaken by the Department of Agriculture with provisions for additional components that the USDA will require along with provisions for expanding existing components and for changes or innovations in existing USDA structure that will be necessary to insure success.

64. *Community Facilities*—We recommend that the Farmers Home Administration insured water and sewer loan programs beginning in fiscal 1972 be set at a level of $750 million and that the accompanying grant program be set at $250 million. Water and waste disposal systems for rural America are especially essential for the sound orderly growth and ecology of the country. We urge rural electric systems to help develop, support and organize such services as necessary to provide necessary management, maintenance and other technical assistance to them as appropriate to maintain their feasibility.

65. *Streamline FmHA*—We urge Farmers Home Administration to streamline its administrative procedures in order to increase the productivity of its local county offices involving such things as standardization of regulations, enlisting the assistance of third parties in preparing loan documents, and contracting for as much of the detail work of servicing loans as possible. We also urge the Congress to appropriate adequate funds for additional FmHA personnel in order to handle the agency's tremendously expanded workload.

66. *Geothermal Resources*—We urge the Congress to amend the present law on disposition of geothermal resources underlying Federal lands, first, to provide that the U.S. Geological Survey shall explore and assess the magnitude of such geothermal resources; and secondly, to establish by law policies governing the disposition of such resources to prevent monopoly control over them and to assure preference in their sale to publicly owned and consumer-owned power systems.

67. *National Power Grid*—We reaffirm our support for development of a national power grid capable of moving large blocks of electricity back and forth across the country as may be required to meet load requirements; with various segments of the systems to be owned and operated by individual electric systems or voluntary combinations of such systems without limitation as to type or ownership, and in such manner as to preserve the pluralistic character of the industry and the integrity of individual participating systems. The capacity of the grid should be planned so as to accommodate the needs of all systems desiring to participate in its utilization. We support and urge construction and operation by the Federal government of such transmission facilities as are necessary segments of a national power grid, but are uneconomic in terms of return necessary to justify private investment.

68. *Women's Task Force*—We urge every distribution system to organize and support a Women's Task Force as a means to generate active local participation. We also urge NRECA to continue assisting these groups as is within its resources.

69. *Mobile Home Standards*—Because there is no required national uniform inspection or certification program for mobile homes, we encourage member systems to seek adoption as a minimum standard of their state government, the industry standard for Mobile Homes, A119.1, American National Standards Institute.

70. *Women's Action*—We strongly urge that women be made equals in the rural electrification program. Women can and must be placed in positions of leadership. They should be nominated and elected to the board of directors of our electric cooperatives. They can competently serve on advisory committees and aid effectively in special projects sponsored by the systems. We especially recommend that all systems develop an active program to involve women in cooperative governmental affairs committees. We recognize the need for zealous interest in consumer affairs. Women are substantial users of electricity and are the major

purchasers of appliances, furniture, clothing, foods and other supplies used in the home. Our cooperatives must offer assistance, aid in securing educational resource persons and materials, and support efforts by women in securing better laws and protection for the consumer.

71. *Nuclear Fuel Enrichment*—We strongly oppose AEC's revised nuclear fuel enrichment price criteria, and urge prompt passage of legislation requiring that such prices be based on actual cost incurred by the Government in providing the service. Also we remain strongly opposed to the sale of any of AEC's gaseous diffusion nuclear fuel enrichment plants.

5–2. NATIONAL FUEL POLICY

Whereas, the United States is currently experiencing a progressively worsening shortage of fossil fuels, including natural gas, coal and oil, which threatens the ability of electric utility systems to meet their public responsibility of providing reliable service, and

Whereas, this shortage has been accompanied by sharp increases in gas, oil and coal unit prices of from 50% to 100%, and

Whereas, there exists a significant interlock of corporate control over the production and processing of otherwise competitive power plant fuels; for example, nine major oil companies, which also produce large quantities of natural gas, hold substantial interests in the coal, oil shale and uranium industries, and

Whereas, such interlocking control could reduce or eliminate price competition between various fuel types, thereby raising the cost to the American public of nearly all goods and services, and

Whereas, certain types of anti-trust law violations can, as a practical matter be prosecuted only by the Federal Government, which in some cases is also uniquely capable of preventing repetitions of such violations.

Now, therefore, be it resolved that we urge the President, the Congress, the Federal Trade Commission and the Department of Justice to explore all avenues which may uncover evidence of potential violations of existing anti-trust laws in the fuel industry, to vigorously prosecute all such violations and to enact laws designed to prevent future abuses of the economic power peculiarly inherent in large energy companies;

Be it further resolved, that:

(1) We urge the Federal Trade Commission to investigate the mergers of major oil and coal companies, and urge Department of Justice cooperation in such investigations.

(2) We urge the Department of Justice to conduct a grand jurry investigation of coal prices;

Be it further resolved that we urge the President and the Congress to take all further measures necessary to assure the nation of an adequate fuel supply in future years, including limitation on export of coal and removing restrictions on import of oil.

5–3 ACCESS TO NUCLEAR POWER

Whereas, the Congress has amended the Atomic Energy Act of 1954 to require that the U.S. Atomic Energy Commission, prior to issuing a license for the construction of any nuclear power plant, investigate the anti-trust implications of said plant and obtain from the Attorney General of the U.S. his opinion as to whether operation of the proposed facility is likely to violate any anti-trust law, and

Whereas, the Congress has further amended the 1954 Act to empower the AEC to deny a license for any such plant which it deems will so violate the anti-trust laws, or to condition its licensing on implementation by the applicant of measures designed to avoid such violations;

Now, therefore, be it resolved that we express appreciation to Congress for these changes in the law, and urge the AEC and the Department of Justice to exercise a high order of vigilance in these matters, and to vigorously apply and enforce the anti-trust provisions of the nuclear power plant licensing law so that small electric systems are assured of their rightful share of benefits attributable to nuclear power stations.

5–4. ESSENTIALITY OF REA LOANS AT 2-PERCENT INTEREST AND CFC PROGRAM

Whereas, many people's needs for modern central station electric service are being met only because of the Federal program of loans at two percent interest to consumer-owned rural electric systems, and

Whereas, the economic development of rural areas, especially those which are, either because of economic problems or declining population or both, disadvantaged, is possible only if those areas have electric service on a par with that of more fully developed areas at fully competitive rates, and

Whereas, the rural electric systems which borrow capital from the Rural Electrification Administration sign and carry out agreements—in return for the privilege of borrowing at an interest rate of two percent—to serve customers in remote areas on the same basis as those living near the sources of electric power, and

Whereas, many systems have expressed their willingness to supplement their REA loans with higher cost capital, and have for this purpose organized and invested in their own self-help supplemental financing institution, the CFC (National Rural Utilities Cooperative Finance Corporation);

Now, therefore, be it resolved, that we oppose any and all efforts to phase out the REA program in its present form with interest rates at two percent;

Be it further resolved that we petition the Administration and the Congress to provide adequate funds for loans at two percent interest to meet the full capital requirements of both distribution and power supply cooperatives serving areas suffering from lack of population or from economic under-development while at the same time meeting the basic requirements in all other rural service territories;

Be it further resolved that we pledge our cooperation with each other to assure the success of our supplemental financing operation through CFC and to assure adequate funding for the REA program in its present form.

5–5. DEFERMENT OF PRINCIPAL PAYMENTS

Whereas, the House and Senate Appropriations Committees of the Congress have this year for the second time advised the Administration to use existing authority to accelerate the capitalization of our supplemental financing institutions, CFC, and

Whereas, such existing authority is the power to defer capital repayments by REA borrowers who would voluntarily invest in CFC amounts equivalent to the deferred payments, and

Whereas, use of the opportunity pointed out by Congress potentially could provide a large increase in capital for CFC and enable it to increase its lending operations much faster than would otherwise be possible;

Now, therefore, be it resolved that we urge the Administration to give REA borrowers the opportunity through voluntary payment deferments to increase their CFC investments above and beyond those required for membership in keeping with the advice of the Congressional appropriations committees.

5–6. IMPROVING RURAL-URBAN UNDERSTANDING

Whereas, this Nation will not be able to solve either the rural or the urban crisis unless and until city and rural people understand each other's problems and are willing to work together to improve the economic and social conditions of our urban and rural areas, and

Whereas, the Committee for Low-Cost Capital for Rural America has recommended that rural electric systems and their statewide associations foster greater rural-urban understanding by inviting urban Members of Congress to visit rural electric service areas to learn, first-hand, of the problems and potentials of life in rural America, and

Whereas, a number of rural electric systems and statewide associations have already begun to implement this recommendation by sponsoring rural visits by urban Congressmen that have resulted in a meaningful dialogue on rural and urban problems;

Now, therefore, be it resolved that we commend those rural electrics and statewides which have pioneered in this Rural-Urban Exchange Program, and that we urge all rural electrics and statewides to become active this year in this program in the interest of better rural-urban understanding and cooperation.

5–7. CONSUMER PROTECTION

Whereas, all Americans, regardless of their vocations and divergent interests, share a common interest as consumers, and

Whereas, there are all too many examples of fraudulent and deceptive practices used by the unscrupulous and the negligent to the detriment of the consumer's pocketbook and, all too frequently, to his health and safety, and

Whereas, we and other consumers deserve to be protected against fraud, price-gouging and indifference to the needs of consumers;

Now, therefore, be it resolved that particular emphasis be placed on working with consumer groups, such as Consumer Federation of America and its affiliated local and state organizations, in behalf of meaningful consumer protection legislation, as these efforts will result in the double benefit of protecting our individual interests as consumers and of showing urban Congressmen and their constituents that rural electrics support legislation which directly benefits all people, urban and rural.

5–8. ELECTRIC RATES

Whereas, the concept of lowest cost electricity has proved to be an important factor in the development of our nation and the improvement in the standard of living of our citizens, and

Whereas, the cost of electricity is an important element in the cost of all goods and services;

Now, therefore, be it resolved that although we recognize that increased costs experienced by power suppliers means that some increases in electric rates may be inevitable, we reaffirm our support of the concept of providing power at the lowest possible cost, and

Be it further resolved that we also urge the Administration to do all within its authority to hold the line on wholesale power rates as part of its policy of combating inflation.

5–9 RECOMMENDED NRECA BYLAW CHANGE

Whereas, the delegates of Region V support the National Rural Electric Cooperative Association in providing valuable and essential services for its members in matters of vital national concern relating to rural electrification, and

Whereas, the delegates of Region V believe that the National Rural Electric Cooperative Association can be of increased service to its members through certain improvements in its procedures and operations;

Now, therefore, be it resolved that the delegates of Region V recommend to the National Rural Electric Cooperative Association that appropriate changes be made in its By-Laws and other procedures whereby the Board of Directors of NRECA be composed of Members, Directors or elected officers of a

member system and that no employee of the member system be eligible for election to the NRECA Board of Directors, and that such Board of Directors meet not less than four times each year to consult and develop effective policies and procedures to meet the needs of its members;

Be it further resolved that the delegates of Region V and its member cooperatives recommend that the National Rural Electric Cooperative Association continue its wholehearted cooperation with the Rural Electrification Administration and devote its energies and resources to those problems directly affecting rural electrification.

5–10. COOPERATIVE-MUNICIPAL COOPERATION

Whereas, rural electric cooperatives and municipal electric systems have numerous common characteristics and share many common problems;

Now, therefore, be it resolved that rural electric cooperatives be urged to explore the possibilities of gaining strength in the wholesale power area by working together with municipal electric systems;

Be it further resolved that we strongly oppose any Internal Revenue Service regulations that impose taxes on bonds issued for construction of generating facilities which would serve more than one locality, thus depriving municipals of the economies of large scale operation and depriving co-ops of a source or power vitally needed by consumers.

5–11. ACTION COMMITTEE FOR RURAL ELECTRIFICATION (ACRE)

Whereas, the rural electrification program is dependent upon public acceptance and legislative support;

Now, therefore, be it resolved that we support the Action Committee for Rural Electrification (ACRE) as a voluntary vehicle through which we as individuals can promote the interest of the rural electrification program by helping our friends in state and national office;

Be it further resolved that we urge all directors, employees and members of rural electrics to maintain annual memberships in ACRE and to join the Century Club if possible;

Be it further resolved that we invite special contributions from members and non-members, and participation in special ACRE functions such as luncheons and dinners so that ACRE has the broadest possible base of support.

5–12. KEEPING G&T A VIABLE FORCE

Whereas, G&T loans are, and have been from the beginning, a most vital element in the REA program because they have provided the rural electric systems with effective bargaining leverage and have given the systems a realistic alternative when existing power suppliers refuse or are unable to provide wholesale power on acceptable terms and conditions, and

Whereas, this bargaining leverage is even more important to the rural electrics today as they have to struggle to survive in an industry where technology and economics are putting a dangerous squeeze on the smaller electric systems, and

Whereas, the G&T program cannot serve as a bargaining tool if wholesale power suppliers can feel assured that Congressional and/or Administrative policy decisions or lack of loan funds will put a lid on G&T loans, and

Whereas, over and above the bargaining leverage aspect of G&T loans, the backlog of loan requirements enabling G&Ts to meet their existing commitments to pools and member systems is approaching $1-billion;

Now, therefore, be it resolved that we urge REA and CFC to continue their work with the G&T systems in the development of ways to finance generating units and transmission systems with two basic objectives in mind:

(a) To obtain at the lowest possible cost the number of dollars required to take care of the ongoing load requirements, and

(b) To effectively retain in the G&T program the bargaining leverage it must have to stay alive;

Be it further resolved that the 1972 fiscal year plan now being developed to blend REA, CFC and private money market funds be commended for its ingenuity in providing funds;

Be it further resolved that all deliberate haste be exercised to insure implementation of the new plan before the end of the fiscal year.

5–13. GRANTS FOR RURAL DEVELOPMENT

Whereas, prominent national leaders including the President have emphasized the importance to the national welfare of reversing migration from rural to urban areas, and

Whereas, 1970 Census figures reveal continuing out-migration at a high rate with more than 1,400 counties having lost population during the decade of the 1960's, and

Whereas, the chaotic consequences of rural out-migration are evident everywhere and can only result in the social and economic bankruptcy of countless rural communities as well as many of our largest cities unless there is a national commitment of sufficient magnitude to correct rural-urban imbalance, and

Whereas, the leadership and efforts of the Federal Government in rural redevelopment have been too limited and too fragmented among too many agencies:

Now, therefore, be it resolved that the Administration and Congress should provide funds so that the Rural Area Development program can make grants-in-aid for rural industrial developments which would provide more jobs in the rural areas, thus stopping the out-migration to the cities and hopefully produce an in-migration to rural areas.

5–14. NATIONAL ENERGY POLICY

Whereas, the economic and social structure of our country is dependent upon an abundant and reliable supply of electric energy, and

Whereas, the people in many parts of the Nation live in constant danger of blackouts and brownouts, and

Whereas, the Nation's requirements are increasing 100 percent every 100 years, much faster than supply facilities are being expanded, and

Whereas, industry and commerce, which take 60 percent of our total consumption of electric energy, can expand only when and where they can get adequate electric service, and

Whereas, the American laboring man and woman increase their productivity by using ever-increasing amounts of electric energy—the present amount used by the average worker being equal to the labor of 560 persons, and

Whereas, increases in generation and transmission of electric power are inhibited by many factors including environmental problems, inadequate supplies and high prices of desirable fuels, a trend toward monopolistic control of energy sources, inadequate technology, and the lack of a national power grid, and

Whereas, our national resources can be marshalled and allocated properly to meet the power crisis only if the Nation develops a national power policy;

Now, therefore, be it resolved that we give our utmost support to the prompt development of a national energy policy aimed at ensuring all Americans an abundant, dependable, enduring supply of electric power at lowest possible cost consistent with conserving our environment and resources;

Be it further resolved that we seek the active help of all groups and individuals who are, or can be made aware of their vital stake in such a policy;

Be it further resolved that we ask the major political parties and candidates for national office to take policy positions on this matter to the end that during the next campaign there will be a fair debate of the issues, leading to affirmative action in the next Congress.

5–15. RESEARCH & TECHNOLOGICAL DEVELOPMENT

Whereas, as consumer owned organizations, rural electric cooperatives have a special interest in improving quality of life for all consumers everywhere,

Whereas, the nation's rural environmental, economic and social development is greatly dependent upon our ability to generate, transmit and distribute electric power in a way that is compatible with today's and tomorrow's environmental requirements, and

Whereas, the national interest requires the assignment of top priority in use of funds and scientific talent to research which is designed to improve technology for meeting our new environmental challenges, to conserve and better utilize the nation's dwindling energy resources, and to develop new sources and ways to generate electrical energy and meet the rapidly growing demands of an expanding economy;

Now, therefore, be it resolved that the rural electric cooperatives pledge their full support for a greatly expanded and massive research and development effort to develop the technology for providing a continued abundance of electric power according to priorities adopted by NRECA membership at their 1971 Meeting in Dallas, Texas, February 18, 1971; and that they urge the President and Congress to take necessary action to provide for the necessary funding—preferably, since the need for such is a national problem that affects all citizens, through direct appropriations of general revenues but if necessary, by means of earmarked taxes as provided by the Magnuson Bill.

5–16. RURAL ELECTRICS—COMMUNITY BUILDERS

Whereas, rural America cannot prosper and expand without the dependable services of the rural electric cooperatives and, on the other hand, the rural electric cooperatives cannot exist for long without a growing and prospering rural population, and

Whereas, experience the last several decades demonstrates that people, especially young people, will not stay in rural America unless they can have housing, water, sewer systems, electricity, and the whole range of community facilities, and income opportunities comparable with that obtainable in other parts of the country, and

Whereas, more and more the Congress, the Administration and the Nation recognize that this country can move forward only if all segments move forward together and the government has underscored this recognition by providing programs to help achieve rural-urban balance—an example of this being the $1,825,000,000 that has been made available for rural housing, rural water and sewer systems alone for this fiscal year;

Now, therefore, be it resolved that the rural electric systems of America, having the tremendous stake that they do in the growth of rural America, commit themselves to a dynamic program of leadership in building their communities for themselves and for the future, since such a program will spell growth for the systems and greater prosperity for their areas;

Be it further resolved that, since agriculture still remains the major industry in rural areas, we lend support and cooperation to those who seek to increase a stable farm income, reversing the downward trend that is now causing severe problems for rural America.

5–17. RURAL DEVELOPMENT HEARINGS

Whereas, governmental actions in the field of rural development still are fragmented and inadequate despite the congressional commitment in the Agricultural Act of 1970 to give highest priority to this problem area;

Now, therefore, be it resolved that we commend the Rural Development Subcommittee of the Senate Agriculture Committee in-

cluding its chairman, Senator Hubert H. Humphrey, and its members for holding hearings in various parts of the country to determine what government actions are needed;

Be it further resolved that we urge the Congress to follow up promptly on the basis of the Subcommittee's findings with legislation and financing to carry out more aggressively rural development programs.

5–18. SENATE SUBCOMMITTEE HEARING

Whereas, rural electric systems are confronted with staggering problems in obtaining and providing their consumer members adequate supplies of electric power at reasonable cost;

Now, therefore, be it resolved that we commend the Senate Subcommitee on Agriculture Credit and Rural Electrification—its chairman, Senate George McGovern, and its members—for scheduling public hearings to examine the problems that solutions may be determined;

Be it further resolved that all systems take advantage of the Subcommittee's invitation to supply facts about their own situation.

5–19. ECONOMIC STABILIZATION

Whereas, any emergency action to deal with the inflation is bound to have inequities such as have been experienced by individual citizens, groups, and business institutions, including some rural electric systems, since the freeze was announced August 14, and

Whereas, there now is time to develop in the second phase those measures that will be more equitable generally and that will deal more effectively with problems that usually are outside the national spotlight, such as:

(a) the extreme underemployment in rural areas,

(b) the continuing increase in farm production expenses while there is a downward trend in net farm income,

(c) the need for maintenance of adequate power services in rural areas,

(d) the rural out-migration problem;

Now, therefore, be it resolved that we urge the Administration to incorporate in the second phase plan the following:

1. Designation of REA to handle for the Federal Government those rural electric cases involving the economic stabilization program.

2. Selection of representation from the rural electrification program to serve on the body to be established to develop and supervise the new control program.

3. Early release of the full REA $545-million loan fund appropriated by Congress in the interest of rural development, job creation, and increasing the productivity of rural industry.

4. Acceleration of Federal programs to assist rural area development.

5. Provision in the investment tax credit proposal of a differential in favor of enterprises that locate or expand in rural areas and that could provide jobs for chronically underemployed and unemployed people.

6. Presentation to Congress of legislation dealing with the farm income depression.

5–20. FARM CREDIT LEGISLATION OF 1971

Whereas, the credit needs of agriculture and of rural America continue to grow and have changed significantly since the original Farm Credit System laws were enacted, and

Whereas, the Commission on Agricultural Credit, a panel of 27 farm and rural leaders which included NRECA General Manager Robert D. Partridge, conducted a 10-month study of present and future credit needs of farmers and rural communities which resulted in recommendations for modernizing and expanding the scope of the Farm Credit System's lending operations to meet the changing needs of rural America, including the growing need for loans for rural farm and non-farm homes and home improvements, and

Whereas, these recommendations are the basis for the Farm Credit legislation introduced in the first session, 92nd Congress, and approved by the Senate;

Now, therefore, be it resolved that we commend the Commission on Agricultural Credit for its forward looking recommendations in this area, the Farm Credit Administration for translating these recommendations into proposed legislation and the Senate for passing the Farm Credit legislation;

Be it further resolved that we urge the House of Representatives to act promptly and favorably on the bill as passed by the Senate;

Be it further resolved that a copy of this resolution be sent to the Members of Congress representing this Region.

5–21. STUDY OF NEED FOR DIRECTORS' LIABILITY INSURANCE

Whereas, the Boards of Directors of rural electric cooperatives make many decisions involving the interests of the members and many other individuals and business concerns, and

Whereas, the amounts of money involved in directors' decisions are increasingly large and

Whereas, the discharge of official duties may on occasion subject directors personally to the risk of litigation;

Therefore, be it resolved that we request NRECA to survey the needs for, availability and costs of insurance covering liability risks incurred by directors of rural electric systems in the discharge of their official duties and to report the results at the 1972 annual meeting if not before.

5–22. APPRECIATION

Be it resolved that the delegates here assembled take this means of expressing our appreciation to all those who are helping to make our program the effective endeavor that it is. Particularly, we want to give recognition to:

1. The NRECA officers and directors for their leadership and dedication.

2. Robert D. Partridge, General Manager of NRECA, for his dynamic leadership and to his staff for their service and devotion to our program.

3. David A. Hamil, Administrator of REA, and his staff, for their great devotion to rural electrification. We especially appreciate the cooperation and support of Mr. Hamil and his staff in our effort to establish the National Rural Utilities Cooperative Finance Corporation.

4. The many individuals, suppliers, the Savery Hotel, the I. A. E. C. and other rural electric cooperatives, NRECA and other organizations which have contributed to the success of this meeting.

5–23. IN MEMORIAM

Whereas, we feel deeply the loss of several of Region V's finest rural electric cooperative leaders during the past year;

Now, therefore, be it resolved that we pause a moment in silence and pay our respects to those leaders who have served our program so long and so well.

TRIBUTE TO AN UNSUNG HERO

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. MANN. Mr. Speaker, every now and then an extraordinary contribution to mankind is substantially overlooked by society in general. Spartanburg Post No. 28 of the American Legion is to be commended for bringing to the attention of the people of that community, and hence to my attention, one of the unsung heroes of our country. Howard Wofford McCravy of Spartanburg, S.C., while serving in the South Carolina State Senate, introduced and pursued to passage the first school-bus stop law enacted in the United States. Since that time, most, if not all, of the States have adopted similar legislation. It has saved the lives of many schoolchildren. It was motivated by love and compassion. It is an unfortunate commentary upon modern society that some of the most humane of our achievements as a people go unnoticed, while the petty, the vindictive, the divisive receive front-page play in the news media.

I am privileged to call to the attention of the Nation the contribution of Senator Howard Wofford McCravy. I ask that there be published at this point the following story from the South Carolina Legionnaire of October 1971:

[From the South Carolina Legionnaire, October 1971]

SPARTANBURG POST NO. 28 HONORS UNSUNG HERO OF THOUSANDS OF OUR CHILDREN

Spartanburg Post No. 28, commanded by the wide awake WWI Legionnaire Commander John D. Rush, recently honored one of their long time members whom they discovered was definitely an Unsung Hero to thousands of children and now many grown citizens of our great state when it was discovered that former State Senator Howard Wofford McCravy was the author of the original South Carolina School Bus Stop Law.

The Post selected as the date for this honor the birthday of the honoree, Monday, 30 August and presented him with a "Citation For Public Service."

Accompanying the Citation was a resolution passed by the Post in which it pointed out that Senator and Legionnaire McCravy had in fact been the author of the original School Bus Stop Legislation and that this legislation, not only fathered by the honoree but piloted through the South Carolina Legislature, has been copied by most of the other 49 states of the Union as well as bringing out the certain fact that this humane and necessary legislation has saved the lives of many innocent children as well as prevented many injuries, pain and suffering.

The resolution also brought to light the fact that never before had the Senator received any recognition for this remarkable foresight and love of our children and in its resolved clause extended to him the grateful thanks of parents, and school administrators throughout the Nation for his compassion for children, which has resulted in untold benefits to the entire population of the United States of America.

We note with interest a postscript added to the report received by this publication that Senator McCravy was enroute one morning to attend a session of the Legislature when he came upon the scene of a fatal accident of a school child run over while attempting to board a school bus. This moving experience prompted the Senator to take immediate action to insure it not being repeated. (A picture of the presentation appears in the middle spread of this issue.)

The South Carolina Legionnaire joins with Post No. 28 in congratulating Senator McCravy. We are proud to have him as a member of our great organization.

HON. JAMES WRIGHT ADDRESSES THE NATIONAL WATER RESOURCES CONVENTION IN DALLAS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. TEAGUE of Texas. Mr. Speaker, the question of water, its sources, its availability, its cleanliness has always been of concern to mankind. Today probably more so because of the great concern which the Congress has placed on our environment. One of our colleagues in this body has manifested a greate interest in water and mankind's future since his assignment to the public works committee, and that is my friend from Texas, the Honorable JIM WRIGHT. Under leave to extend my remarks in the RECORD, I wish to include the text of Mr. WRIGHT'S remarks to the National Water Resources Association Convention in Dallas, Tex., November 4, 1971:

NATURE AND MAN—AND WATER

(Remarks of Congressman Jim Wright, National Water Resources Association, Dallas, Tex., November 4, 1971)

Tonight I want to talk with you about Nature and Man.

Let us think together of Man and Nature—and of Water, nature's most priceless gift and man's most useful servant.

In the Book of Genesis, we find the commandment that man is to "subdue the earth." Obviously this did not mean to ravage the earth. But, of equally obvious truth, it does not mean to be subdued by the earth.

Nature is a marvelous mechanism. So is the human body. Both were engineered and created by the Divine Intelligence to perform their appointed functions efficiently and effectively.

But just as the human body can get out of balance and require corrective surgery to perform its functions properly, so also nature itself can get out of balance and require the corrective, healing surgery of man to perform its functions effectively, efficiently, and beneficially in the interests of both nature and man.

Nature exists for man, and man is expected to exercise beneficient dominion.

He is not expected to prostrate himself supinely before the floods; nor to abandon the arid earth to dust where water lies beneath the soil; nor let the waters wash away the land and leave both man and earth bereft. All of our knowledge cries out against such folly.

PARABLE OF THE DAM

Recently George W. Ball, former Under Secretary of State, wrote a whimsical little story which he called the *Parable of the Dam*. It was published in *Newsweek* magazine. Secretary Ball no doubt intended its deeper meaning to apply to the world of international affairs. But the parable has a more direct and even more obvious application in light of recent developments in the United States.

The story goes like this:

Since the beginning of time, the villages in a mountain canyon had been periodically ravaged by floods. Finally, the leaders convened a great meeting and decided to invest their efforts and resources in building a large, strong dam.

Thereafter, for a quarter of a century, the dam sheltered the villages from disaster, prosperity prevailed, and life was tranquil—until, at last a new generation began to grow up, free from the apprehensions of the past and filled with exciting ideas about a world of song and beauty.

Inevitably the new leaders turned their attention to the dam. It was, they announced, huge and ugly and an affront to the environment. Besides it blocked out the sunset.

One leader wrote a folk song proclaiming it a symbol of imperialist megalomania, and people spoke excitedly of little else, until someone brought forth an argument that seemed quite unanswerable. After all, it was pointed out, no one ever talked about flood damage except the old fogies over 30 who were not to be trusted anyway. Who among the new leaders could recall any floods in his lifetime?

It was perfectly clear that floods were completely outmoded, a matter of the past—perhaps just a fiction manufactured to frighten the people. Since there had not been one for 25 years, clearly there would not be another.

So, after a season of demonstrations, more speeches, a pageant and several rock festivals, they blew up the dam and used the fragments for a people's playground. And let me tell you straight, man, when the waters came down it was really the Age of Aquarius!

THE "ECOLOGY" MOVEMENT

In the past two years, a sudden public awareness of our environment has burst upon the scene like an earthquake. To those of you who for decades have led the lonely and often thankless struggle for conservation and environmental quality, this should be great good news. A public awakening was long overdue! But—as is so often the case—the price we pay for long public neglect is a sort of hysterical over-reaction.

Unfortunately, among the new converts there is vast misunderstanding of all that the dedicated handful of conservationists has been doing for all these years. There is a deadly tendency to want to stop everything, to tear out all that man has built, to reverse the hard-won victories the conservation movement has achieved, and—incredibly—to turn the clock back to the unenlightened era when nature ravaged man and man was powerless to protect himself.

For many in the newly popular "ecology" movement, scapegoats have become more popular quarry than solutions. Stopping programs of resource development has become more fashionable—and it was always easier—than performing those programs.

ENVIRONMENTAL POLICY ACT

For some the Environmental Policy Act of 1969 has been misconstrued as a trumpet call to retreat into the past and seek the improbable goal of a dead and distant age before man's massive intrusion, when nature was supreme—an age when floods were thought to be the inevitable will of God and when it was the accepted rule that a river would cleanse itself in seven miles without any help from man.

But those who so interpret the commandment of that legislation have failed to understand its meaning. And this misunderstanding exists not only among the enthusiasts of the preservationist movement, but among some in our agencies of administrative government—and, sadly, in some of our Federal courts.

Let me quote the purposes of the Environmental Policy Act as set forth in the very preamble to that legislation. These are the purposes declared by Congress:

"To declare a national policy which will encourage *productive and enjoyable harmony* between man and his environment (and I underline those words, productive and enjoyable harmony); to promote efforts which will prevent or eliminate damage to the environment and biosphere and *stimulate the health and welfare of man;* to enrich the understanding of the ecological systems and natural resources *important to the Nation;* and to establish a Council on Environmental Quality."

Nowhere do I read in these purposes any intent to halt the development of our nation's water resources.

Nowhere do I see expressed a desire to lock up our rivers for the exclusive enjoyment of those few who wish only white-capped waters running rampant and uncontrolled.

Nowhere in that legislation is implied a call for retrogression. The law contains no mandate for any self-appointed group to exalt itself above the established agencies of orderly government and bring their work to a grinding halt!

Nowhere in the law do I read any intent to abrogate the clear will of Congress as reflected in water development projects fully authorized for construction—and some of them already begun—by the Bureau of Reclamation, the Soil Conservation Service, and the Corps of Engineers.

Yet, sadly, some have mistakenly read into the passages of that law a commandment to do these very things.

MAN'S EXPERIENCE

My father once told me that, unless each generation can capitalize upon the *mistakes* of its predecessors and avoid a *repetition* of those same mistakes, we'd suffer the greatest waste of all—the waste of man's hard-won experience.

I am not so young, and neither perhaps are most of you, that we cannot recall the ups and downs of an uncontrolled public economy, the booms and busts of an unprotected farm economy, the flickering lights of rural America where electrification was only a dream—or the devastating floods and droughts inflicted by a nature uncontrolled by man.

The Environmental Policy Act provides the machinery for a valuable service—new tools to evaluate the environmental effect of each of our public decisions. Congress most emphatically *did not* intend that only the *adverse* effects of every act should be subject to evaluation. To adopt such an attitude would lead us to but one conclusions: do nothing!

A BALANCED VIEW

It is quite clearly intended by Congress that the machinery originated in that act should give us the information for a *balanced* view.

While we do want to know of any possible effects on wildlife, we are preeminently concerned with the effects on *human* life. That, in any sane scale of values, must always come first!

Obviously, when navigation opens up the gates of commerce and job producing enterprise to an underdeveloped area and helps reverse the massive tides of migration to the overcrowded cities, that is a *positive* environmental effect!

When the Soil Conservation Service builds levees and up-stream dams and encourages terracing and cover cropping to retard the siltation of our reservoirs, that is a *positive* environmental impact.

When homes and businesses are saved from periodic floods and the human wreckage that lies in their wake, who can regard the environmental effects as anything but *positive?*

When the waters of subterranean streams bring forth their bounty and transform deserts into gardens where the family of man can live and prosper, this is a *positive* environmental impact.

When a city is given a dependable water supply, the living environment is *enriched.*

When a reservoir provides the means of wholesome outdoor recreation for thousands of city-bound Americans, the environmental quality has been *enhanced.*

When the management practices of enlightened man augment low flows downstream, stabilize the river banks and replace the stagnant pools where only mosquitoes have bred, the environment quite manifestly has been *improved.*

Each of these effects is *positive* and *helpful* to the human race. Congress most em-

phatically does not intend that any one of them shall be slighted or ignored.

CONGRESSIONAL INTENT

This year in Congress we have had two votes which clearly establish the will of the people's elected representatives.

They first came upon an amendment to the Agriculture Appropriation bill which would have directed that we halt all works of channelization including those already approved by Congress and subject them all to further "study."

The second came upon a motion to amend the Public Works Appropriation by stopping the development of a key project in the Delaware River program—one on which construction already had begun—until further vaguely defined "studies" might be conducted.

Both amendments were decisively defeated! And this should be an unmistakable expression of the clear intent of Congress that the soundly conceived works of water resource development shall go forward unimpeded!

The projects which would have been delayed or denied by these amendments had already been studied and restudied. They had been analyzed, evaluated, adopted and begun—just as numerous others against which well-meaning but pitifully misinformed minorities have sought injunctions in the courts.

It is devoutly hoped that the courts will understand the intent of Congress as expressed in these resounding votes and govern themselves accordingly.

STUDY NO SUBSTITUTE FOR ACTION

There comes a point in every human society when study must give way to action. The average water resource development project of the Corps of Engineers today must traverse the labyrinthine path of almost 18 years of study and restudy between the point of a survey resolution and the turning of the first spadeful of dirt.

To suggest that, after all this, the will of Congress be stymied and the directed action be stalled simply for the sake of further "study" is reminiscent of the words of Kipling in his description of old men. He said:

"They peck out, dissect, and extrude to the mind
The flaccid tissues of long-dead issues
Offensive to God and mankind;
Like vultures over an ox
That the Army has left behind."

Study at best is merely a guide and precursor to action. It is not a substitute for action!

CONSERVATION AND DEVELOPMENT

Conservation and development are not mutually exclusive. Development of the earth's resources is the tool by which man carries out the goal of conservation.

There is no irreconcilable gulf between a sound ecology and a sound economy.

To be a wise conservationist or an intelligent environmentalist does not mean to halt our development and harnessing of the water resources of our planet. To greater or lesser degree this has been necessary since man first intruded upon the earth. It is more necessary today than ever because there are more and ever more people.

We cannot, alas, keep people from intruding upon the earth. And the interest of people must come first.

POPULATION PRESSURES

Already the stark statistics of population growth contain in their overtones a prophecy of world famine. Already, in spite of our pockets of affluence, we see a preview of this prophecy on the subcontinent of India.

At the beginning of the Christian era, there were only some 250 million people on the entire earth. Within our generation, we shall have more than that right here in the U.S.—on about seven percent of the world's land area.

It took mankind more than 3,000 years to achieve a population of three billion people. Demographers forecast that we shall double this in 30 years. In three decades, if the present trend continues, we shall add to the living total as many as our progenitors added in more than three millennia.

The same amount of land and air and water and mineral resources, then, must be made to serve more and ever more people. Every year in our own country, we have a population growth equivalent to a new state of Maryland.

Not much longer can agricultural surpluses be our problem in the United States. Instead, we rapidly approach the time when we shall need millions of additional acres in production if we merely are to feed our own people—let alone the famine-bent billions of a hungry world.

Every drop of water that can be conserved, every inch of top soil that can be saved, every field and forest we can renew, every ore and mineral we can develop and conserve, and every stream we can cleanse of pollution will be our greatest possible gifts to future generations.

This is why the work of your association is so extremely important. And this is why the development of our resources must never slacken.

As most of you know, this nation used only about 40 billion gallons of water a day in 1900. This year we will use more than 400 billion gallons daily. The entire structure of our modern life depends, therefore, upon the maximum development and conservation of this finite resource.

NATURE'S ENDOWMENT AND MAN'S CHOICE

The amount of water in the world is constant—unvarying and abundant. The total quantity has been precisely the same since the very beginning when—

God created the heaven and the earth.
And the earth was without form and void;
And darkness was upon the face of the deep
And the spirit of God moved upon the face of the waters.

An unending cosmic rotation steadily moves man's lifegiving liquid by gravity through the gentle and incessant flow of streams to the great reservoirs of our oceans, then draws it skyward by the sun's attraction to be purified anew, conveys it by cloud and wind, and returns it by rain to refresh the thirsty earth and renew man's lease on life . . . *ad infinitum*. It is an ever-recurring miracle, the most wondrous natural marvel of a wondrous universe.

Science can comprehend it, but never quite duplicate it. Man cannot change it. He can locally and temporarily befoul the process, and bring death. He can fail to act, quibble and quarrel with his neighbor while the tides of man outpace the provender of nature. Or he can form a sort of divine partnership with nature, help it along—and preserve life. This is his choice.

Twentieth-century America, like the prodigal son, has drawn heavily upon the bank account of its native endowment and squandered the substance in riotous misuse. More bountifully endowed than any nation in history, we've adopted the rather casual assumption that Providence protects America. We've extracted the riches of our natural legacy, exploited them to build a shining society, and wasted them in copious quantities.

We recall that other civilizations, also blessed with a spark of greatness, have strutted across the stage of world eminence only to fade and wane, their brief, bright promise unfulfilled. In the uncomprehending sand and heat of arid desert waste, their monuments lie buried.

Let no future archeologist tell the story for us. We have the knowledge to tell it for ourselves—if we have the wisdom. There is *enough* water to serve our needs for future time, if we learn to use and reuse it well. And there is *enough* time to do what we must. But there's not much of either to spare.

KISSINGER'S ABOUT FACE ON POLICY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. DERWINSKI. Mr. Speaker, as a member of the Foreign Affairs Committee, I have a special interest in the continuing debate over the conduct of our foreign policy and the shadowy role of Presidential adviser, Henry Kissinger. He is quite properly the subject of controversy.

In a concise, hard-hitting column from the Chicago Tribune of November 5, the veteran columnist of the Chicago Tribune, Walter Trohan, discusses Kissinger and foreign policy.

The article follows:

KISSINGER'S ABOUT FACE ON POLICY

(By Walter Trohan)

WASHINGTON.—Only six years ago Henry A. Kissinger branded as "suicidal" the policy of Communist appeasement on which he has embarked the President and the United States. The assistant to the President on national security affairs has done a complete about face.

In 1965, while he was at Harvard University, Kissinger wrote a book, "The Trouble Partnership," which was published by the McGraw-Hill Book Co. In this book he clearly warned against efforts by our leaders to deal with their Communist Russian counterparts. He wrote frankly and to the point.

". . . Since leaders generally do not reach eminence without a touch of vanity and since some stake their prestige on their ability to woo their Soviet counterparts, they tend to present their contacts with the Soviets as a considerable accomplishment. But the real issues have gone unresolved because they are genuinely difficult; hence they are usually avoided during summit diplomacy in favor of showy but essentially peripheral gestures.

"The vaguer the East-West discourse, the greater will be the confusion in the West. Moreover, each leader faces two different audiences, toward his own people he will be tempted to leave the impression that he has made a unique contribution to peace; toward his allies he will be forced to insist that he will make no settlement in which they do not participate. Excessive claims are coupled with reassurances to uneasy allies which are in turn tempted to pursue bilateral diplomacy.

"Such a course is suicidal for the West. It will stimulate distrust within the alliance. The traditional western balance of power diplomacy will reappear manipulated by the Kremlin. [One may substitute Peking, if one pleases.] Any Soviet [Peking] incentive to be responsible will vanish. The Soviet [Peking] leaders will be able to overcome their difficulties with the assistance of the West and without settling any of the outstanding issues.

"Since in the Kremlin [or Peking]—as in the West—there must be many who consider the status quo preferable to change, the result is likely to be diplomatic paralysis obscured by abstract declaration about peace and friendship."

The U.S.-promoted move to get Red China into the United Nations has stimulated distrust within the western alliance. Nationalist China was expelled by the votes of our allies. Allies were encouraged to vote against Nationalist China by Kissinger's second trip to Red China at the time admission was an

issue in the U.N. Already France is pursuing a course of bilateral diplomacy with the Kremlin. So is Canada.

Much is promised of President Nixon's visits to Red China and Red Russia, but the result may be what Kissinger said, "showy but essentially peripheral gestures." Mr. Nixon has been led to do what he promised in his campaign for the White House he would not do—recognize and aid Red China. With Red China in the U.N., there is no necessity for Peking to make any concessions; they have what they want. A valuable bargaining point has been surrendered.

Undoubtedly, Kissinger played a major role in the new policy, perhaps even greater than Secretary of State William P. Rogers. The German-born adviser has long craved such power.

Under Mr. Nixon, Kissinger is something of a swinger. When he isn't playing ring around the rosy with the leaders of the Kremlin or Peking, he is swinging various more or less well known jet set flames. Altho he mixes women and statecraft, many here believe he is no expert on either.

EXEMPTION OF SUBSTANDARD WAGES FROM WAGE RESTRAINTS DURING ECONOMIC STABILIZATION

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. RYAN. Mr. Speaker, there is a growing sentiment in the Congress that economic stabilization legislation as finally enacted must contain a provision which exempts substandard wages from Government restrictions on wage restraints until these wages rise to the point where they are no longer substandard. I have introduced legislation concerning this matter—H.R. 11406 and House Concurrent Resolutions 414, 423, and 434, with cosponsors. The House Banking and Currency Committee has adopted this legislation as follows:

(T)he Economic Stabilization Act . . . shall be implemented in such a manner that wage increases to any individual whose earnings are substandard or who is amongst the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor.

In this connection I think it vital to consider a report of the U.S. Department of Labor, Bureau of Labor Statistics on cost estimates for urban family budgets. The report points out that a minimum budget for a family of four in an urban area is $6,960 a year. For a family in a small city and town the analogous figure is $6,512 a year.

This report is impressive because of the care and depth of its analysis. There is a regional breakdown; consumption costs are given; and budgets for families of various sizes are analyzed. The following summary was released by the U.S. Department of Labor on December 21, 1970:

SPRING 1970 COST ESTIMATES FOR URBAN FAMILY BUDGETS

The U.S. Department of Labor's Bureau of Labor Statistics has updated its estimates of the annual costs of family budgets at three levels. Based on spring 1970 prices, the new budgets are about 6 percent higher than the previous estimates, which were for spring 1969. Budget costs varied widely among cities and regions, with the lowest costs in small cities and in the South.

The U.S. average budget cost for an urban family of four ranged from $6,960 a year at a lower level, to $10,664 at an intermediate level, and to $15,511 at a higher level. These costs are for a very precisely defined urban family of four: a 38-year-old husband employed full time, his nonworking wife, a boy of 13, and a girl of 8. After about 15 years of married life, the family is well established, and the husband is an experienced worker. The budgets are illustrative of three different levels of living and reflect the costs of different specified types and amounts of goods and services. The family has, for each budget level, average inventories of clothing, housefurnishings, major durables, and other equipment. The dollar estimates pertain only to an urban family with the specified characteristics; no estimates are available for rural families. The estimates, even at the lower level, do not represent the cost of a minimum or subsistence level of living.

CONSUMPTION COSTS

Family living expenses—including food, housing, clothing, transportation, medical care, etc.—were updated to 1970 by applying changes in the Consumer Price Index to the spring 1969 budget estimates for these components. These expenses came to 80 percent of the total budget, at the lower level. The remaining 20 percent covered gifts and contributions, occupational expenses, life insurance, and social security and personal income taxes. In the intermediate budget, consumption costs represented 77 percent of the total budget. For the higher budget, these costs were 73 percent of the total budget.

The cost of all food (at home and away from home) was 34 percent of consumption costs in the lower budget, 30 percent at the intermediate, and 27 percent at the higher level. Similarly, medical care took 10 percent of the lower consumption costs, but only 7 and 5 percent at the intermediate and higher levels, respectively. Total housing (including not only shelter costs, but also the cost of housefurnishings and household operation) reversed this pattern. At the lower level, where shelter was provided by a rented dwelling unit, housing was 26 percent of all consumption costs. It was 30 percent in the intermediate and 33 percent in the higher budget. Roughly the same proportion (about 14 percent) was spent on clothing and personal care at all three levels, and for transportation the proportionate differences between the levels were small. (See first chart.)

CONSUMPTION COSTS FOR DIFFERENT FAMILY TYPES

How family consumption costs for an equivalent level of living vary for urban families whose size and composition differ from the budget family is shown in the following table.

ESTIMATED ANNUAL COST OF FAMILY CONSUMPTION FOR SELECTED FAMILY TYPES, URBAN UNITED STATES SPRING 1970[1]

Family size, type, and age	Lower level	Intermediate level	Higher level
Single person under 35 years	$1,944	$2,872	$3,971
Husband and wife under 35 years:			
No children	2,721	4,020	5,560
1 child under 6	3,443	5,087	7,035
2 children, older under 6	3,998	5,908	8,169
Husband and wife, 35 to 54 years:			
1 child, 6 to 15 years	4,553	6,728	9,304
2 children, older 6 to 15 years[2]	5,553	8,205	11,346
3 children, oldest 6 to 15 years	6,441	9,518	13,161
Single person, 65 years and over	1,555	2,297	3,177
Husband and wife, 65 years and over	2,832	4,185	5,786

[1] For details on estimating procedures, see "Revised Equivalence Scale," BLS Bulletin 1570-2.
[2] Estimates for the BLS 4-person family budgets.

DIFFERENCES IN LIVING COSTS AMONG THE URBAN AREAS

Area cost indexes (based on urban U.S. equaling 100) reflect not only differences among the areas in price levels, but also regional variations in consumption patterns and differences in climate, types of transportation facilities, taxes, etc. Thus, they are estimates of comparative cost indexes and not simply comparative price indexes.

Consumption costs in metropolitan areas were about 8 percent higher than in nonmetropolitan urban areas, for the lower budget. The metropolitan-nonmetropolitan difference was 13 percent for the intermediate budget and 17 percent for the higher. Total budget costs were lowest in the South, where small cities had the lowest indexes at all three levels. The inter-area range in costs was narrowest in the low budget and widened as the level rose.

All indexes relate to the costs for established families in each area. They do not measure cost differences associated with moving from one area to another, or the living costs of newly arrived residents in a given community.

Further details on the budgets are presented in the accompanying tables.

CHANGES IN LIVING COSTS, 1967–1970

Since the three family budgets were first published in spring 1967, consumption costs for each of the budget levels have risen 14 percent. Total budget costs—including social security payments and Federal, State, and local income taxes—rose by approximately 18 percent between 1967 and 1970. The rise in taxes, which accounted for 30 to 40 percent of the increase in the different budgets, reflects in part the effect of progressive income taxation on rising money incomes, as well as changes in tax laws at 11 governmental levels. As a result, for the illustrative 4-person budget family the distribution of income between consumption and taxes changed between 1967 and 1970 as follows:

BUDGET LEVEL

	Lower		Intermediate		Higher	
	1967	1970	1967	1970	1967	1970
Total budget	100	100	100	100	100	100
Cost of consumption	82	80	80	77	77	73
Other costs[1]	5	5	5	5	6	6
Taxes[2]	13	15	15	18	17	21

[1] Includes gifts and contributions, life insurance, and occupational expenses.
[2] Social security and disability payments, plus Federal, State, and local personal income taxes at 1969 rates.

ESTIMATING METHODS

The 1970 estimates of consumption were derived by applying price changes between spring 1969 and spring 1970, reported in the Consumer Price Index, to the appropriate spring 1969 final cost of each main budget class of goods and services. This method of updating provides only an approximation of current budget costs because the Consumer Price Index reflects spending patterns and prices paid for commodities and services purchased by wage earners and clerical workers generally without regard to their family type and level of living. Other costs and Old Age, Survivors', Disability and Health Insurance were also updated to spring 1970, but personal taxes were computed from tax rates in effect for 1969.

SENATOR BUCKLEY SCORES UNWISE "CHILD DEVELOPMENT" BILL

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. ARCHER. Mr. Speaker, on September 30, the House added—by a narrow vote of 186 to 183—a comprehensive "child development" program to H.R. 10351, the Economic Opportunity Act Amendments of 1971.

The bill contains a revolutionary concept and is obviously far more than another antipoverty measure. The distinguished junior Senator from New York, JAMES L. BUCKLEY, has made a penetrating analysis of this unwise and dangerous proposal. This analysis is contained in a speech which the Senator recently gave before the New York State Associated Press Editors Association luncheon in Rochester.

The Senator also makes some cogent comments surrounding the tragedy which occurred at the Attica State Prison. I commend the Senator's remarks to the attention of my colleagues. The full text of the speech follows:

ADDRESS BY SENATOR BUCKLEY

It's a pleasure to be here today—and a special pleasure to appear before this audience. It isn't often that I get a chance to catch a whole room full of you at one time; and with your leave, I intend to take full advantage of the situation. In the first place, it gives me an opportunity to express my appreciation for the objectivity and fairness of your coverage of my campaign and of my work in the Senate to date. Your task is not an easy one by any means. I have had to discover on my own these last eight months how hard it is to get a straight story out of someone who may not want to tell it to you, and I sympathize with the difficulties you face in trying to keep the public informed. Let me therefore take this occasion to say "Thank you"—and to express the hope that we will continue to enjoy cordial relations in the future.

Appearing before you today has also given me a chance to pull together some of my own thoughts on the role of the press in a free society. I offer them to you in the hope that they will prod some of you into thinking a little more self-consciously about the kind of contribution an informed and vigorous press can make to the nation.

It occurs to me, at the outset, that you and I have a good deal in common. We are all doers of the public business. As such we bear a public trust that imposes grave responsibilities—not the least of which derives from the knowledge that the lives of thousands, perhaps millions, will be affected by what we do and say.

Moreover, you and I share a deep and abiding concern for the state of the nation. We spend most of our waking hours—and a good many others as well—trying to articulate why this or that proposal is in the public interest.

But what you and I have in common most of all, I suspect, is the hard necessity of having to act, and what's more, having to act so much of the time with inadequate—or in some cases—even false information. We know that what we decide to do or not to do creates ripples of influence extending ever outward, affecting the lives—and certainly the fortunes—of many whom we shall never know or see. And whether our influence in any particular matter be great or small, we know from experience that the consequences of our action are often unpredictable. Yet, knowing all this, we cannot avoid the iron necessity of having to decide.

With these thoughts in mind, let me turn to two events of recent vintage which seem to me to contain the seeds of a valuable experience and which I commend to you for your further consideration.

The first of these concerns Senate bill No. 2007, a bill that I daresay no one in this room can identify. I make that statement with some confidence, because until a few days before it was voted on, I didn't know what was in it either. It was simply there as the pending business when the Senate returned from its summer recess. Even though the bill passed the Senate on September 9 by a vote of 49 to 12, I daresay a working majority of the Senate was unaware of what was really in it. And one of the reasons why neither I nor a sizeable number of my colleagues knew what was in the bill is that *you* didn't tell us. I suspect the reason why you didn't tell us is that you hardly gave a second thought to a bill innocuously titled, "S. 2007, a bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes."

In short, a simple two-year extension of OEO, or so it seemed. But if you had paused to study the bill, you would have found that the phrase "and for other purposes" included what may prove to be one of the most deeply radical pieces of social legislation ever considered in the halls of Congress. I refer to the proposed establishment by the federal government of so-called "comprehensive child development" centers, to the tune of 100 million dollars for this year, rising sharply to two billion dollars next year, and to who knows what heights thereafter.

Now to many of you, the phrase "comprehensive child development" may seem innocuous enough. But I believe that even a cursory glance at the bill would disabuse you of that idea rather rapidly. For what is proposed here is not just a fancy federal baby-sitting service for children of the disadvantaged. As the name implies, it is truly comprehensive—both as to the number of people to be covered and as to the range of services sought to be provided. As to eligibility, the bill would cover, immediately, better than 32 per cent of the population. And in the future, it proposes to include every child in the nation, without regard to income. I cannot do better on this point than to read to you from Section 501(a) of the bill:

"The Congress finds that (1) millions of children in the nation are suffering unnecessary harm from the lack of adequate child development services, particularly during early childhood years; (2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the nation's children and should be available as a matter of right to all children regardless of economic, social, and family backgrounds."

For those of you who may want to know what "a full range of health, education, and social services" might entail, let me read to you from the report of the Senate Committee on Labor and Public Welfare. This proposal would, among other things, authorize the federal government to establish:

"Comprehensive physical and mental health, social and cognitive developmental services; food and nutritional services (including family consultation); special programs for minority groups, Indian, and bilingual children; specially designed programs (including after school, summer, weekend, and overnight programs); identification and treatment of physical, mental, and emotional problems, including programs for emotionally disturbed children; prenatal services to reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation; special activities for physically, mentally, and emotionally handicapped children and children with special learning disabilities; training in the fundamentals of child development for family members and prospective parents; use of child advocates to assist children and parents in securing full access to other services; and other activities."

Let there be no mistake about it: a federal comprehensive child development program will establish the federal government as the most important, and ultimately the strongest arbiter of child-rearing practices in the United States. For those of you who may still be skeptical, I would ask you to listen to the words of Dr. Reginald Lourie, who testified in favor of the bill during the Senate hearings. Comprehensive child development, he said, should begin as early as possible because, in his words:

"In the first 18 months of life, the brain is growing faster than it ever will again. It is then also *more plastic and most available for appropriate experience and corrective interventions.*"

I have not pulled that statement out of George Orwell's *1984*, nor have I taken it out of context. Dr. Lourie means precisely what he says, and the implications of what he says, frankly scare the living daylights out of me. Dr. Lourie, I might add, is no johnny-come-lately to this business. He is a widely recognized authority on children and recently served as director of the Joint Commission on the Mental Health of Children. His opinions are precisely those which will dominate the planning and implementation of the federal child development programs proposed in S. 2007. Now I have nothing against Dr. Lourie personally. I have no reason to suspect that his intentions are anything less than perfectly benevolent. But experience teaches us to be most on our guard precisely when the government's intentions are most benevolent.

Unfortunately, I am only one man, and mine only one voice. The public, like me until a few weeks ago, like most members of Congress even at present, simply has not been informed on this issue. It matters less to me at the moment whether you happen to favor or oppose such legislation than whether the public has been informed of what's at stake. I can say that with genuine conviction because I have every confidence that if the American people knew what was tucked away in Senate bill S. 2007 and its House counterparts, they would be raising howls of protest from coast to coast because I believe that the American parent is not yet prepared to delegate the development of his child to the white-coated bureaucrats who will inevitably dominate the program.

I mention this issue not only because its implications concern me deeply, but also to remind you of something we are all prone to forget: that public officials no less than the public at large are dependent upon the working press for much of their information—even about their own affairs. You, ladies and gentlemen, much more than any member of Congress, are really the final arbiters of what shall, or shall not, be considered an important or controversial piece of legislation. And "comprehensive child development," it seems to me, deserves that much-abused label "controversial" as much as any piece of legislation in recent memory. Consider: the Congress of the United States is about to enact into law a bill that would put the federal government irrevocably into the business of providing virtually complete physical and mental services to every child that is conceived, from the prenatal stage right on through grammar school. That, it seems to me, is a major step—indeed, a revolutionary step—on the part of the federal government. That, it seems to me, is something that elected officials ought to consider most carefully. That, it seems to me, is

something the public has a right to know about in detail.

Now, having that off my chest, let me turn to a second matter, one that arises out of the tragic events at Attica State Prison. On balance it seems to me that the press is not doing as thorough a job as it might, and in so failing, runs the risk of alienating large segments of public opinion. If the mail which has come into my office is any indication, there is a growing resentment against the rather easy way in which events at Attica are being likened to the slaughter at My Lai; against the casting of the prisoners as the heroes, and the Governor as the villain, of some heart-rending proletarian drama; against the way in which the final significance of the events there is being limited to an argument on behalf of penal reform; against the way in which some members of the press seem to gloat in discovering yet another flaw in American institutions. Consider, for example, a story put out by one of the wire services on the aftermath of Attica. The lead read as follows:

"A boiling controversy over the deaths of 42 men in the Attica prison revolt continued unabated yesterday with sharp criticism in the U.S. and abroad on the way officials handled the insurrection."

The article went on to quote a dispatch filed by Ivor Key, the U.S. correspondent of the London *Daily Express*, as follows:

"For the first time in four years of living and working here, I am shocked to the point where I seriously question whether this is the country I want to raise my children in!"

The wire story neglected, however, to report the next two paragraphs of Mr. Key's dispatch, which I shall now read:

"True, a nation's pulse cannot be taken from the thousand hardened criminals who took over the jail.

"But my fear is that the courts and politicians, mainly for their own ends, have become so liberal to the criminal that we are on the verge of wholesale anarchy."

In short, the wire service story carried the completely opposite implication of that which Ivor Key sought to convey. This, I suspect, was an act of reportrial negligence and not of malice, but it reflects a compulsion for national self-flagellation which may destroy us yet.

Or consider this example of television news reporting by a New York City station: for two hours, live and during prime time, six panelists discussed the issues of Attica. So interested were city viewers that the station reported receiving more than 1000 telephone calls.

Sadly though, New Yorkers watched only one side, one point of view of the Attica story, for the six panelists were for the most part of the same philosophical stripe and all were highly critical of the Governor's action. Where was the balance in this news report?

This, it seems to me, is no small matter. If there is one thing I have acquired since going to Washington, it is a sizeable and still growing respect for the common sense, courage, generosity, and essential fairness of the American people. But I have discovered as well that they are also capable of fear; fear at times for their own physical safety, but most especially, fear for the stability and safety of their country. They are a people who, like Ivor Key, fear to raise their children in a land grown so permissive. And as a consequence, despite their generosity; despite their sense of justice; despite their sympathy for the disadvantaged; despite their knowledge that Attica might have been handled differently, they simply will not buy the pro-prisoner story line that seems to characterize so much of the reporting on the mutiny. To cast convicted robbers, rapists and thugs as the oppressed victims of a tyrannical social order simply will not wash with the great majority of the American public. They are rather more inclined to accept the view of columnist John Roche who wrote recently in another context that "The beginning of wisdom is to know who is going to shoot you if he gets the chance. From there you can go on to Plato and the classics." And, he might have added, on to penal reform. The failure of the press to highlight the frankly and avowedly *political* character of the Attica revolt does an injustice not only to those prisoners who refused to take part in the riot—three of whom, incidentally, were viciously slaughtered by their fellow inmates during the insurrection—but it does an injustice also to the cause of penal reform. For it is the public who in the last analysis must say yea or nay to penal reform; and it is the public, certainly, who must pay for it.

Nor will it wish to argue, as some have, that the Attica tragedy reveals the fundamentally racist character of American institutions. This is an old saw, of course, a continuation of the theme that was echoed in certain quarters during the '68 presidential campaign, in which it was alleged that "law and order" was a code word for racism. This prompted one wag to remark, well, if "law and order" is a code word for racism, I'd like to know what the code word is for "law and order." Because that happens to be what the country most urgently needs. Those who claim that criminal justice in the United States is racist fail to note that the most common victim of violent crime is both black and poor.

The Attica revolt, in short, is being viewed by the public somewhat differently than it is being viewed by certain segments of the press. Rather than perceiving the issue in terms of penal reform, the public sees it as but another example of growing lawlessness. For the public believes—and I speak here for myself as well—that we are only now reaping in our prisons the harvest of seeds of lawlessness that were planted elsewhere and long ago. The public believes, as I do, that the root cause of Attica has less to do with the state of our prisons than it does with the state of our attitudes towards the law. Somewhere along the way in the last few years, the idea somehow got itself accepted that one must obey only those laws with which he agrees, and that one who disobeys a law, so long as he is righteous enough, is entitled to relative impunity.

That sounded pious, safe, and harmless enough in the early Sixties, at least in the Northeast, so long as the laws in question were court orders in Birmingham, Alabama. And even when the spirit of disobedience rooted itself on the Berkeley campus in 1964, few public officials and even fewer reporters saw it as anything other than a classic vindication of the rights of conscience. In the last four or five years, however, the spirit of disobedience has acquired a rather more sinister aspect. For some of my colleagues, it took a bomb in the Capitol building and a brace of Mayday demonstrations to convince them that one man's "civil disobedience" is another man's mayhem, and that the distinction between the two is often impossible to maintain. Indeed, many public officials and members of the press are only now catching up with the common sense exhibited by the American people as early as eight or nine years ago. For the American people sensed then, as indeed they sense even more strongly now, that in a democratic republic it is really only obedience to the law which separates civil society from the jungle, and that if you destroy reverence for the law you end up destroying the possibility of civilization altogether. And events such as those which took place at Attica remind the public that the line which separates us from barbarism these days is very thin indeed. The public's concern for law and order is neither racist nor oppressive, although it could become both if mutinous convicts are continually held up as the heroic revolutionary vanguard of some new social order.

I think the difference between the public's perception of the Attica tragedy and the view generally prevailing in the media is a difference which deserves your most searching consideration. For I think that the press has tended to underestimate—and in some cases it has actually pooh-poohed—the public's concern for law and order. And I suspect that a good deal of the public's distrust of the media may stem from this issue alone.

I think you would do well to ponder the fact that the public, rightly or wrongly, tends to associate the media (or at least large segments of it) with the encouragement of lawlessness. It is for this reason that I am somewhat skeptical about whether the recent Supreme Court case on the Pentagon Papers was really such a great and grand victory for the freedom of the press. Whether it turns out to be a triumph or a tragedy will depend less on the verdict in the Supreme Court than it will on the verdict in the court of public opinion. The same holds true, I believe, with regard to the recent effort in the House of Representatives to cite CBS for contempt of Congress. Had the choice been mine, I would have voiced my indignation at some of the techniques used in such documentaries as "The Selling of the Pentagon." But, here too, the ultimate vindication or condemnation of CBS will be determined less by a vote of Congress than by the determination of the public at large.

In closing, I would like to leave you with this thought. We who devote ourselves to the public business—you in trying to inform public opinion, I by trying to influence it, both of us in trying to lead it aright—we sometimes tend to forget that in a democracy public opinion is, in the final analysis, everything. It is the ultimate arbiter of public morals no less than of public dress. Above all, it is the ultimate arbiter of the law. And it is the law which decides, in turn, who shall enjoy how much freedom and when. It is therefore necessary to remind ourselves from time to time that the last redoubt of freedom of the press is a favorable opinion among the very public whose right to know you so earnestly—and at times so courageous—seek to defend. The public, I think, better understands the distinction between liberty and license than do many members of the press; they understand that the line between civilization and anarchy is measured by obedience to the law; and they understand that that line must sometimes be drawn in blood. They understand, too, that a free society depends on the self-discipline of its people; that anything which erodes that self-discipline erodes freedom itself, because a free society cannot co-exist with chaos. If a people will not maintain the public order through a willing submission to the law—even bad law—then order will inevitably be imposed on them, and that will mean the eclipse of all our freedoms.

This, I submit, is the true significance of the road to Attica; a significance which we who cherish the freedom of the press will ignore at our peril.

TIME FOR ACTION

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. SIKES. Mr. Speaker, the great importance of forestry continues to be spelled out in appropriate language by leading figures in this field. Kenneth B. Pomeroy, chief forester of the American Forestry Association, wrote a very informative article entitled "Time for Action" which appeared in the December 15, 1970, issue of Southern Lumberman. His article emphasizes the objectives set

forth in new forestry legislative programs which have passed the House and are now pending in the Senate. I submit it for reprinting in the RECORD:

TIME FOR ACTION

(By Kenneth B. Pomeroy)

What are we going to do about private forests?

We have talked about them since Ben Franklin noted a lack of fuel wood within wagon haul of Philadelphia.

We have counted them—4,500,000.

We have measured them—309,000,000 acres.

We have inspected them. Some need planting. Others are cluttered with useless relics of former tree crops. Only 29 per cent are in satisfactory condition.

We have weighed their role in the national economy. They must produce wood more efficiently if future needs are to be met.

All of these observations and more have been documented expertly by the Southern Forest Resource Council in its excellent report *The South's Third Forest*. Additional findings have been reviewed by "Trees For People," a national task force of conservation, industry and public advisors.

The time for talk and study has passed. No magic formula has been found. Nor is one likely to be devised. Techniques that work abroad fit different economic and social conditions. We must rely upon our own proven methods.

The initial stage is to place greater emphasis on activities that forest owners cannot handle adequately by themselves.

Why? Because private forests serve all the people—forests yield pure water; they shelter wildlife; they cleanse the air; they add beauty to the countryside; and they furnish wood for countless uses.

But these vital public services must be provided under threats of loss by fire, damage by wind and attack by diseases or insects. We can help our own cause by reducing the risks so that land owners can practice better forestry. There are several ways to do this.

1. *Protect forests from fire.*

Protection of present and future crops is basic to sound management. Yet 31 million acres, six per cent of all commercial forests, do not receive any protection at all. A much larger area, over 200 million acres, is not protected adequately.

Why does this situation exist? It exists because citizens, you and I, have not insisted that adequate funds be appropriated.

Federal appropriations for cooperative forest fire protection under the Clarke-McNary Act of 1924 have not been made at the level authorized by Congress. The Congress authorized an annual appropriation of $20,000,000, but after much prodding by state foresters, forest industries and conservationists, only provided $16,469,000 for the current year.

This key forestry appropriation should be increased to the full authorization of $20,000,000. It can be and will be only if you insist upon it.

2. *Controlling diseases and insects.*

Disease and insects cause losses estimated in the billions of dollars annually. They attack shade trees in cities as readily as timber trees in forests. Dutch elm disease has changed the appearance of many communities. Gypsy moths defoliate hardwood forests in the Northeast. Bark beetles ravage pine forests in the South. Dwarf mistletoe damages trees in the West. Sawflies and tip moths deform young trees everywhere.

Some of these pests have been held in check in the past with DDT and other chemicals now known to be harmful to animals, birds, fish and people. Urgently needed are new, less-hazardous methods of control. Some promising leads have been found by research workers. Their efforts should be accelerated and intensified greatly.

Appropriations at the Federal level should be increased from the present allotment of $4,783,000 for insect research and $2,810,000 for disease research to at least $10,000,000 for both activities.

3. *Provide technical assistance.*

Technical assistance, some free and some at modest cost, has been available to limited numbers of forest owners for some time. More people should benefit from this service. But 4,500,000 owners are far too many to be aided by 800 cooperative Federal-State service foresters and 300 consulting foresters. At best one public forester can only aid about 100 owners in a year. Consulting foresters are more limited in their contacts because they usually work on larger properties. Add to these limitations the fact that tenure of ownership averages about 15–20 years and it becomes apparent why many forest owners are not receiving the benefits of professional guidance.

The Federal share of the Cooperative Forest Management program is now bumping against its authorized ceiling of $5,000,000 annually. In 1971 the Congress will be asked to raise the authorization in order to meet rising costs of operation. At the same time the Congress and the states should be urged to double manpower on the ground so that technical assistance programs can be implemented more fully.

The ranks of consulting foresters should be expanded ten-fold. These men, spurred on by private incentive, can perform services a public forester can not provide. For example, a consultant can work on a property as long as it takes to get the job done, whereas a public forester may be limited to three or four days in which to show the landowner how it ought to be done.

Consulting foresters, being private businessmen, face the same hurdles as young attorneys in establishing their business. It takes money to tide them over during the year or two required to create a flow of funds. For example, work done today may not be paid for until months later. Meanwhile, there are payments to make on equipment and payrolls to meet.

The Tennessee Valley Authority and the National Association of Consulting Foresters have attempted to break this bottleneck with an agreement that enables TVA to underwrite certain establishment costs during a two-year period. Two promising young foresters have been selected for the program. They will be aided with referrals from TVA and other public agencies.

This pioneering effort holds great promise. It should be initiated in other forested regions.

4. *Cost-sharing.*

Conversion of useless brushy areas to productive forests, planting trees to assure a future supply of wood, protection of watersheds, improvement of wildlife habitat and enhancement of the environment are public-interest activities that usually require considerable labor to initiate but do not yield cash returns on the investments for a long time. Many forest owners may not be in a position to undertake such projects, because of age or financial limitations. Yet future economic and social needs of the nation require that private forests fulfill their role.

There are two ways to solve the problem; i.e., regulation as in some other countries, or public assistance in the form of cost-sharing. Regulation was ruled out in this country two decades ago. What about cost-sharing?

Public assistance in the form of cost-sharing under the Agricultural Conservation Program has been available since the mid-1930's. Yet total accomplishments have been but a "drop in the bucket" compared to the job that needs to be done.

Seventy-five million acres of private land needs to be planted. The actual acreage planted annually is slightly more than one million acres. The accomplishment is not enough to keep up with new areas being denuded by fire and other causes.

One hundred forty million acres of partially productive private forests need stand improvement such as thinning and removal of useless cull trees that occupy valuable growing space. Here again annual accomplishments are pitiful in comparison to the magnitude of the job.

A separate assistance program, geared to the needs of forestry, should be devised. It should contain the following key features:

(a) Be in the public interest;

(b) Emphasize long-term activities that forest owners are not likely to undertake by themselves;

(c) Require owners to commit themselves to a forest plan of long enough duration to make assistance effective;

(d) Make assistance available over a period of years;

(e) Consider cost-effectiveness in establishing priorities for assistance.

A forestry assistance program is being drafted now by the Administration for presentation to the Congress early in 1971. When its details become available, it should be studied carefully.

5. Other incentives.

Utilization, marketing, taxation, leasing and insurance also are important factors in an owner's forest management program. These considerations vary considerably from one locality to another and for that reason are not being discussed in detail here. But, all are important to the successful management of the small, privately-owned forest and must be dealt with before these lands can yield their full potential.

SUMMARY

Fire protection, insect and disease control, technical assistance and cost-sharing are basic elements of efforts at the Federal level to improve management of 4,500,000 private, non-industrial forests. Aggressive action should be taken immediately on each element so that owners can achieve the objectives of which their properties are capable.

HOW JANE'S FIGHTING SHIPS GETS ITS INFORMATION

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. BOB WILSON. Mr. Speaker, the most authoritative compilation of statistics on the navies of the world is Jane's Fighting Ships. Each new edition is studied carefully by all major nations as a means of measuring the strength of individual navies. How this vital information is gathered by Jane's and the significance of great growth in the Soviet fleet were covered in a recent interview with Norman Polmar, the editor of Jane's, in the San Diego Union. Knowing that this is information of interest to our colleagues, I insert the Union interview in the RECORD.

[From the San Diego Union, Sept. 5, 1971]

JANE'S FIGHTING SHIPS EDITOR GIVES HIS VIEW: WHY IS THE SOVIET NAVY NO. 1?

(NOTE.—Norman Polmar is an associate of Lulejian & Associates, a research organization, and the American editor of Jane's Fighting Ships, the world's most authoritative compilation of data on navies of the world.)

Question: How long have you been the American editor of Jane's Fighting Ships?

Answer: Four years.

Q: How difficult is it to come by the essential facts that appear there?

A: It is relatively easy but extremely tedi-

ous and extremely frustrating at times. All of the information that is in the book is visible in the broad world. But it is a fantastic problem of sifting, for instance, the hearings of eight congressional committees. It also entails going through a very large number of publications, some in foreign languages. The Soviets publish a tremendous amount of material, some of which goes directly to the Jane's people. Some is translated; some is not. The Eastern and Western European nations are very maritime oriented and publish a large amount of material.

Q: Have you ever seen any evidence that the Soviet Union is interested in making propaganda out of what you publish in Jane's?

A: My natural inclination is to answer that in the affirmative. However, I have seen nothing direct. In fact we have tried to obtain Soviet photographs which obviously are unclassified. These are available from Western sources, but we would like to get them from a Communist source and we haven't been able to.

Q: How often do you discover something in the public domain which some nation, let us say the United States, has classified?

A: Often. As an example, Navy regulations prohibit photographs of submarines with periscopes and antennas raised. And yet, you find a large number of photographs in Jane's of U.S. submarines with periscopes and antennas in the raised position, all of which have been released by the Navy.

Q: How does this happen?

A: In some cases the general rules are too broad for the real situation. In others, Navy people don't know all the rules, and aren't familiar with all the problems.

Q: Does anybody ever offer you secret material?

A: I have come across some material of this type. When I do, I call one of my contacts in government. If he says do not use that, I won't.

Q: Comparing Jane's of today and Jane's of 1921, what fraction of the book is occupied by the United States Navy, as contrasted with the rest of the navies of the world?

A: Today the U.S. Navy has, roughly, one third of the book. In the 1920's we had, perhaps, a quarter of the book. At that time, the British Navy was the largest; the U.S. was the second largest. Today the United States Navy occupies a third of the book because auxiliary ships, including the experimental, research, survey and intelligence ships, have a much more important role than they did in the 1920's. Today we are also talking about amphibious warfare, which didn't exist as a category in the twenties. The current Jane's Fighting Ships has a section of 15 pages on amphibious warfare ships and landing craft, a section which, as an entity, did not exist in the 1920's.

Q: What percentage of the book does the Soviet Navy occupy?

A: In the 1920's the Soviet Navy was usually last. The Soviets built no ships in the twenties. Their first five-year plan, about in 1925 or 26, was when they started to build a few submarines. Their first five-year plan had five submarines in it. In the 1920's and 1930's the Soviet Union was not a major naval power. The Soviets had the world's largest submarine fleet at the beginning of World War II. It accomplished this on next to nothing.

Q: What does this Soviet naval growth mean in terms of maritime strength?

A: I see a tremendous growth in their navy in numbers of modern units. What is particularly frightening is that every year or two we see a new type of surface warship, a new class of submarine, a new missile, a new electronic system, a new radar.

Q: Does this mean focus on research and development?

A: Yes, and research and development at a rate which is faster than ours if you take any item, say shipboard ash trays.

Q: Do they have better ashtrays than we do at this time?

A: In some areas they have, such as submarines weapons and submarine anti-ship weapons. They can go after our warships with submarine-launched missiles which can probably reach beyond the range of our own anti-submarine warfare weapons, whereas the only means the U.S. has of attacking Soviet ships is with torpedoes. Torpedoes leave something to be desired.

Q: How does Jane's vouch for the authenticity of the data concerning the Soviet vessels?

A: It doesn't. It stands on the prestige of 74 years of publication. And there is no better source.

Q: Is there a considerable contrast between accessibility of the United States fleet to you and accessibility to you of the Soviet fleet?

A: There is a problem with the Soviet fleet. You will notice that pages on U.S. ships have more facts and more exact numbers.

Q: How big a staff do you have to gather Soviet data?

A: About four to six people.

Q: Do you, for example, go out to look for Soviet ships?

A: Yes, there are people all over the world, in navies, who contribute to Jane's Fighting Ships.

Q: Why doesn't the Soviet Union build aircraft carriers?

A: They don't have the facilities. It would be cheaper for them to buy something like Newport News, Va., by several orders of magnitude, rather than to go out and start building such a facility. Second, they don't have the years of experience of operating carriers or flying aircraft from them, of operating screen ships, of replenishing them at sea. This experience comes long and hard. We have made a lot of mistakes in carrier aviation and we have 50 years of experience. Also, we are very strong in carriers. Where the Soviets are looking for counters to our navy, they are not going to try to match us where we are already strong.

Q: How long do you think it will be before the Russians can overtake us in submarine nuclear strength?

A: They are overtaking us this year, 1971, in terms of number of nuclear powered submarines.

Q: What are the numbers?

A: As of July of this year they had 92 to 94. We are building them at the rate of four or five a year. They are building them at the rate of nearly 15 a year. I also am very concerned about the increasing vulnerability of our bombers and our Minute Man missiles. I don't think we should adopt only one strategic defense system. I think that the United States has a fantastic option in ULMs, a long range submarine system missile, which can force the Soviet Union to defend itself at great distances. It forces Soviets to go to a 360 degree defense against ballistic missiles.

Q: How much naval research and development should we be doing?

A: We have not produced a strategic missile since 1967. If tomorrow the President said "go build me one" it would be at least four years before we had one. I think that submarine technologies and missile technologies have advanced tremendously since the early 1960's when the Polaris was designed. We should take the most advanced missile design we can develop and build it. For instance, there are a number of advantages in putting missiles in canisters outside of submarines. It would balk the possibility of detecting by satellite a missile coming through the water. Tubes in the submarine tell you exactly where it is. Canisters float off. You can launch them 20 minutes later by sonar control, after the submarine is a mile away.

Q: Do we or the Soviets have the advantage in detection capability?

A: I think we are ahead. However, I am bothered, speaking on the basis of unclassified literature, because the Soviet Union every year or two, comes out with a new type of submarine and a new type of surface ship. I am sure they are doing a lot under water also in both ship board sensors and bottom-laid sensors. It seems logical if submarines are so important in warfare today, that Russia also is going ahead in underwater research and development.

Q: What was the origin of Jane's Fighting Ships?

A: Fred Jane was a British newspaperman in the late 1800's. He was in the Mediterranean covering some small naval conflict and, with his story, he sent hand sketches of the ships. When he got back to England, the paper wanted to put together all the sketches and publish a special section. I don't think the special section ever was printed, but a book publisher heard of this, and 75 years ago he published a book which contained sketches and the names of ships and size of their biggest guns. It was a very scanty book with about 200 ship drawings. With advent of the photoengraving process at the turn of the century the publishers started a book with pictures of ships. Pretty soon they were covering all the navies, giving strengths as well as descriptions on all vessels.

MILITARY PROCUREMENT CONFERENCE REPORT

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. DENT. Mr. Speaker, the House last night acted wisely in agreeing to the language contained in the Military Procurement Conference Report with respect to Rhodesian chrome. Mr. E. F. Andrews, vice president of purchases, Allegheny Ludlum Industries, Inc., spoke to this in testimony before the Senate Foreign Relations Committee. His presentation was cogent and persuasive, and relates directly to the problem faced by so many of the specialty steel producers in my area. I am pleased to include it in the RECORD for the benefit of my colleagues:

PRESENTATION OF E. F. ANDREWS

Mr. Chairman, my name is E. F. Andrews. I am Vice President of Purchases, Allegheny Ludlum Industries, Inc. One of our member companies, Allegheny Ludlum Steel Corporation, is a major producer of stainless and specialty steels. I also represent the Tool and Stainless Steel Industry Committee and am chairman of the Critical Materials Supply Committee of the American Iron and Steel Institute. We appreciate this opportunity to speak in favor of S–1404.

As one who spends a major portion of his waking hours concerned with the problems of materials supplies for this country, I am quite naturally interested in any legislation that has as its purpose the protection of such supplies.

The United States is very much a negative nation in regards to the availability of strategic raw mateirals. It has been reported that, of the 30 strategic metals, so defined by the Office of Emergency Preparedness, 25 must be imported by the United States in order to supply the needs of important American industries. For this reason, we strongly supported the Boggs' Amendment establishing a Materials Policy Commission so that we, as a nation, could start officially addressing ourselves to the long-range problems of critical material shortages and hopefully adopt laws and enunciate policies that will protect and provide for the nation's future material needs. S–1404 is in harmony with

the purpose of that commission in that it would be established to prevent the unilateral action of one segment of government from interrupting the flow of vital and strategic materials to our shores regardless of how meritorious the intent of such action may be. It reduces the danger of unwise and unnecessary injury to this country while not preventing support of the issues involved.

It already has been said in these hearings that the Rhodesian sanctions and their effect on the chrome situation are a perfect case in point. As a major consumer of chrome we are quite familiar with the effects of those sanctions on the economy of the United States, the Specialty Steel Industry, and its employees.

The importance of chrome to industrial America cannot be overstated. While steel remains the most useful, most versatile, and most reasonably priced metal in modern industrial civilization, specialty steels—developed and manufactured by a large group of relatively small companies in the United States—not only have those three principal characteristics but, in addition, in their latest forms and new specifications, have made possible not only our nation's aerospace program but also its advanced communications, improved power generation and distribution, its growing Chemical Industry, greater comfort and efficiency at home and at work, and continuing progress in such advancing sciences as oceanology, ecology, surgery, medicine and health care, and atomic particle physics. From the last named will come not only new sources of energy but great new strides in scientific progress in virtually every field.

Thus, gentlemen, when we speak of alloying elements—and chrome of course is an important one of these—we are talking about no ordinary commodity. It goes to the root of our industrial civilization. In fact, by definition, stainless steel is a corrosion resistant, ferrous alloy containing 11% chrome or more. In other words, broadly speaking, there is no substitute for chromium insofar as corrosion resistant or stainless steel is concerned.

Nearly 70% of the world's known metallurgical chrome reserves (see Attachment 1) are found in Rhodesia. To our knowledge, there has not been a new find of chrome reserves since World War II, and there are no known competitive deposits in the Western Hemisphere. Prior to sanctions, Rhodesia was our largest supplier of metallurgical, high-grade chrome ore. Due to the sanctions, this has diminished to zero, with the main beneafactor of this attractive and profitable volume of business being the Soviet Union. In fact, according to the United States Bureau of Mines' data, in 1970, of the 363,840 short tons of chromium contained in ore, with a chrome content of 46% or better, 224,877 short tons, or better than 60%, were imported from the Soviet Union.

In spite of the fact that the world price of chrome ore had dropped from 1956 through 1966, the Russians, acting in a highly "capitalistic" manner, increased their price to us more than 100% since the sanctions were imposed (see Attachments 2 and 3). As evidence of the fact that this rise is substantially greater than inflation during this period of time, when one examines the years 1967 through 1970, we cite the following cost increases which were incurred for various commodities consumed by the Steel Industry:

[In percent]

Grinding wheels	21
Graphite electrodes	14
Refractories	20
Bearings	15
Ingot molds	16
Mill rolls	16
Coke	50
Fuel oil	31
Manganese ore	—15
75% ferrosilicon	19
Vanadium	42
APT tungsten	57
Nickel	56
Cobalt	10
Fluorspar	10
Magnesium	5

But now, looking at the impact of the rise in chrome ore prices during this time, we see ferrochrome silicon up 80% and high carbon ferrochrome up 67% (see Attachments 4 and 5). In fact, if we examine Attachment 4, the dotted line shows the price rise of silicon in ferrochrome silicon over the past four years, and the solid line shows the rise in the cost of chrome contained in this product over the same period of time.

The situation would undoubtedly have been worse had it not been for sizable disposals from the Federal Government stockpile during this time. It is estimated that, during 1969, 31% of the metallurgical chrome consumed in this country came from the stockpile, and something over 20% in 1970. In order to provide this material to industry, the O.E.P. has seen fit to continually drop the stockpile objectives, thus making material available. This action is deemed by some members of Congress as being unwise because of chrome's strategic importance and the zero production in the United States. Over 900,000 tons of material have been sold out of the stockpile since 1966. However, the availabibity of high-grade, metallurgical chrome ore from this source will someday run out; therefore, we must not count upon this as a long-range answer to our problems. Reduction to the new objective of 1,500,000 tons of ore will take us to below a two-year supply.

As we said earlier, Russia has been the major source of supply; but if you will look again at Attachment 1, you will see that the Bureau of Mines estimates that Russia possesses only 5.6% of the world's supply of chrome—yet this is now our major source. Russia is now selling us chromite limited to 450,000 tons per year at ever-increasing prices. It is our understanding that they are now requesting customers to take one ton of fines with each ton of good material. Is this, by policy, to hold up the price or is it all they have to sell us? We are at the bottom of this barrel also. One could rightfully ask the question—are we buying Russian material at inflated prices while they supply their needs with Rhodesian material at lower prices?

As stated above, the stockpile is our second source. This will also run out in time, and good grade metallurgical lump is low at this time. In fact, a large part of the Government's stockpile is unsuitable for metallurgical use.

Turkey is our third source. According to the United States Bureau of Mines, Turkey has only 2% of the world supply. Turkish output of ore is just under 500,000 tons per year, of which approximately 250,000 tons per year are exported, almost entirely to the United States.

According to the April 12, 1971, issue of Metals Week, the Japanese have just completed an arrangement with the Turkish producers to take 100,000 tons of this material per year on a long-term contract.

Thus, our three sources—Russia, 50–60% of our needs; the stockpile, 20–30%; and Turkey, 10–15%—present a bleak picture of our major sources of supply. The outlook for chrome can only be for tightening availability and rising prices, so long as we deny ourselves access to the 70% of the world's supply in Rhodesia.

South Africa is a fourth source and is limited in its metallurgical suitability. But even here, there are those who desire to extend the sanctions to that country.

While denying ourselves this major and vital raw material, one needs only to visit Southern Rhodesia to realize that its chrome ore has been finding its way into the world markets. There is little ore seen above ground although they work the mines seven days a week. As we know, they were unable to ship but a mere 15% of the 150,000 tons approved many months ago for import. The United Nations has itself offered the best evidence of the sanctions' failure. In the third report of the United Nations Security Council Sanctions Committee, published in June, 1970, it was estimated that Rhodesian exports were running at approximately 70% of their presanctions level. Twenty-one complaints of violations were investigated by the U.N. involving chrome ore from Rhodesia to France, Japan, Netherlands, Italy, Spain, and West Germany. It is generally admitted that we and Britain are the only ones seriously abiding by the sanctions.

We realize that the Government has made a noble effort to try and prove conclusively that this material is flowing into the hands of members of the United Nations in the free world. Indications are that it is not flowing directly from Rhodesia to these nations but is probably being trans-shipped when repackaged. This we do know—the mines are operating in Rhodesia, and there is no ore being stockpiled there. The free world would probably have run out of chrome a long time ago if the major supplies from Rhodesia were totally cut off from the free world market.

Thus, many reliable sources indicate that substantial quantities of this material are flowing into the hands of foreign specialty steel producers, undoubtedly substantially aiding foreign producers of specialty steels in moving into and capturing large segments of the American market for specialty steels, producing a chaotic price situation here, bringing about unemployment and affecting the profitability of small American companies to the point where there is serious question about their economic viability. A question has been raised as to the impact of the cost of chrome on stainless steel. Neither time nor space here will permit complete detail of the effect on all the multiple grades of specialty steels produced, but let us suggest the following example that would cover the majority of the tonnage. There are approximately 400 pounds of chrome contained per ton of 18–8 stainless steel. Thus, a 1c price increase in chrome would increase the cost per ingot ton by $4.00. With a 50% yield factor, the cost per finished product would thus be $8.00 per ton. Since the Rhodesian embargoes, the cost of low carbon ferrochrome, for example, has risen 14c.

Thus, the cost per ton of stainless steel would be $112 per ton. Last year, approximately 900,000 tons were produced. Thus, the industry impact would have been a $100 million cost increase. Also, markets have been sufficiently encroached upon that we are beginning to see cutbacks in vital programs. Foreign producers of specialty steel, who are beneficiaries of the Rhodesian sanctions, have penetrated the American market for specialty steels, at the end of four months of 1971, at an all-time high, exceeding 22%. For individual specialty steel products, the penetration is even greater: some 35% of stainless steel cold rolled sheets; 68% of the market for stainless steel wire rods; 54% of the market for stainless steel wire. One can rightfully ask how much embargoed Rhodesian ore is contained in this imported stainless steel coming into this country, adding insult to the injury of the unemployed or about-to-be unemployed American steelworker. We are able to identify Rhodesian chrome ore coming into this country as ore, but there is no known way to identify it if it is contained in stainless steel sheet. I am sure that the unemployed steelworker wonders who is being helped and who is being hurt by these sanctions. Fortune magazine reported in April that the Rhodesian growth in real GNP was better than 4% per year, substantially more solid than either the United States or Britain. France, Japan, and

Germany are reportedly continuing to trade. A visit to Rhodesia reveals a very stable, busy, growing country, with Toyotas and Renaults very much in evidence.

Chrome is but one example of what could happen in many other vital materials if similar unilateral actions are taken. For example, there was a proposal before the United Nations to extend these sanctions to Portugal and South Africa. To have extended them to South Africa would have cut us off from 90% of the world's metallurgical chrome. It would have also placed us in an emergency situation with regard to vanadium supplies. A simliar sanction against the Congo would cut off our cobalt; against Canada, our nickel; against Mexico, our fluorspar; and against Brazil, our iron ore. Were it not for the substantial American stockpile, we would now be dependent upon Red China for tungsten. The list could go on and on. S–1404, we believe, is designed to permit us to support those political and social issues throughout the world that have merit and deserve our support without injuring ourselves economically and militarily more than the one we bring such action against. We therefore urge your immediate and enthusiastic support of this resolution. Thank you very much, Mr. Chairman.

CHROMIUM RESERVES OF THE WORLD

[Amounts in thousands of short tons]

	As chromite		As metal		As high Cr chromite	
	Amount	Percent	Amount	Percent	Amount	Percent
Republic of South Africa	2,200,000	(74.5)	575,000	(74.2)	110,000	(22.5)
Southern Rhodesia	660,000	(22.2)	175,000	(22.5)	330,000	(67.4)
Turkey	11,000	(.4)	3,000	(.4)	9,900	(2.0)
United States	8,800	(.3)	2,000	(.3)	440	(.1)
Philippines	8,250	(.3)	1,000	(.1)	1,650	(.3)
Finland	8,250	(.3)	2,000	(.3)		
Canada	5,500	(.2)	1,000	(.1)		
Other	12,485	(.4)	1,000	(.1)	8,983	(1.8)
Total free world	2,913,285	(98.1)	760,000	(98.0)	460,973	(94.1)
U.S.S.R.	55,000	(1.8)	15,000	(2.0)	27,500	(5.6)
Albania	1,650	(.1)	800	(.1)	1,650	(.3)
World total	2,969,935	(100.0)	775,800	(100.1)	490,973	(100.0)

Source: U.S. Bureau of Mines, best estimate.

PRICE QUOTATIONS OF VARIOUS GRADES OF FOREIGN CHROMITE

	1965	1966	1967	1968	1969	1970	1971
Rhodesia: 48 percent Cr_2O_3, 3:1 Cr/Fe ratio	$31.00–$35.00	$31.00–$35.00	$31.00–$35.00	NA	NA	NA	NA
Turkey: 48 percent Cr_2O_3, 3:1 Cr/Fe ratio	29.50–31.50	29.50–31.50	32.50–33.50	$34.50–$35.50	$37–50–$38.50	$47.50–$48.50	$56–$6
South Africa: 44 percent Cr_2O_3	20.00–21.50	20.00–21.50	18.00–21.50	19.00–21.50	19.00–21.50	26.00	$30
U.S.S.R.* 55 percent Cr_2O_3, 4:1 Cr/Fe ratio	25.00	29.25	30.40	34.10	44.00	58.00	$70

*Actual prices to Foote Mineral Co., f.o.b. Burnside.

Source: U.S. Bureau of Mines.

TV PROGRAM SPOTLIGHTS LOWER EAST SIDE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mrs. ABZUG. Mr. Speaker, on October 12 a very sensitive and informative program on the problems of the Lower East Side, called "The Melting Pot Grows Older," appeared on WNBC–TV's New York illustrated series.

This area, the gateway to the promise of America for successive waves of immigrants from many lands and speaking many languages, is changing, in some cases for the better, in others for the worse.

As the narrator, Ken Alvord, points out, in the early days—

If times were hard and prospects were dim for the parents then, there was always hope for the children. They became educated, grew up, left the poverty and the tenements behind.

But, he asks—

Can it still happen here amidst the winos and junkies and garbage and the wreckage of abandoned buildings? . . . Today's conditions are not the same as yesterday's. The poverty is more hopeless, the dangers more acute. In such an environment the children must do their best. Simply to survive.

I am including in the RECORD at this point the full script of this excellent TV program.

THE MELTING POT GROWS OLDER

(Written and Produced by Tom Schactman; photography Art Goldman; film editor Vince Sarubbi)

Mr. ALVORD. Gateway to New York and to the rest of the country for more than a century and a half, the lower East Side. Ghettoes within ghettoes, impacted, poor, alive—America's melting pot. The tenements are fading, yielding to the inevitability of the high-rise. The old ethnic waves have climbed out of poverty and passed on. But still these few square miles are first homes to thousands of new immigrants and to those left from earlier waves unable or unwilling to change. As America soars into modernity and assimilation, can the people and the character of the lower East Side survive?

ACT I

In the flux of changing progress America's immigrants sought from their new home, often the customs brought from the old country submerged, dissolved and were lost for ever. But here on the lower East Side of Manhattan, many things from many old countries survive. A bocci game on a Sunday afternoon is the focal point for Italians from what is known as Little Italy—an island, comfortable and familiar in the caldron of the big city.

In former years people from the specific regions and even from individual towns would migrate many thousands of miles to settle not only in one area, but often in one block to be near people and customs they knew. Today the old neighborhood lines are changing, melting, but the style of life continues. The problems of the lower East Side have grown more acute with the passage of time. The claustrophobic atmosphere of the tenements teeming with people and the streets where the people go to escape the tenements. The ethnic groups, different as they are, live in many ways similar lives—conditioned by similar environments. This used to be an Italian food market. Now it is run by Chinese, but the change is barely noticeable. The style continues. In the shops the various nationalities express themselves at their most characteristic. Each country's people brought with them native foods—cheeses, meats, wines, vegetables. In the new country the shops that sold them bound the settlers to their places of origin. Today, shops like this have a further function. Magnets, they draw back to the neighborhood those who managed to climb out of the poverty and insularity here. They may live elsewhere now, but their hearts and their stomachs all return here. When the annual festival of San Genaro, now in its 45th year, comes each year to Mulberry Street, Little Italy sounds its own glory to the whole city. Spilling onto the streets, the tenement dwellers find the excitement and amusement in the carnival. For the myriad ethnic clusters at the lower East Side like this provide one of the few recreational activities available to those who are poor and often unable to get along in English very well. Many of the national groups have annual festivals. The Chinese, the Hungarians, Germans and Poles in addition to the Italians. Though today they are mostly secular carnivals, their beginnings were religious.

They stem from a time on the lower East Side when the houses of worship formed the centers of the small communities. They were islands of calm in the turmoil of ghetto life, providing a link with quieter origins in the past. This place, the Marble Church's cemetery on East First Street, was such an island to tenement dwellers. The gravestones speak the old, near-forgotten history of New York. Before the city became a jumble of building blocks and crowded streets. Before even the first tenement was built in 1833. Markers here date back to the 1700's. A member of the Roosevelt family

whose farm covered the territory now between Chambers and Jane Streets is buried here. The lower East Side is awash with American history. The early Dutch settlers' farms or boweries were along the East River. Their names are our streets today—Delancey, Doyer, Van Cortlandt, Gouverneur, Bayard. Distinguished by hills and large ponds—nowhere to be seen—the East Side was mostly a swamp. The area between Houston and Third Street was cut off from the mainland and was called Manhattan Island. Many skirmishes of the Revolutionary War were fought along Grand Street. Nathan Hale was hung at the corner of Market and East Broadway. Washington's first residence as President on Cherry Street seen here is now the site of the foundations of the Brooklyn Bridge. In Peter Stuyvesant's time—he donated land for a church on his farm and in 1795 the cornerstone of St. Mark's Episcopal Church was laid. St. Mark's has seen many changes in the territory around it. It was thought of as the northern edge of town in 1785. Generations of immigrants worshipped here, peered at the old burial mounds, passed by the church as the area prospered, weathered and later went into decline. Like all the other immigrants, the latest and perhaps the most alien group, the hippies passed by as well. St. Mark's Place became the focal point for the flower children, the dropouts, the freaks, many of whom thought by escaping to the East Village they too were starting a new life in a new land. Rock music, long hair, psychedelia—freedom from all the strictures of straight society, a new culture alien to the old. But for these seekers too the promised land was not all they expected it to be. The newness and excitement passed quickly and the centers of the attraction, the high centers of rock music closed down, thrusting the area once more into decline. What has been left behind in the East Village are drugs, crime, venereal disease, poverty, violence. These people are trying to fight such problems. The concern of Project Eye-opener of St. John's Lutheran Church are those belated immigrant runaways. Each year hundreds of thousands of young people run away from home; a great many flee to the East Village. They come seeking love and freedom. And what they find is neither lovely nor free, but very often ugly and dangerous. Project Eye-opener tries to help parents locate their runaway children. Here they show pictures of runaways to people in the neighborhood. It is an arduous task finding a long-haired teenager here—like finding a needle in a haystack. And when on occasion they are found, it is not always possible to convince them to leave the new land. Reverend Fred Eckhardt:

Reverend ECKHARDT. . . . in the East Village there—how long have you really been here in town?

MALE VOICE. Just about a week.

Reverend ECKHARDT. Well, you know there is a great deal of difference between here and the West where you came from. How do you feel about it now?

MALE VOICE. Well, I feel—I don't want to go home. I really feel I can stay in—in the Village.

Reverend ECKHARDT. Well, you know, Billy, we know a lot of other kids who thought they could make it too, and—a great deal of danger in the Village. I hope you don't get in bad company. And very soon—why don't you go home? Your folks love you—are there—any indication of it? Problems?

MALE VOICE. I can't talk to my parents. They really don't have any love for me.

Mr. ALVORD. In the bewildering complexity of the lower East Side, immigrants have always sought an ideal. But fantasies must yield to reality. And as ever, reality is uncompromising and harsh.

End Act I.

ACT II

Mr. ALVORD. America, nation of immigrants. America, the melting pot. "Give me your tired, your poor, your homeless yearning to breathe free." They came from everywhere. Escaping starvation in Ireland, death in China, poverty in Italy. Fleeing the Austrian army or the Cossacks of the Czar. Escaping religious programs, or just leaving generally intolerable conditions in Europe or Asia for the great promise of America, the golden land. Ellis Island to be remembered for all their lives as the place where they first set foot on American soil. Here they were detained for weeks, inoculated, indoctrinated, their papers processed. Here families were reunited with relatives who had proceeded them and then sent the money for their passage. Since records first were kept in 1920 America has opened up its arms to 45 million foreigners. In the late part of the 19th century and early decades of the 20th, over half a million people each year came to this country, many of them destined for the lower East Side. For the most part they were peasants, oppressed in their home lands, largely unwanted. They carried with them all their worldly possessions for a grave in a country whose language and customs were totally foreign to them. The lower East Side soon teemed with over a quarter of a million immigrants who found that the land of their dreams was bustling, exciting, crowded and harsh. Sweat shops, disease, intense poverty, fires, tenement living. Built initially as ghetto housing to contain the immigrants, the tenements still serve that purpose today. The more things changed, the more they stayed the same. Despite the harshness, the immigrants found their own joys and entertainment. It was an exciting time, especially for the children for whose sakes the new starts had been made. The newcomers suffered and struggled. Formed unions to protect their labor. Founded schools, newspapers, churches, temples, countless business enterprises. Each generation built on the work of the last. The eternal story of people struggling up out of poverty. Grand Street, Canal Street, Orchard Street—these became the marketplaces of the city. For the immigrants. Here anything a tenement dweller might need could be purchased at prices that were always negotiable.

The pushcarts of the peddlers were their department stores. It was the dream of free enterprise come to life. America fulfilling its promise. Many a merchant got his start with a pushcart along Orchard Street. Today Orchard Street is still a shopping extravaganza thronged with those seeking bargains and the entertainment of the colorful parade. Nearly anything can be bought on Orchard Street though clothes are the big attraction. The ethnic atmosphere has changed. The middle Europeans giving way to later immigrants like the blacks and Puerto Ricans. The pushcarts full of clothes have been replaced by the stores and the stalls of modern merchants, but much else remains the same. The excitement of bargains. The fun of a snow-cone on a hot summer's day.

From Broadway to the East River, from 14th Street down to City Hall, throughout the history of the lower East Side the cast of characters has been perpetually changing, but the immigrant story remains the same. From insularity and poverty to assimilation and a foothold in the middle class, making way for the next immigrant group. One group that resisted change is the Chinese. Isolated by language and color they neither assimilated nor dispersed. Remaining, they have fallen heir to more than the old problems. Overcrowding, always a problem, was accelerated by a recent jump in the immigration quota which coincided with a rise in the historically low crime rate of the area. And so the island that is Chinatown, like the rest of the lower East Side, slides steadily down into the morass of today's urban problem. Removed from the gleaming towers of mid-Manhattan, the lower East Side has always seemed physically and spiritually separate. But the old immigrants could eventually be assimilated into a white society. Today's newcomers—blacks, Puerto Rican, brown—have no such chance. In these crumbling tenements, some built a hundred years ago and inadequate even then, the early immigrants passed their lives. Now the same buildings provide fertile soil in which all of the urban problems fester and seethe. The new immigrants have become our hard-core poor. There are few bottom-rung jobs, traditionally filled by immigrants in modern society, so they languish and the problems multiply. Among these the most serious is drugs. As they lead regularly to crime and violence, the Lower East Side Service Center tackles the problems of addiction head-on. Along with a Methadone program, the Center gives hope and training to those whom our society and its problems have caused to fail.

MALE INSTRUCTOR. So how you doing, Rodriguez, any question? — The correct size is 7/8 by 2¾ except you got three mistakes. You didn't put down the material it is made out of—You also didn't put down what parts become machine.

Sudent RODRIGUEZ. Right.

MALE INSTRUCTOR. Also, more of your fractions should be decimals.

Mr. ALVORD. Vocational training and guidance, educational and remedial programs, assistance with welfare and legal problems, services for families with drug users—these are the main works here. Some who come are the new immigrants. Some are the old. A group of elderly Chinese addicted to opium and then to heroin are now in Methadone. Ex-convicts who can't get a job, those overlooked in the tumult of the city, newcomers have become victims.

Male INSTRUCTOR. Now you see the pin bar holes? You see this little shield over here? In order to start the plate on, you get it underneath the shield, line it up on the pin bar holes and just hold it like this before you roll it up, huh?

Mr. ALVORD. The drug users who come here for help and treatment are, of course, only the tip of the iceberg, those actively seeking to help themselves.

Male INSTRUCTOR. That's it. Put some tension on there. Hold it down like that. Now you are rolling. That's it. You got it.

Mr. ALVORD. 600 were treated here last year, but the problems they personify are symptomatic of a malaise far more general and serious than the poverty which affected most of the early immigrants on the lower East Side. If times were hard and prospects were dim for the parents then, there was always hope for the children. They became educated, grew up, left the poverty and the tenements behind. The immigrant version of the American dream fulfilled. Can it still happen here amidst the winos and junkies and garbage and the wreckage of abandoned buildings? It is often argued that it should be happening here, that the children of the new immigrants should grow up and surpass their parents as the old immigrants did. But today's conditions are not the same as yesterday's. The poverty is more hopeless, the dangers more acute. In such an environment the children must do their best. Simply to survive.

End act II.

ACT III

Mr. ALFORD. St. Mary's on Grand Street dates back to 1833, but the parish it served for 140 years is all but gone now. The tenements around the church were finally torn down to make way for new buildings. The first tenements were the most efficient way known of crowding immigrants into small spaces for high profit. Even the new tenement law of 1901 which eliminated many bad building practices did not help much. But we know better ways of squashing people now. And so in the Seward Park urban renewal area, near St. Mary's, already the site of large co-ops, the last rows of tenements finally are coming down. Although few are sad to see them go, what is going with them

is something of the character of the area. For when the tenements come down, the people just seems to disappear. St. Mary's was a parish of relatively poor Catholics, the new buildings of the surrounding area are filled primarily with middle-class Jews. The Grand Street Guild of St. Mary's, which will erect the new apartment houses, fears that their original parishioners long since relocated out of the East Side, will not be able to come back to occupy the new buildings when they are ready. Even today the new buildings have taken over large portions of the old tenement areas; most of the waterfront section—since the days of the Dutch a center of perpetual activity—has been torn down and now blocks on blocks of high-rises line the East River from 14th Street down more than a mile to the foot of the Brooklyn Bridge, housing more than a thousand people. Co-op City, other low- and middle-income dwellings marching from the river perceptibly westward, somewhat cold and sterile in their monumental sterility. The wave of the future. The buildings push ever higher. The financial and governmental complexes of lower Manhattan creep nearer and the charm of polyglot ghettoes like Henry Street between Catherine and Market seems irrevocably compromised. The Telephone Company has bought up most of this block. They are not building now, but in ten years they may. Today in one small tenement the clashes and meltings of 100 years of immigration can be read. But soon there may be no names left. There is a relocation office right down the street.

The block is charged with history. The Jacob Riis house is now a church, with Chinese, English and Spanish services—incredible diversity of national origins, all here in one small block. But for how much longer? All over the lower East Side we read in the signs the fading of the days of strong ethnic enclave. Where 100 signs boasted in Polish or Russian, only a few remain, antique and faintly apologetic in the modern city. Along the great thoroughfare of East Broadway, the Yiddish language once flowered forth in a half dozen newspapers tying together Jewish immigrants from many countries. Today the circulation of the Yiddish papers has dwindled to a few thousand readers, most of them old. Change and more change. An area perpetually in transition. Progress passes by, but still some of the old ones remain, scattered in pockets about the old neighborhoods, still living much as they did in younger days. The children grow up and move away, seeking a better life. The tenements crumble, torn down for the march of the co-ops. The push-carts give way to the bodgas, as new immigrants come in and take the places they themselves once filled. Perhaps they have experienced too much change in their lives and are no longer willing to flow with it having grown old. It might be feasible for them to move away, to change, but they don't want to. So, they play a few games, sit in the sun, feed the pigeons, and talk, as the melting pot grows older. And the lower East Side they once knew changes and crumbles and slowly disappears. This is Ken Alvord for New York Illustrated.

J. W. McSPADDEN WILL RETIRE AS TREASURER

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. EDMONDSON. Mr. Speaker, in January 1969, it was my pleasure to share with my colleagues the story of a remarkable man and dedicated public servant, Mr. J. W. McSpadden, of Tahlequah, Okla.

At that time, Mr. McSpadden, at age 84, was contemplating seeking his 26th term as city treasurer of Tahlequah. About the possibility of running for re-election he stated:

I won't make up my mind until I see how I feel.

When it was time to file, he felt fine. He won another term and is still serving.

On November 17, 1971, J. W. McSpadden will end a record 54 years as city treasurer. He will be greatly missed in city hall, and his place will be hard to fill, but the many people who have benefited from his work through the years wish him great happiness in his well-earned retirement.

I insert an article, in the RECORD from the November 4, 1971, edition of Mr. McSpadden's hometown paper, the Pictorial Press:

TAHLEQUAH TREASURER ENDS 54 YEAR CAREER

A 54 year reign as Tahlequah City Treasurer will end November 17 for J. W. McSpadden, who is believed to hold the record for the longest in city government in Oklahoma.

McSpadden, 87, announced his decision to retire from office several months ago.

Mayor Jack Ross named George McJunkin of Liberty State Bank to serve the remainder of McSpadden's term during the November council meeting Monday night. The council voted approval.

McSpadden was named Tahlequah City Treasurer in 1917 to replace H. B. Upton, who had resigned in mid-term.

A native of Tahlequah, McSpadden lives at 317 Bluff. Both his father and grandfather moved to Tahlequah prior to statehood.

McSpadden served as Cherokee County's first automobile tag agent, and held the job for 14 years. He also owned and operated the Tahlequah Mill and Elevator from 1915 to 1962.

His wife, Callie, died in 1964 and McSpadden has eight children, four sons and four daughters.

PRESIDENT NIXON BEGINS ENVIRONMENTAL AWARDS PROGRAM FOR NATION'S HIGH SCHOOL STUDENTS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, November 11, 1971

Mr. RANDOLPH. Mr. President, the young people of our country continue to express a real concern for the environment. Almost daily we learn of instances in which young people are actively involved in making the United States a better place to live in through their efforts to end pollution.

The youth of America do more than just talk about the environment: they are dedicating their energies and enthusiasm to improving the situation.

In response to many requests from students who want to be involved, President Richard Nixon is beginning a new program of awards for those working in environmental protection. The incentive provided by this program should lead to even greater student participation in the campaign for a clean world.

Mr. President, this worthwhile effort started by President Nixon was explained in a letter from William D. Ruckelshaus, Administrator of the Environmental Protection Agency, to the principals of the country's 38,000 public and private high schools.

I ask unanimous consent that this letter be printed in the RECORD.

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

ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C., October 25, 1971.

DEAR PRINCIPAL: President Nixon's deep commitment to the restoration and preservation of our environment has been warmly embraced by the American people, and has won the wholehearted, bipartisan support of the Congress.

The crusade to protect our natural inheritance has captured the imagination of young people, particularly. To them, and to their own children in the years ahead, it is truly a matter of life, itself.

Since December of 1970, when the President created the Environmental Protection Agency, we literally have been swamped with letters from high school students who want to "do something."

The President has initiated his Merit Awards Program to give them that opportunity.

The program is designed not only to get them in on the action at every level of individual competence, but to provide environmental educational opportunity and motivational stimulus.

I urge you to read the enclosed handbook and to establish the President's Environmental Merit Awards Program at your school.

Although this first letter is necessarily a general one, I would like to hear from you personally—by letter or on the enclosed card. Please, also advise me of the name of the faculty member whom you appoint to head the President's Program.

The poster is for your bulletin board—as a suggested starter for other student-designed artwork calling attention to the Merit Awards.

Sincerely yours,

WILLIAM D. RUCKELSHAUS,
Administrator.

UNITED STATES TO BUY RHODESIAN CHROME IN SPITE OF U.N. BOYCOTT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. RARICK. Mr. Speaker, Thursday night in consideration of the conference report on military procurement, the House voted 251 to 100 to retain section 503 of the conference report authorizing U.S. industry to import chrome ore from Rhodesia.

This vote has been discussed by the communications media and in fact the action itself is unknown to many people in our country. What a striking comparison this is to the news coverage accorded another recent vote involving the U.N.—the seating of Red China.

Perhaps the significance of the vote is best explained in the arguments of those opposing Rhodesian trade who claimed that such action would be in violation of the U.N. economic sanctions. In fact, it was even suggested that if the House adopted the resolution we would be guilty

of deliberate wrongdoing by openly defying the United Nations.

Most Members who voted for the legalizing of free trade with Rhodesia did so knowing that the military requires chrome to defend our Nation. They placed their country above the spiteful sanctions by the U.N.

A related newsclipping follows:

[From Manchester Union Leader, Nov. 5, 1971]

WASHINGTON, LONDON AND UN MUST FACE REALITY OF INDEPENDENT STATE—UNITED STATES COULD END RHODESIA BOYCOTT FARCE

(By Prof. Edward McGlynn)

A ray of light shone through the United States Senate when that august body, following the lead of Virginia's Sen. Harry Byrd, voted 46 to 36 to permit the import of Rhodesian chrome ore.

Chrome is a vital defense material essential for such items as jet aircraft, missiles, and nuclear submarines, but since 1966 our defense industry has been denied the use of Rhodesian chrome and has been forced to rely upon imports from the Soviet Union, the world's other principal source of this vital mineral.

Former President Lyndon Johnson, in keeping with the United Nations' international boycott of Rhodesia, prohibited trade between our two countries. The economic boycott was the world body's chief weapon against the breakaway British colony that had dared to unilaterally declare its independence of London. The then British Prime Minister, Harold Wilson, swore to bring the Rhodesians to their knees within a few weeks but finding this impossible he threw the problem to the United Nations, which chose to attempt to break the Rhodesian economy via an international boycott.

In retrospect the "Rhodesian crisis" of 1965–66 seems farcical. The Rhodesian declaration of independence caused the United Nations to go into emergency session. Many Third World spokesmen called upon Britain to crush the rebellion by force but public opinion polls revealed that the great majority of Britons opposed the use of troops in Rhodesia.

Frustrated by the reluctance of the British government to employ force, Egypt's President Nasser and Ghana's Kwame Nkrumah actually went through the motions of declaring war against Rhodesia, in what was probably the most laughable aspect of the entire silly situation. The American news media spoke of an imminent blood bath in Rhodesia. But no massive revolts or foreign invasions took place.

REMAINS STABLE

Today, six years after its declaration of independence, Rhodesia remains one of Africa's most stable countries. And while many of those leaders who inveighed against Rhodesia—Johnson, Wilson, Nasser, and Nkrumah—are out of power or deceased, the man who led the Rhodesians to independence, Prime Minister Ian Smith, is still very much in command of the situation in Salisbury, the Rhodesian capital.

While the United Nations' boycott admittedly harmed Rhodesia, its impact was not so great as London and Washington hoped it would be. Even Harrison Baldwin, the former military editor of the New York Times, admits that the boycott was a failure and proved more harmful to the United States than to Rhodesia as it made this country dependent upon the Soviet Union for its source of chrome.

Political pundits in Washington maintain that the House of Representatives will follow the lead of the Senate and vote to permit the importation of Rhodesian chrome. Should the United States resume trade with Rhodesia it will not only bolster the Rhodesian economy but will also put Ian Smith in a good bargaining position next month when negotiations with Britain resume over the issue of legalizing Rhodesian independence.

WONDER AT NIXON

One fascinating aspect of the Rhodesian issue has been the attitude of the Nixon administration. While President Nixon has held out the olive branch to Red China and other Communist states, he has done nothing to improve our relations with Rhodesia. As recently as March 1970 Washington severed our last official link with Rhodesia by withdrawing our consul from Salisbury. And last month the White House unsuccessfully sought to defeat Senator Byrd in his effort to have the Senate endorse the resumption of trade between the United States and Rhodesia.

Many wonder why the President seeks better relations with Communist lands while at the same time continuing to follow a policy that was designed to destroy Rhodesia—one of Africa's few stable countries and a land of strategic importance that has done us no harm.

Sooner or later Washington as well as London and the United Nations will have to face the hard fact that the Republic of Rhodesia is a sovereign independent state, and as such a reality of international life.

DO NOT GIVE UP THE SHIPS YOUR TAX DOLLARS HELPED TO BUILD

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mrs. SULLIVAN. Mr. Speaker, a bill scheduled to come before the House next week from the Committee on Merchant Marine and Fisheries would wash out a huge investment by American taxpayers in five fine passenger ships built with Federal construction subsidies. The legislation would permit the bargain-rate sale of those ships to foreign maritime interests which would then use those same ships to carry American tourists on ocean cruises out of American ports.

Instead of American seamen manning the ships, foreign seamen would do so, and all of the wages paid to the crews would go to support foreign economies, not the families of American citizens. The fares paid by passengers embarking at American ports, instead of bolstering the American economy, would go abroad—every cent of this money—to increase further our serious balance-of-payments deficit. And the American flag would virtually disappear, probably for good, from the passenger or cruise trade out of Eastern ports; at most, under the terms of this revised bill, there would be only one American-flag passenger ship in operation on the East Coast, and even that one is not certain.

The five ships involved in the bill H.R. 11589 are the SS *Brasil*, the SS *Argentina*, the SS *Constitution*, the SS *Santa Paula*, and the SS *Santa Rosa*. They are famous liners on which countless passengers have enjoyed luxurious and, above all, safe ocean transportation.

Because the ship lines which own them have been unable or unwilling to exercise the ingenuity to operate them successfully as cruise ships, now that point-to-point ocean passenger transportation has succumbed to the competition of the big jets, the Congress is being asked to let the ship lines dispose of them to foreign purchasers despite the contracts entered into when the construction subsidies were authorized. Under the law, a ship built with subsidy may not be sold foreign for 25 years.

The American taxpayers, who invested millions of dollars in the construction of these ships, including the special cost of features important for national defense purposes, would write off the investment so that the ship lines which now own the ships can claim substantial tax benefits.

As the ranking member of the Committee on Merchant Marine and Fisheries, I oppose the giveaway of these five ships. I hope a clear majority of the Members of the House will join me, Mr. Speaker, in voting against H.R. 11589 when it comes before us.

PREVIOUSLY, SEVEN SHIPS WOULD HAVE BEEN INCLUDED

Originally, the legislation to dispose of our passenger ships to foreign purchasers included not only the five ships I have already named but also the SS *Independence*—sister ship to the *Constitution*—and the SS *United States*, the finest, fastest, safest passenger ship in existence. A bill to permit the foreign sale of all seven ships was reported from the committee on September 28, as H.R. 10577, but was indefinitely postponed in the Rules Committee after a spirited hearing in which I strongly opposed the entire bill, but particularly the provision to permit disposal of the SS *United States*, whose $75 million original cost included a $40 million subsidy by American taxpayers.

During the marathon session of the House last Thursday, lasting until 2:30 a.m., Friday morning, the newer bill, H.R. 11589 was introduced and, at 8 p.m. Thursday night we were notified there would be a committee meeting on it at 11 a.m. Friday. At that meeting, the revised bill, exempting the SS *Independence* and the SS *United States*, was approved, and it was reported to the House that same afternoon. So this has been a rush-rush-rush proposition to bail out the owners of the five remaining ships and permit them to dispose of them in time for 1971 tax deductions. The bill was cleared by the Rules Committee on Tuesday.

I am pleased that the SS *United States* would not be sold abroad under the revised legislation. It would be a national disgrace, I feel, to sell this ship to foreign interests after the taxpayers spent $40 million to build into it incomparable features for national defense purposes. I am also pleased that the revised legislation leaves out the SS *Independence*, which American cruise interests have indicated a desire to purchase and use. It is my firm conviction that the other five ships can also be used by American interests in the lucrative American cruise trade. It would take ingenuity, a willingness on the part of the unions to cooperate—and I have been assured that such cooperation will be forthcoming—and some sensible revisions in our subsidy program as regards cruise operations. If foreign in-

terests can operate them profitably, why can not we?

None of the five ships included in H.R. 11589 is presently in operation. All are in layup. Offers have been made for purchase of two of the five ships by an American group of investors, but as long as there is the possibility of H.R. 11589 being enacted, the present owners are not anxious to dicker, preferring to wait until foreign interests can also bid for them.

MINORITY VIEWS ON H.R. 11589

Mr. Speaker, I submit at this point my minority views in House Report 92–617 on the bill H.R. 11589, as follows:

MINORITY VIEWS OF REPRESENTATIVE LEONOR K. SULLIVAN

As the ranking majority member of this committee, and having sat through the hearings on this bill, I cannot in good conscience support H.R. 11589, that would permit the sale to foreign registry of certain U.S.-flag passenger vessels. I recognize that this bill differs from H.R. 10577, upon which I expressed minority views in House Report No. 92–519.

The present bill does remove the SS *United States* and the SS *Independence* from the provisions which would permit foreign sale.

With respect to the SS *United States*, I am pleased that this great ship will not go to foreign interests. I expressed strong views in the report accompanying H.R. 10577 that this vessel should be excluded from the provisions of the bill. It is indeed a national symbol and was built to serve this country in peace time not only as a passenger vessel but to be available in the event of emergency for a troop carrier. Accordingly, I agree with that portion of the bill which would direct the Secretary of Commerce to purchase this vessel at its depreciated book value either for retention in our National Defense Reserve Fleet or for sale or charter to a new owner for service under the American flag.

Likewise, I approve that portion of the bill which in effect denies authority for the foreign sale with respect to the SS *Independence*. The hearings disclosed that there is an American operator prepared to buy this vessel for service in the cruise trade of the United States. I believe this new owner should be given every opportunity to pursue this venture to a successful conclusion. Further, I would hope that the Maritime Administration would provide all the necessary assistance toward that end.

At the same time, I must once more express my strong views against this bill to the extent that it would authorize the foreign sale of the SS *Brasil*, SS *Argentina*, SS *Constitution*, SS *Santa Paula*, and SS *Santa Rosa*. My reasons for this were also expressed in the minority views contained in the report accompanying H.R. 10577. I do not believe that the Maritime Administration has thoroughly explored all possible avenues by which these ships can once more sail under the American flag. I feel that the Maritime Administration has not fully discharged its responsibilities in connection with U.S.-flag passenger ships, because of the admitted fact that they have conducted no formal study of the problem involved.

I must once more reiterate that the cruise trade out of our ports is lucrative. Enormous sums are being expended by our citizens to foreign corporations without a single dollar coming back to the United States. This of course has a substantial adverse effect on our balance-of-payments account.

Furthermore, in the light of a new offer this week to the Moore-McCormack Lines for the purchase of two of the ships, namely the SS *Argentina* and SS *Brasil*, to be used as cruise ships from American ports under the U.S. registry, I think is further evidence that this legislation should not be enacted at this time.

In conclusion, I regard this legislation at best to be premature and not in the best interests of the United States.

LEONOR K. SULLIVAN.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 5, 1971.

Hon. EDWARD A. GARMATZ,
Chairman, House Committee on Merchant Marine and Fisheries, Washington, D.C.

DEAR MR. CHAIRMAN: I am sorry that I cannot attend the meeting that was called last night for 11 a.m. this morning, due to a commitment I have with people from my district on a highway problem. I would appreciate your reading this letter into the record, knowing that I cannot vote by proxy.

According to the information given to me by you last night, two of the proposed amendments to be made to the bill, H.R. 10577, would eliminate the SS *United States*, which would be taken over by our Government and the exemption also of the SS *Independence*.

While I believe the exemption of these two ships is a move in the right direction, I am sure you, as chairman, know that there has also been a legitimate offer by another cruise operator and the investor who expects to negotiate the purchase of the two Moore-McCormack ships, the SS *Brasil* and the SS *Argentina*. This is a legitimate offer by legitimate individuals who hope to begin at once to work with our Maritime Administrator and to negotiate for the purchase of the two ships from the owners of Moore-McCormack Lines. This leaves three ships in question.

As I said in my previous letter of September 23, 1971, I am opposing the sale of these passenger liners owned by firms with U.S. registry. I am still of the opinion that these ships can be taken over by some American operating firm to be operated under the U.S. flag, if given the opportunity to do so. Therefore, I still oppose this legislation at this time and feel I must use every means possible to defeat the bill should it be voted out of Merchant Marine and Fisheries Committee and sent to the Rules Committee for action.

Sincerely yours,

LEONOR K. SULLIVAN,
Member of Congress, Third District, Missouri.

SOME IMAGINATIVE IDEAS FOR USING OUR AMERICAN FLAGSHIPS

Mr. Speaker, during the maneuvering which has been going on over this legislation, a letter came to me from a maritime official who presented some truly imaginative ideas for the use of our American-flag passenger ships in coastwise cruising—a field in which foreign operators by law cannot compete. This letter came from a former navigator on the SS *United States*, Mr. Richard D. O'Leary, now the assistant general manager of the Norfolk Port and Industrial Authority, and is well worth reading. The letter is as follows:

NORFOLK, VA.,
November 8, 1971.

Hon. LEONOR K. SULLIVAN,
Merchant Marine and Fisheries Committee, House of Representatives, Washington, D.C.

DEAR MADAM: It would appear that the Congress is about to pass legislation to permit the sale of American passenger ships to foreign interests. American operators who are largely unaware of recent passenger ship market trends have used historical demand and cost data to show why American ships are no longer useful.

At the same time foreign companies have adapted to market trends and are creating new product offerings by modifying their ships to suit changes in the market, while simultaneously generating new demand by using modern, imaginative marketing techniques.

Conditions are changing so rapidly in the industry that historical demand and cost data is not necessarily relevant. Conditions associated with past operations have vastly changed and should be carefully reevaluated before a decision to sell is made. Of more importance, business conditions, from an American point of view, have become unique. Exploitation of these unique conditions combined with adaptation of techniques employed by foreign operators make some American passenger operations feasible. These ships should not be sold without a more careful study of the industry and its future.

My background and experience have allowed me to gain a good deal of knowledge about all aspects of this business. I spent five years on the bridge of the liner United States as Second and Third Officer from 1957 to 1962. After that, I became Commandant of Midshipmen at the U.S. Merchant Marine Academy at Kings Point. I also worked for the Maritime Administration in Washington promoting the American Merchant Marine. More recently, I have been working as Assistant General Manager of the Norfolk Port and Industrial Authority and Managing Director of the Virginia Cruise Corporation.

More importantly, I have personally led the effort to make Norfolk the third major cruise gateway on the East Coast. As you may know, Cunard Line will be sailing the Queen Elizabeth 2 from this port and also placing its newest ship, the Cunard Adventurer here for weekly sailings on a regular basis.

The Port Authority, along with Cunard, is planning a major promotional program to generate new business in the central part of the Eastern Seaboard. My involvement in this project over the last two years has given me an opportunity to learn a good deal about the passenger ship business from an entirely new perspective. As a matter of interest, I have attached an article that appeared this month in the Baltimore Chamber of Commerce magazine that rather objectively reports on my work in this area.

Although not well known, people around the world, especially on the U.S. East Coast, are traveling by ship (cruising) in rapidly increasing numbers. It is a booming business with tremendous future potential. More foreign research and marketing funds are being spent to motivate the American consumer toward cruising than have ever before been spent in the passenger ship industry.

American passenger ships are lying idle and their value as business resources are rapidly diminishing. It is a buyers market for these ships. Concurrently, the labor unions whose personnel would work on these U.S. ships have indicated a willingness to consider attractive long-range agreements in order to recapture some of the positions that have been lost. It would seem that the elements are right for an imaginative American entrepreneur to investigate the potential for operating American passenger ships under these conditions. Certainly it would seem that the U.S. government would exert tremendous effort to find some way to usefully employ these resources that have been created with large amounts of taxpayers money.

Yet, almost all of the testimony of the ship owners and the government officials charged with promotion of the American Merchant Marine describe a hopeless situation with only one solution—sale of the ships to foreign interests. The same private and public entities that did not foresee the possibility of this bleak situation when they planned and successfully acquired public money for these ships, now say there is no hope for their use by American interests.

In my judgment, the position of these interests is lacking in vision and imagination, and more importantly, in a determined desire to turn around a situation which probably has a solution. If we continue to walk away from every business problem without really making a thorough effort to explore

potential, it is the future of the country itself that is bleak.

I am not suggesting that all these ships can be operated against the type of competition that now exists. I am suggesting that with boldness, imagination, and determination at least some of these ships can be usefully employed in a way that will bring more return to the public interest than the funds involved in their sale. Below are some of my own ideas on how these ships might be usefully employed.

Let me start by stating that under any operator, one of the first things that would have to be done is to have the ships surveyed by an efficiency team. It is well known that most of the ships were models of inefficiency under past operations. Formulas that relate the number of crew to number of passengers should be developed and agreed to by the unions under any type of operation.

There is one area of passenger ship operations in which foreign interests cannot compete; that is coastwise service. Increased and more sophisticated foreign marketing efforts will cause Americans to go to sea in increasing numbers. Research has shown that cruise business is a "high repeat" business. Statistics show that better than 50% of the people who go on cruises do it again. In general, awareness of travel by sea is increasing rapidly in the American consumer market. I believe this interest is transferable to coastal travel, and careful employment of one or more U.S. vessels in the coastwise service might produce remarkable results.

For instance, one or more of the smaller ships might be scheduled between U.S. East Coast ports in a way that would be an attractive proposition from the consumer's point of view and also offer great operational cost savings. Much of the luxury and inefficiency could be eliminated and a modest price offered.

The idea would be to employ the ships in such a way that they would be primarily in the "floating hotel" business and secondarily, in the transportation business.

In the summer a ship might be operated between Norfolk, Baltimore, and New York, or between Boston and New York. The schedule would allow the ships to be in port much of the time and always over the weekend, so that only a reduced number of deck and engineering personnel would be on the payroll and weekend overtime could be greatly reduced. Much of the operating crew could be assigned on the short sea voyage much as night officers are presently assigned. Two ships in such an operation would eliminate the need for return transportation by providing round-trip employment.

The idea of sailing into New York harbor on a ship, and the convenience and glamour of a shipboard hotel would have great appeal to people in the middle section of the East Coast or New England. On the other hand, the idea of sailing to Tidewater Virginia and visiting Virginia Beach and Williamsburg and the other Virginia attractions, would have appeal to many people. The same is true of New England.

In winter months the ships might run from mid-Atlantic ports to Cape Kennedy (Disney World), Port Everglades, or Miami, and serve as floating hotels.

Or perhaps ships could run on a "See the East Coast by Water" concept with stops at various East Coast ports. Other possibilities are numerous.

The key to this proposition is that present laws prohibit foreigners from engaging in this business, thus there is no competition. Freight and mail contracts might add to the economic viability of such ventures. There are many interesting origins and destinations on our coastlines that the right American ships might connect for an American public that is becoming increasingly sea travel conscious.

It would have to be a carefully constructed operation from an operating cost point of view and it would have to be *marketed*.

If subsidy was considered a prudent investment for such a venture, the fact that present laws do not provide for subsidy in the domestic trade represents but a small obstacle, considering the fact that it seems possible to obtain legislation to sell the ships.

Another idea I have had relates solely to the S/S United States. The S/S United States has two characteristics that separate her from the other laid-up American ships. She is very large and very fast. The quality of her construction, and her speed, size, and depressed value are what make the ship attractive to foreign purchasers.

The only plan that I have heard of proposed by American interests envisions some alterations to the ship in order to compete with foreign ships in the cruise trade, and in the super-luxury "round the world" service. I don't believe this ship could ever again compete in this kind of business.

I believe the secret to her successful employment is to steal concepts from what foreign interests would probably do with her. Her characteristics of size and speed make her suitable to move large numbers of people at a high speed. If the concept of transportation of large numbers of people in comfort is substituted for the concept of transporting smaller numbers of people in luxury, the ship gains a new dimension. She can transport people economically. This in turn, opens a whole area of marketing opportunities.

The ship has a commercial capacity of 1900 and a military lift capacity of a full division, about 17,000.

If the ship were reconfigured to carry 3200 people in modest but comfortable surroundings, the possible results from an economic point of view are very interesting. In my judgment, this reconfiguration would not be as great or as expensive a task as might be supposed. The Greeks are masters at changing the configuration of passenger ships, and we might borrow their techniques.

The former per diem operating costs to United States Lines when the United States was in transatlantic service amounted to about $77,000 per day in 1968. In addition, the government provided about $27,000 per day in operating differential subsidy for a total cost of about $100,000 per day.

Revenue during the same period amounted to about $50,000 per day resulting in a very unprofitable situation. Of course, these costs are based on a grossly inefficient type of operation.

The operation I have in mind would involve creating a top capacity for about 3200 passengers on the ship in modest accommodations similar to a modestly priced hotel. The ship would be employed from about April through September on the Atlantic on an itinerary from New York to one European gateway port. From October to March she would operate from Los Angeles to Honolulu. The Atlantic voyages would be of 4½ days' duration and the Pacific voyages would be somewhat shorter.

The price would be established at a level that would be competitive with economical air fares. The Atlantic fares would be from $99 to $199 and the Pacific fares from $75 to $150—about $20 to $50 per day. The price would include a selection of good food served buffet style with a limited selection of entrees. Beds would be made once per day and basic housekeeping accomplished. While the ship is in a U.S. port, only crew members actually engaged in work would be paid. Major cleaning of the ship would be accomplished by shore gangs in port, at either end of the voyage. There would also be a modest entertainment program offered.

According to preliminary marketing research done by the Graduate Business School at the University of Virginia, there would be a tremendous demand for this type of service in the college market alone.

The concept could be marketed offering "Transportation For The People" on two attractive itineraries during good seasons from both coasts. On the Atlantic run it would serve as an inducement to Europeans to visit this country.

Marketing could be aimed at attracting people who would like to have a "sea experience" and those who do not care to fly, as well as those who could not otherwise afford a vacation at a more expensive per diem rate. The value of this offering (i.e., five days of travel, food, and lodging) versus the eight hours in the air could be exploited.

Under such an operation at 90% capacity, revenues would be in the area of $86,000 to $100,000 per day, without income from concessions, etc. This concept of operation should allow very large cost savings and should put the operation in the black, even with increased cost of certain items such as fuel. These savings would be in large crew reductions approaching 50%, large cost savings in food, as well as cost savings in general efficiency of operation. Perhaps a quasi-public authority could perform this operation with a goal of merely breaking even.

This is not meant to be a definitive plan of operation, but rather I have tried to demonstrate how a new concept can drastically change the economics of operating an American passenger ship.

Aside from this possibility, I feel certain there are other uses of the *United States* that have merit that may have been proposed or have not yet been thought of. The ship, because of its fame and uniqueness would lend itself well to many projects, either private or public. The idea of converting her into a traveling American ship of commerce with space rented by American business for exhibits of American products and technology might help improve our balance of trade. The idea of a great sea-going university would seem to have merit.

Such projects should be analyzed from a macro-economic point of view and from the point of view of national public relations value.

The *United States* is the finest commercial vessel ever built and during the 1950s was a symbol of our technological leadership. She brought great glory to the country during a period when our position of maritime leadership was eroding. In my judgment, it would be disgraceful not to find an American use for this vessel for the next few years until she reaches a respectable old age from an operating point of view.

There are also reasons why these vessels should not be sold which are related to defense. Several of these ships have had features built into them, at great cost, at the request of the Department of Defense. For example, length of the S/S United States was governed by the demands of getting through the Panama Canal, and many of her basic characteristics were dictated by the ability to turn her into a troop carrier on short notice.

As a reserve naval officer and a student of transportation, it is almost inconceivable that we could with any confidence write off every possibility for the need to transport personnel by ship in all future contingencies. (During two world wars we have experienced great disadvantages, and demand for tremendous amounts of money because of our pragmatic attitude and short-sightedness with regard to merchant vessels). To me, the idea of requiring an agreement from prospective foreign purchasers not to alter defense features and return the ships to this country under certain conditions is less than a satisfactory arrangement and an implicit acknowledgment of the possible need for these ships.

In general, I think it would be a mistake to sell most of these ships at this time, even if it is necessary for the government to relieve the present owners of the financial drain they are experiencing in maintaining them.

From a national point of view, the funds

involved are so insignificant that I think the proposition of government purchase of some of these vessels should be considered. The opportunity for a foreign sale is not likely to disappear in the near future so the funds could be largely recaptured and hasty action could be avoided.

I believe that a carefully appointed task force with a goal and a strong desire to find a way to productively employ some of these resources would be successful. I even believe that if nothing is done that American business interest will develop in these vessels in the next two years because of changing conditions in the sea travel business.

As an American I am concerned that we have not looked hard enough at this situation. It is simply inconceivable to me that we cannot find a better alternative than the course we seem about to take. There is no great urgency for the sale other than the financial relief of the companies involved, which might be handled in some other way. This obviously is an important decision that is irrevocable once it is made. It is deserving of further exploration and careful deliberation.

Yours very truly,

RICHARD D. O'LEARY.

[From the October 1971 Issue of Baltimore]

GUESS WHAT NEARBY PORT IS BEATING US IN THE CRUISE BIZ?

(By John C. Schmidt)

It's Norfolk, and the Virginia city is waging an aggressive promotional campaign which seems destined to make it the third major passenger cruise port on the East Coast.

In mid-July, several dozen representatives of Baltimore's commercial, governmental and marine communities met at Danny's Restaurant to applaud the humor of comedian Victor Borge and hear vice president Reginald Martine, Jr., of Norwegian Caribbean Lines, for which Mr. Borge was billed as "honorary commodore," announce a series of six passenger cruises from Baltimore in 1972. The occasion was reported in the financial and maritime pages of local papers, and Mr. Borge's appearance drew TV film crews.

At an earlier, similar gathering in late April at Norfolk's Golden Triangle Hotel, there was no comedian present, but Richard B. Patton, president of Cunard Lines, Ltd.-North America, was. He announced that Norfolk had been chosen as home base for Cunard's newest cruise vessel, the *Adventurer*, and that the 700-passenger ship would make a total of 26 week-long Caribbean cruises from Norfolk between May and November of next year. He commented that Norfolk and the *Adventurer* were "made for each other" and announced the opening of a regional office of Cunard in the tidewater Virginia city. In Norfolk, it was Page One news.

In the view of Baltimore travel promoters, the situation represented by these two incidents is such that this city's future as a passenger cruise port, if it is to have one, may be decided for years to come within the next few seasons. For not only has Norfolk quietly but effectively captured a strong foothold toward becoming the third major East Coast gateway behind New York and Miami, but Baltimore is doing virtually nothing even to place itself in contention for this position. According to Mr. Patton, Baltimore was never considered as a base for the *Adventurer*.

One reason for this, in a sense, is that Norfolk got there first. But the winning of the new Cunard liner was no isolated bit of good luck or fortunate timing. A few months earlier it had been announced by Cunard that the pride of its fleet, the *Queen Elizabeth II*, would make two long-duration cruises from Norfolk next January and February. Also previously announced was news that Holland-American Line's *Nieuw Amsterdam* would cruise twice from Norfolk in January instead of once, and that three other vessels, the *Hanseatic*, the *Bohème* and the *Skyward*, would make up to half a dozen embarkations from Norfolk which had not previously been scheduled.

This brings the total of major passenger cruise ship visits to Norfolk in 1972 to as many as 36, whereas previously the port had rarely had more than one a year. Baltimore, including the announced spring and fall sailings by Norwegian Caribbean for 1972, can look forward to ten—the six of the Norwegian Caribbean Lines, two of which are charters, and four of the Greek Line, which began its Baltimore cruises in 1968.

Norfolk's ability to build virtually overnight a business from one cruise a year to three dozen is basically the story of the missionary zeal of one man and of the enthusiasm and support for the cruise-port idea that he has received in the Norfolk area. The man is Richard D. O'Leary, 38-year-old former navigator for the *United States*, which, coincidentally, is now laid up in Norfolk, sharing the fate of almost all other American passenger ships.

Mr. O'Leary came to Norfolk in the spring of 1969 from Washington, D.C., where he was doing promotional work for merchant marine interests. He was hired by Norfolk principally to promote the container business, but part of his job as assistant general manager of the quasi-public Norfolk Port and Industrial Authority was to be also managing director of the Virginia Cruise Corporation, a small, non-profit operation not unlike Maryland Cruises. (Maryland Cruises was originated in 1962 as a joint venture of the Chamber of Commerce and the Maryland Port Authority—each of which invested $10,000—principally to get the cruise business started in Baltimore. In that, it was successful, and successful, too, in promoting the cruise idea among the public. The organization has been to all intents and purposes out of business since 1967.)

Having made some 120 sailings on the *United States*, O'Leary's cruise-ship orientation (a bathroom to him is still a head) soon surfaced and was given a strong boost when he and his wife booked passage on what was then Norfolk's once-a-year passenger sailing. "This immediately started me thinking about expanding Norfolk's role as a cruise port," he explains. "As I looked at it—and I tried to look objectively—I found only pluses, no minuses, as far as getting further into this business."

He says he had long believed in a need for a third major cruise port on the East Coast, and his first effort was to see if research would support that belief. One of the important things he found was that the widely held belief that the passenger ship business had been dealt a death blow by the jet airplane simply wasn't so. Jets did effectively kill the trans-Atlantic trade, but in order to remain in business, steamship companies turned to cruising.

"People read about all the American ships being laid up and think passenger business is dead," Mr. O'Leary exclaims. "The opposite is true—it's a booming business! Between 1965 and 1968, it grew about 15 per cent a year. In 1969, it was up 27 per cent. Last year, even with an 'off' economy, it still went up. The other significant thing we found is that there are right now 23 new passenger ships being built around the world—all foreign ships I'm sorry to say—to go into the East Coast trade."

Research gave equal support to O'Leary's feeling that two widely separated ports on the East Coast were not adequate to best serve the needs of people living in the Mid-Atlantic and Midwestern parts of the country. He makes the point that one-third of the nation's population lives within a day's drive or an hour's flying time from Norfolk, including such potentially right target cities as Washington, D.C., Baltimore, Pittsburgh and the rapidly-growing cities in the Carolinas.

"I think if you were to start all over again and do a marketing study of these parts of the country with respect to cruise business, you wouldn't want to set up two embarkation points at either end of the coast 1,200 miles apart. This deprives people living in the vast midsection of the country of any reasonable alternative."

Persons living in the central part of the country must either pay to travel north to New York and then pay to travel south again on a ship, which he says hardly makes good economic sense, or they must go to Florida. "And whether you drive or fly to Florida from the middle part of the country," O'Leary says, "the difference in cost between going there and coming here to Norfolk, for example, for two people is just about equal to the price of one of the cruise tickets."

Convinced that he was on solid ground, O'Leary proceeded to sell his idea. He admits that when he started, many people, even in Norfolk, thought he was crazy. He began with a road map of the United States on which he had circled the region from which he believed Norfolk could draw cruise business. The road map was soon replaced by more sophisticated surveys, comparisons of operating costs among various ports and marketing studies conducted both by his people and a New York advertising firm, Ogilvy & Mather, Inc. One of the agency's contributions was a revealing study of travel agents' attitudes toward Norfolk, which proved to be a valuable tool in planning.

As it developed, Mr. O'Leary's approach was first to point out the disadvantages of the present two-cruise-port situation and then to cite the advantages of Norfolk as an alternative.

Where New York was concerned, drawbacks cited included complex air schedules, costly taxi rides, squalid dock conditions, overcrowding, labor difficulties, general disenchantment with the city and a location one full day farther away from the warm latitudes than Norfolk.

Miami, in addition to the expense of getting there, has poor port facilities, according to O'Leary, and, in his words, "is a very unnatural place to cruise from—it's all been done there by sheer promotion." Both New York and Miami, he contends, share the disadvantage of having their best cruise seasons during their worst weather—New York in winter and Miami in summer.

Other East Coast ports as far north as Boston and as far south as Savannah were studied by the Norfolk group to assess their cruise potential. The only serious contender to emerge was Baltimore, which offered many of the advantages of Norfolk. These included a good harbor, relatively low port charges, a stable labor situation and convenient parking for cruise passengers. Baltimore was even thought to have an edge over Norfolk in terms of air schedules to anticipated market areas.

"But Baltimore has the major drawback compared to Norfolk of being about ten steaming hours up the Chesapeake Bay," O'Leary points out. "This means that on a cruise out of Baltimore, you spend a total of about 20 hours—almost a full day—essentially within the confines of the harbor. This is particularly critical on short cruises, and since this is the type of business we see developing for this region, we feel that Baltimore is at a serious disadvantage, especially if there is ever lively and competitive cruise promotion between the two ports.

"Although I am certain this will be difficult for Baltimore people to accept, the fact remains that Baltimoreans will be able to purchase a better cruise travel package from Norfolk, because they will be able to trade off a $21 plane fare or a five-hour drive for an extra day at sea." (O'Leary says he is not now planning an aggressive campaign in Baltimore in connection with the *Adventurer*, although some effort will be made to draw passengers from this area.)

Once his data were assembled, O'Leary went to work on local marine interests, port authority officials, city fathers, politicians, bankers, businessmen, civic leaders and others whose influence held sway in Norfolk. While the city has long suffered from a conservative image and has been regarded as an apathetic coal port and Navy town, this is no longer true, and O'Leary got the backing he needed. James J. Gara, the chairman of the Norfolk Port and Industrial Authority, summed up the prevailing feeling at the meeting last April: "We will attempt to gain support for this program within both the public and private sectors of the economy. We will work to make this the most convenient, pleasant and inexpensive passenger interface on the coast." (As an indication of the change that has taken place in Norfolk recently, the Chamber of Commerce proposed essentially the same idea about developing cruise business ten years ago and got nowhere.)

O'Leary's next approach was to travel interests throughout the eastern and midwestern parts of the country. With John L. Roper III, a port authority commissioner and executive vice president of the Norfolk Shipbuilding and Drydock Company, he spent six weeks visiting almost every company operating passenger vessels on the East Coast, knowing full well that he was proposing something revolutionary in the tradition-bound and historically non-innovative steamship industry.

At a meeting he had arranged last November in New York with Cunard president Patton to discuss the then-proposed visits of the *QE II*, O'Leary laid out the whole scheme for developing Norfolk as a major cruise port. He was able to show with hard data the points in Norfolk's favor and more, because of the backing he had received at home, was able to offer to share with Cunard some of the risks involved.

The port authority, for example, would underwrite a promotional campaign costing several hundred thousand dollars. Some of this would be city money channeled through the Norfolk Department of Community Promotion, the balance from revenue which the port authority generates through industrial development and operation of Norfolk's airport.

The authority also agreed to refurbish the Norfolk International Terminals, scene of the embarkation of thousands of troops in World War II, by installing baggage handling systems and such amenities as elevators, carpeting and a lounge. The authority would conduct joint advertising campaigns with local hotels, car rental agencies and airlines and arrange with bus companies to provide free transportation of cruise passengers to dockside.

The arguments and the freshness of Norfolk's approach were enough to persuade Patton, in his words, to take the full plunge, and the *Adventurer* deal was the result. "The thing that led us to Norfolk was the enthusiasm of the port authority," Patton says. "O'Leary is a good man, but alone he couldn't have done it. The city and the port authority gave him a tremendous amount of support."

The promotional program now being mounted is two-pronged. One effort is aimed at travel agents and brokers throughout the Middle-Atlantic region and Midwest, including such cities as St. Louis, Cincinnati and Chicago. Agents are being supplied with informational brochures on the *Adventurer* sailings and on the various collaborative plans being worked out among the airlines and hotels serving Norfolk.

"This should appeal to a lot of people who have been on a cruise and know what it's all about," Mr. O'Leary says. "But we're also putting a lot of effort into selling the idea of going on a cruise to people who've never done it, and it's estimated that only one quarter of one per cent of the people in this country have cruised. Most people have the idea that cruising is very expensive and that only the rich can afford it.

"We're going to show people how for about $50 a day you get everything you need on a cruise: transportation, lodging, entertainment, six wonderful meals a day, plus the excitement of an ocean voyage and that wonderful life at sea. And you can forget about problems like traffic, noise, street crime, pollution and so forth. At sea, they don't exist."

The basic strategy for approaching both groups, O'Leary says, is packaging. Cunard is now planning to fly some passengers to the *Adventurer* from cities such as Baltimore. Beyond that will be the free transportation for passengers between airport or hotels and dockside.

O'Leary is developing an even more imaginative plan which will take advantage of the many tourist attractions in the tidewater Virginia area, such as Williamsburg, Yorktown and Virginia Beach. He envisions a combined cruise and land vacation package which he tentatively calls "The Best Two Weeks in America," which would include several days in Washington and visits to the Norfolk area's historic shrines, in addition to a week-long cruise.

For the long-range future, if the cruise business develops as successfully as hoped, he foresees a large new downtown complex of hotels, motels, a parking garage, restaurants, night clubs and other facilities catering especially to the cruise passenger trade.

All this, he acknowledges, will require a lot of effort. "Most of the promotion of the cruise business that's been done up to now is very passive in nature. And most of it has been designed to appeal to people who have already cruised. To generate the new business we want, I think we have to do more to sell the idea of cruising, as much as to sell a particular cruise deal—we have to make people cruise-conscious. I would like to see the industry get together and do some joint institutional promotion along these lines. I think it would pay off."

Among the more enthusiastic supporters of the port authority's plans is the Norfolk Chamber of Commerce and Convention Bureau. This does not necessarily go without saying, for in some port cities, including Baltimore, passenger cruise business has not been so eagerly sought.

Curtis E. Brooks, assistant executive vice president of the Norfolk chamber, sees two principal benefits to the city from increased cruising: more immediate business for hotels and vendors of many types, such as florists, photographers and caterers; and long-range benefits resulting from the exposure of the city and its attractions to thousands of persons who otherwise would never have gone there.

"We know from experience that every cruise ship attracts to the port not only passengers themselves, but many relatives and well-wishers who come for bon voyage parties and the like," Mr. Brooks says. "The average is from two to three visitors for every passenger, and most of these people will spend at least one night. Already, two of our hotels are preparing independent advertising pieces telling what they will do for *Adventurer* passengers, such as special rate discounts and complimentary cocktail parties.

"Also, since we are responsible for promoting Norfolk as a convention site, we are very interested in this aspect of cruising, for there are many groups that have conventions and are exclusively interested in cruising. Our new convention center is well along toward completion now, and with the cruise possibility, we'll have a strong selling point to lay before these groups that we didn't have before."

Brooks has made a study of the economies which a large convention-cruise group can effect. "If a group can get together enough people to charter the entire ship—which for the *Adventurer* would be about 350 couples—they can either charge their members an average of $100 less per ticket, or charge the regular rate and make a good deal of money for the organization, something on the order of $50,000 for one cruise."

Another reason why Norfolk is especially interested in building a cruise business, the chamber official says, relates to industrial development. A regular schedule of passenger sailings will bring through the community many people who are potential investors in business and industry. As Brooks puts it: "The investor's mind is never idle. If he looks around while he is here and likes what he sees, there is a strong possibility that he will keep this area in mind as investment opportunities arise."

While outwardly optimistic about the chances for success of the cruise business in his city, Brooks admits that everyone from the Mayor on down realizes that there is a lot at stake beyond the financial and physical resources which the city is committing to the effort.

"We think this comes at a very good time psychologically," says Brooks, "because after a long period of low-level activity in Norfolk, there is now a rising tide of dissatisfaction with just holding our own and a good deal of enthusiasm for taking a chance.

"And this is a big chance. If we don't succeed in this venture, the prospects in our lifetime for becoming a cruise port, we believe, are lost. This is a once-in-a-lifetime shot, literally, and the reputation and the future of the community are clearly on the line."

Baltimore Begins To Move

Two developments in recent weeks indicate that interest in promoting more passenger cruises through the port of Baltimore is gaining momentum, both on official and semi-official levels.

Largely at the instigation of a small number of local businessmen, a meeting was held in August to discuss the cruise situation in Baltimore. It was attended by Maryland's Secretary of Transportation Harry R. Hughes, by the Attorney General and by representatives of the Maryland Port Administration, the Baltimore Area Convention and Visitors Council and the Economic Development Department.

At the meeting it was decided to urge the Governor to appoint an "outstanding dollar-a-year man" to lead an effort to attract more passenger cruise business to the city. (The group proposed a candidate for this position, but at press time for this issue he had not yet been approached or identified.)

One of the businessmen involved said he came away from the meeting encouraged because there was a mood of general enthusiasm on the part of the parties concerned and considerable sympathy for the idea that, in his words, "We just can't sit around and place second to Norfolk in this matter. The key to it now is to get the right man to head up and coordinate the effort."

On the official level, the Maryland Port Administration is moving ahead with plans to request $12 million in its budget for fiscal 1972–1973 for the construction of a major passenger terminal at Locust Point near Fort McHenry. If the request is approved by the Department of Transportation and the Legislature, this new terminal could be a reality by 1975.

Passenger cruises from Baltimore are now handled through a converted cargo shed at the Dundalk Marine Terminal, and while Port Administration officials say this service is adequate for the amount of cruise traffic that goes through the port, they acknowledge that it has serious drawbacks.

According to Joseph L. Stanton, port administrator, the most serious problems stem from the fact that the Dundalk Marine Terminal is already at the stage of over-utiliza-

tion. And, the arrival and departure of each cruise ship in effect places one berth normally used and needed for cargo out of service for three days.

The proposed new terminal, Mr. Stanton said, would be a first-class facility with all the necessities and amenities for the comfortable movement of people in and out, including a large protected parking area. He added his belief that if such a terminal is approved and constructed, it would have to be a subsidized operation for a long time to come, and even optimistically speaking, given about 20 cruises a year through the port, it would just about break even on its operating costs. Twenty cruises a year is a figure which a Port Administration study indicates could be supported by the region from which the city would expect to draw cruise passengers.

Mr. Stanton acknowledged that backers of increased cruise trade believe that the economic benefits to the city from such a facility would justify its cost in the long run. He says there are also people who believe equally strongly that the economic impact of increased passenger cruising through the port would be of little consequence. A lot, he said, will depend on the kind of promotion that crusing is given by travel agents, the steamship lines and the various local promotional agencies.

UNION LEADERS DISPUTE STATEMENT MADE IN COMMITTEE REPORT

Mr. Speaker, the committee report on H.R. 11589 states that as a consequence of informal discussions between representatives of the shipowners and the National Maritime Union, "it was stated to the chairman, in clear and unequivocal terms, that agreement had been reached which would eliminate objection to the bill" by eliminating the SS *United States* and the SS *Independence* from its purview. President Joseph Curran, of the National Maritime Union, disputes that statement, and assures me his union strongly opposes H.R. 11589.

Mr. Hoyt S. Haddock, executive director of the AFL-CIO Maritime Committee, of which Mr. Curran is chairman, has sent the following letter to the chairman of the Merchant Marine and Fisheries Committee on this same point:

AFL–CIO MARITIME COMMITTEE,
Washington, D.C., November 8, 1971.

Hon. EDWARD GARMATZ,
Chairman, House Merchant Marine and Fisheries Committee, House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: No U.S. flag passenger ship should be sold to foreign flag interests so long as there exists an opportunity to operate it under the U.S. flag.

I have before me House Report No. 92–617, accompanying H.R. 11589, a bill "To authorize the sale of certain passenger vessels". Beginning on page 9 the report says, "After H.R. 1577 was reported by your committee, informal discussions continued between representatives of the owners and representatives of the National Maritime Union. As a consequence of these discussions, an informal meeting was arranged in the office of the chairman of your committee on Thursday, October 28, 1971. This meeting was attended by representatives of two of the owners and by representatives of the National Maritime Union. It was stated to the chairman, in clear and unequivocal terms, that agreement had been reached which would eliminate objection to the bill. The proposal was that the bill be amended to remove the SS Independence and SS United States from its purview. This gave rise to the introduction of H.R. 11589, on November 4, 1971, which by its terms carries out the agreement made between the union and the owners.

On Thursday, October 28, 1971, I attended a meeting in your office together with Nicholas Pasco, Moore McCormack Lines, Richard Kurrus, American Export Isbrandtsen and Ben Man, Deputy Executive Director, AFL–CIO Maritime Committee.

Mr. Chairman, the committee report, as quoted above, correctly states ". . . an informal meeting was arranged in the office of the chairman of your committee . . .". Yes, this was an informal meeting, and I made it quite clear that I was not speaking for anyone at this meeting except Hoyt Haddock. I also stated that I personally believed that we should find a method which would assure the continued operation of U.S. flag passenger ships.

Mr. Chairman, no statement was made in that meeting which could have been interpreted by you or anyone else present ". . . that agreement had been reached which would eliminate objection to the bill." I stated in very clear language that Chairman Joseph Curran of the AFL-CIO Maritime Committee could not and would not change his position of opposing the sale of any U.S. flag passenger ship to foreign interests. I further stated that I would report the results of our meeting to Mr. Curran, recalling that he makes the policy not me. I don't understand how I could have made my position clearer. At this informal meeting we did discuss:

1. The possibility of removing the SS *Independence* from the bill because an agreement had been reached between a Mr. Matalon and the American Export Isbrandtsen Lines and Moore McCormack Lines to operate her under the U.S. flag. You stated that you thought everyone understood that this agreement would be carried out when H.R. 10577 became law.

2. The need to keep the SS *United States* was also discussed and you agreed that you would use your good offices to have the Maritime Administration explore all possibilities of returning the ship to active duty as a passenger ship, trade fair ship, hospital ship or a floating university. We also discussed:

3. Amending the law to permit twelve (12) months cruising;

4. Your involvement with the Maritime Administration in insisting on a feasible passenger ship program;

5. You would consider a new operating subsidy approach which we had developed that could eliminate rate cutting and assure that U.S. flag passenger ships would be on a parity with foreign flag passenger ships;

6. Giving the Federal Maritime Commission authority to set minimum rates and maximum sailings for passenger ships; and

7. The problems which could face the maritime pension and welfare funds, including your involvement in a solution to these problems.

So much for the setting the record straight, with respect to your unfortunate inclusion in the report referred to hereinabove.

The Congress should not consider selling any U.S. flag passenger ship foreign so long as there exists a possibility of operating them under U.S. flag. Clearly such a possibility does exist.

Mr. Chairman, I am in complete agreement with the minority views of Congresswoman Leonor K. Sullivan ranking majority member of the House Merchant Marine and Fisheries Committee.

Sincerely yours,

HOYT S. HADDOCK,
Executive Director.

H.R. 11589 SHOULD BE DEFEATED

Mr. Speaker, H.R. 11589 should be defeated. A genuine effort should be made by the Maritime Administration to find American interests to operate the five ships so that they would remain American-flag ships, carrying our flag as well as our own citizens on the high seas.

If sold foreign, the ships would still be operated out of American ports, carrying mostly American passengers. But not a dime of the income from the passengers would be spent in this country, and all the wages would go to foreign seamen. And we would write off a huge investment by the American taxpayers while at the same time giving a windfall tax concession to the former owners.

THE CRISIS IN CHILD CARE—THE PARENT REPLACEMENT PROGRAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. RARICK. Mr. Speaker, additional voices of indignation and protest are heard because of the impending takeover of America's children by Federal planners aided by their psychologists, psychiatrists, social workers, change agents, and assorted paraprofessionals.

I insert for the benefit of our colleagues a most perceptive, illuminating, and thought-provoking commentary on the Federal child care threat as appearing in issue No. 8 of the publication "Rough Beast," 1952 Connecticut Avenue NW., Washington, D.C., and entitled "The Crisis in Child Care—A Federal Fantasy" by Marilyn P. Desaulniers.

The commentary follows:

THE CRISIS IN CHILD CARE—A FEDERAL FANTASY

On the surface, day care centers sure seem like a good idea, and not just for working mothers and the children of the poor. Every, but every, non-working mother from time to time needs someone to take care of her kid because she has business, or—Why not? simply wants to get away and do something by herself or with a friend, and wouldn't it be nice if there were a friendly neighborhood day care center where she could leave the child, confident that he would receive the same loving care she generally tries to give him? But what if the available day care centers were run by the state (anybody's state, Nixon's, Muskie's, McGovern's, anybody's)? What if they weren't day care centers as we've by-and-large known them up to now, but "development" centers, and with billions of dollars to spend on the "developing" and huge staffs to implement the programs and a vast bureaucracy to administrate them and great banks of computers overseeing the whole thing, something like the Defense Department? What if parents didn't have a choice about them? What if parents had to send their children there, like to school? What if a representative of a center, a "developer," could come into your home and give you instructions on how you had to deal with your kids at home? What if it were decided they couldn't come home but had to reside at the center for full-time "developing"? Sound far-fetched? There are people in the United States today with big plans, and the plans are beginning to be approved by yours and our elected representatives in Congress at this very minute. For instance, there's Dr. Urie Bronfenbrenner, a top consultant to the government on child "development" programs. He has testified to a Congressional committee that "it is not the parent . . . it is society that has responsibility" for child "development." That quote is from the article which follows. Read on.

Legislation to provide free or low cost child

care for millions of American children is presently under consideration by both houses of Congress. Promoted as a means of getting welfare mothers into jobs, or with the emphasis on concern for the child and a determination to provide everything from dental to mental health for him and his family, the basic argument offered by the Nixon Administration is a "crisis" in day care a picture of horrible child neglect by working mothers, single parents, or simply indifferent families.

Like any fiction, however, believing in the crisis in child care described by the Executive Branch requires a suspension of the audience's critical faculties. The simple processes of arithmetic, for example, must be discarded in considering the statistics offered to support direct federal control of early childhood education.

For, despite the method of presenting the figures in a confusion of fractions and percentages, spaced by paragraphs of incoherent sophistry and circular thinking, the documentation of a child-care "crisis" depends for its acceptance on sheer mind-boggling abuse of the English language which dulls the senses and obscures the fact that the figures used actually prove that no crisis exists at all, nor even any significant problem, nor any real desire for day-care facilities by those most directly affected, the mothers of the children.

The mainstay document used to establish the urgent need for immediate federal entry into the business of child care is the Children's Bureau (HEW) publication, 461–1968. Its figures are usually expressed in a variety of arithmetic forms, such as "one-half the children are cared for in their own homes," "13% were cared for by their own mothers at work," or "nearly one million cared for themselves." The relevant base figures are generally lacking in the "crisis" documentations, and the confused presentations are not subject to analysis. Only access to the basic document itself could give any idea of the real value of such statistics. And, their meaning in normative terms is far short of a national crisis—in fact, no crisis at all.

The Children's Bureau study of the nation's 12.3 million children, under 14, whose mother work included those whose mothers were employed part-time as well as full-time, and for periods of as little as 26 weeks in the year. The effect of their situations, therefore, should weight the statistics concerning the actual number of working mothers as well as the need for expanded child-care facilities. This has not been done.

Ignoring any interpretations, however, the existing totals show that 92% of the children of working mothers were totally supervised during the mothers' absence, while the "latchkey children" whose plight is the emotional bomb in the issue make up less than 1/12th of the children under consideration (and, most of these are older children, including early teen-agers, who are semisupervised after school for an hour or so).

The most recent figures indicate that, nationally, between 6,000 and 8,000 younger children may lack supervision while the parents work. Although neglect of even one child is of proper concern, such figures compared to the 12.3 million children whose mother's work, or the nearly 50 million of the same age whose mothers do not, is scarcely cause for the *massive* involvement of the federal government in this area.

Indeed, the official figures themselves indicate a possible national child-care deficiency that relates to less than 1/60th of all the nation's children under 14 in its broadest estimates, and more accurately involves .6% of the same group.

The federal government, however, with its newly created Office of Child Development (HEW; the OCD is separate from and equal to the Children's Bureau and the Office of Education) to supervise the nation's youth, purports to find a crisis in this situation justifying a minimum annual expenditure of $12 billion! With the application of these billions, Dr. Edward Zigler, the chief of the Office of Child Development, described in a recent interview the failures of American parents that he intended to undo in his capacity as the Nixon Administration's "super parent" for American children.

He intends more sex education for the little ones, and more baby-sitting demanded as part of required high school courses in "parenthood." By training them in advance, he intends to insure that tomorrow's adults do not stray from the state's ideas of how they should raise their children. In the meantime, he looked forward to expanding the parent training already in effect under some federal programs for Dr. Zigler does not believe that Americans are very good parents. Thus, by introducing federal funding to child care, *federal supervision even in the child's own home would be required under the Federal Interagency Day Care Standards.* The physical, emotional, mental, and social affairs of the child and his family would be directed by the agencies under federal control. Even the meals served in the home would be open to question and change under the guidance of health and nutrition experts a requirement of the Federal Day Care Standards already operating in limited fashion today.

In such a noble crusade, can anyone be deterred or hampered by the mere fact that only 35% of all the nation's married women with or without children work at all? Or that the mothers of only 1/5th of the nation's children under 14 are employed? Or that ⅔ of working and 71% of nonworking mothers expressed a strong preference for child care performed in their own home? Is it reasonable to expect "super parent" and his friendly lawmakers, or the non-representative special interest lobbies to be influenced by the Children's Bureau analysis that "care of children outside the home or family . . . plays a relatively limited role at the present time"? The government's own figures show that only 2% of all the children of working mothers are presently cared for in day-care facilities.

The unreal quality of the thought processes is staggering in its disregard for fact and in its single-minded pursuit of a predetermined objective: federal control of the first vital years of life, for, with the entrance of federal funds directly or indirectly into any day-care program in any community, the requirements of the Federal Interagency Standards are automatically introduced to the organization and definition of day care.

Via the bureaucratic vocabulary, innovative definitions (much like creative spelling) have been built into administrative requirements, corrupting any normal understanding of words into a nightmare of clique-thinking combined with an ever present contempt for accuracy and language. With Joycean extravagance, it indulges not merely double entendre, but precariously derived multiple levels of meaning in the commonest words and phrases until the structure and goals of agency directives are perceptible only to the initiate. Thus, in federalese, "day care" equals "early childhood education" equals "preschool education" equals "early childhood development" equals "human growth and development" equals "comprehensive development of school age children"; that is, whatever effects the child's "functioning in cognitive, affective, motivational self-image, emotional and social areas; in other words, in all of those areas which contribute to creating an effective adult" (quoted from the presentation of the Office of Child Development and Children's Bureau in December 1969, when the two bureaucracies were organized as one, before the Select Subcommittee on Education, House of Representatives). Further identifying this all-inclusive direction of the child as a definition of "education," the presentation admitted the implications of such government activity by the identification of "society as the third parent for every preschool child" a monolithic and totalitarian description that is a functional element in all federally assisted programs.

It is therefore strictly in the terms of *federal* definitions that a shortage of day-care facilities and a "national child-care crisis" must be understood. After all, at the same time that HEW insisted there was "a critical national shortage of day-care facilities . . . "the Westinghouse Learning Corporation Study discovered 63,000 unfilled day-care slots. However, excepting those already under the Federal Standards, few could meet the requirements.

The Westinghouse Study identified most existing day-care facilities as either "custodial" or "educational." The first was described as "approximating good home care," the second as providing "trained personnel on the staff and intellectually stimulating environments, i.e. games and toys designed for specific learning objectives, musical instruments, art equipment, animals, plants, good books, and they keep progress records on the children." Neither of these kinds of day care is acceptable to the federal government because they are not comprehensive enough, i.e. extending to the social, mental, emotional and developmental areas of the child's life, and that of his family, to include "all institutional settings," such as the home.

There are indeed few formal or informal arrangements for children (including in-home care by auntie or grandma) which meet the Federal Interagency Standards for day care. Nor, among the non-federal providers of such services is there any desire to meet them. Few outside the federal priesthood (where such miracles of national crises are wrought) are willing to promote or endorse the interagency requirements without the backing and muscle of the federal government; for few parents with a choice would expose their children to the requirements' processes and the concept that "society is the third parent."

The federal faith, however, is demanding, and all who come under its stern guidance must learn the ways of combining fait accompli with illogical premises. Thus, society is the third parent, and the government is society. Therefore, government must be "super parent."

Acting out its private fantasies, the federal bureaucracy already indulges its monolithic self-image with such demands as that under Title 45, Chapter II Code of Federal Regulations, Part 220.18(c)(1)(ii). This little known exercise of central government control of children requires that, with reference to care in the child's own home, "child care provided by relatives, friends, or neighbors must meet standards . . . that, as a minimum, cover age, physical and emotional health" and more. Thus, Grandma or Aunt Jane are subject to tests for emotional health before mother can leave the baby with them; and who knows what male chauvinist mental health worker will determine that the hormonal stresses of a 40ish neighbor prohibit her from coming into watch little Joe after school? After all competition is eliminated, the alternative is of course a federally approved day care center.

The applications hypothesized here are not nearly so fantastic as those already carried out by the straight-faced social revolutionaries in their determination to control children's personalities and values. The revolution is here, and we'll all raise our children the way "super parent" thinks we should, no matter how great our misgivings about a project oblivious to mere facts and unconcerned about little things like individual liberty, free will, or self-determination.

Representing as it does a step backward toward the cradle from the acknowledged constitutional infringements of the elementary and Secondary Education Act of 1965, no greater concern about the Bill of Rights can be expected from this new federal assault on the legal rights of parents, the sovereignty of state and local govern-

ments, or the protections of the First Amendment. Just as Title II of ESEA specifically provided for by-passing state governments, through direct federal funding where such funding was prohibited by the state's constitution, so the myriad "child care" programs under consideration in the House and Senate, with the endorsement of the Nixon administration, also proposed to disregard local and state government requirements for teacher certification (S. 2007, already passed by the Senate); to reduce safety and fire codes of state and local governments as they apply to child-care facilities; and through announcement of a "federal responsibility" for child care, create a sort of reservation for American children in every community, under the sole control of the central government.

The concern of that government for the children already enjoying its superior parenthood is difficult to discern in testimony before the Select Subcommittee on Education which revealed that child-care centers in New York were shut down because of serious fire and safety hazards—presumably they were operating due only to a shortage of city inspectors. The reaction of the federal priesthood to such experience is terrifyingly consistent with its other encounters with real life. It proposes to lower fire and safety standards for child-care centers, on the theory that the mean old state and local governments are unrealistically strict in their requirements for buildings housing children. And, it's tough enough keeping the propaganda ball rolling, without having to meet sticky requirements for trained personnel or safe buildings or adequate lighting. If this does a little more damage to the Constitution in the process, why just trot out the fictional "crisis" and insist that the problem is urgent and explain that "we have to do something. . . ." Even commit institutional suicide.

The alliance of child-care programs with the Elementary and Secondary Education Act of 1965 is organic. S2007 tied the two programs together under Title V. The "research" funded under Title IV of ESEA is a major element in promoting expanded childcare programs. Preschool programs directed at total populations are funded under Title III of this disastrous piece of legislation. The concept of total development of the child—mental, physical, emotional, social—was introduced to private as well as public elementary and secondary schools through the same Title III.

The Elementary and Secondary Education Act of 1965 did not travel under the guise of crisis legislation, although it was railroaded through the Congress. It wore, instead, religious ecumenical garb, drawing all religious faiths together under the gentle direction of the central government, through the imagery that the child, not the parochial or private school, was the recipient of federal funding. Such imagery has not been carried so far that families of these children actually receive a tax credit of perceptible proportions, but, as new packaging to sell federal entry into the religious domain, it wasn't bad for a starter.

It wasn't good enough to rely on, however, since President Johnson apparently felt it necessary to communicate his desire to the Senate that ESEA be approved without debate or amendment. And, since he was bargaining with a landslide victory behind him, good politicians all, they did, thus preparing the way for the federal government to feed its totalitarian visions with small programs, and develop an appetite for big ones wherein the "comprehensive development" of children from infancy would be a recognized "federal responsibility."

Thus, perceiving that children already in school hadn't been properly raised. Title III programs (designed to provide services lacking or in short supply) rushed group therapy, preventive psychiatry, mental health, "family-life" education, sensitivity training, increased psychological services and liaison with community mental health centers for drug treatment of "behavior problems" into public and private schools across the country. Recognizing the dangerous lack of government direction in the early years of the children, special curricula structured with modern operant conditioning techniques were substituted for standard classroom texts and courses in every required subject, from social studies to language, from gym to health education. Each of these "Education Systems 70s" products of super-parenthood is designed to produce specific "behavioral changes" through application of the built-in conditioning. The specific stated intent of these general classroom activities is the creation and direction of ethical and moral values as determined by a public/government agency.

After all, the ecumenical bargain had been sealed: federal cash in return for the abolition of First Amendment guarantees. And who can blame Dr. Urie Bronfenbrenner, a consultant for federal child development programs, for the casual reference to the trade-off when testifying before the House Select Subcommittee on Education and Labor on proposed universal federal child care in December 1969? "Separation between church and state," he explained, "which was an important separation at the time, had the effect of splitting responsibility for the child's development. There was subject matter which became the school's responsibility and his development as a human being, which became the responsibility of the family and the church." A mere historical reference, in the past tense. (No more before this same committee which had the greatest responsibility for the Elementary and Secondary Education Act of 1965 was any challenge issued to the public burial of the free practice of religion.)

In an agreeable exchange with Mr. Collins, of the Subcommittee, Dr. Bronfenbrenner concurred with the legislator's equation that society equals government and that ". . . it is not the parent . . . it is society that has the responsibility" for child development. The best way to introduce such concepts, it was agreed, was to begin by promoting them for the poor "because we can get it done there" just as so many other outrages have been introduced to American communities during the past ten years by inviting the majority to judge minorities and then impose on them "social solutions" that include assaults on human dignity and civil liberties alike. The fine print, however, says that what is a cure for minority groups is likely a good preventive for the rest of the population. And the righteous judges soon find themselves labeled "bad parents," their children being inculcated with religious, political and social values by public agencies.

Thus, federally funded child care has developed primarily as a program for the "economically deprived," "cultural minorities," and welfare families. The willingness of otherwise nice people to strip these groups of their rights and dignity was clothed in the language of social justice-cum-urgent need. Since continuing welfare dependence, in the judgment of the behavioral scientists, did not reflect persistent vocational handicaps but, rather, cultural and personality defects, the rationale for imposing government-directed value systems expressed itself as "breaking the welfare cycle," or eliminating the curse of poverty.

C. Kenneth Johnson, manager of the Washington, D.C. model for Federal Child Care has explained the "change" in the meaning of day care, from a philosophy of service to families to a "preventive program" for "very young children" in recent testimony. "We know that by the time the child reaches 6 to 8 years of age, he has his whole personality, his whole style of living, his sense of values—those have been pretty much developed by this time." The concept of Federal Child Care Standards, in his words, is to give "this child an opportunity to develop the way we think he should be developing, at a very early age in life."

"Unfortunately," he admitted, "this change [in defining child care] is only in the minds of those people who are most directly involved in day care."

The change, however, becomes operational in every instance where federal funding is directly or indirectly involved, for, 4–Cs, Community Coordinated Child Care, is the required organizational form under Federal Interagency Day Care Standards. 4–Cs is the administrative tactic by which all organizations, groups and professionals in the community are penetrated and absorbed by the federal apparatus. It no longer relies only on funded programs to provide the "super parent's" philosophy of child-rearing to special groups. A qualification for receiving federal funds, under the Interagency Standards, is a guarantee that in terms, of philosophy and common goals all professionals, church and civic organizations, as well as public facilities, have been coordinated with the agency seeking the grant. The rationale for this mechanism of central government control is that it "will prevent duplication of services."

Thus, continuing as well as expanded day-care programs, funded directly or indirectly by the federal government, provide the means of converting every child-directed activity in affected communities into the extensions of a federal "super parent." If you think it couldn't happen, consider briefly the proprietor of a private preschool faced with the demand that he comply with coordination or be responsible for denying day care to the children of needy mothers in the community. The application is as valid for church-operated facilities. What businessman or minister could hope to explain such callous disregard for our social problems? For shame.

The lack of clear explanation of federal definitions makes resistance even harder. Day-care or child-care facilities in the minds of the general public are best defined by the two kinds which the Westinghouse Study defined as "custodial" and "educational." The term "comprehensive" is generally delivered to the public in terms indicating free medical care for low-income children. When the Administration glowingly reports on its "commitment to the first five years of life," it refers to providing everything necessary for "optimal development" of the child, whatever that may be. However, the sum total of the purple prose and statistical sleight of hand, generated on behalf of massive, multi-billion dollar federal entrance into the lives and homes of American children from infancy, omits any reference to the "change" in the definition of day care, which "is only in the minds of those people who are most directly involved in day care."

It is little wonder, then, that Senator (a sponsor of federal child-care legislation) remarked on the fact that the programs were being enacted "without much public notice." It is scarcely surprising that Dr. Zigler himself commented that "people don't recognize the monumental nature of this legislation and what effect it can have on the country in 20 years."

Take the federal definition of government equals society, and the observations of another federal consultant in support of "super parenthood," and the effect of such programs on the country in 20 years is totally predictable: "It is possible," says expert Bruno Betelheim, "to create a viable personality type wholly different from that of the parents, in a single generation."

Different, no doubt. But, like the other products of this federal fantasy, this one is also flawed, for, according to the Office of Education, Planning, Research and Evalua-

tion, in December 1969, although "over the past decade, evidence has accumulated in the behavorial sciences as to the relative malleability of the child in his early years . . . what experiences are appropriate for what developmental stages . . . what environmental conditions provide experiences which optimize development" are not yet known.

After ten years of experience and experiment with child development programs, the Office of Child Development admitted, "As we enter the 1970's we are still seriously deficient in (a) our understanding of how children develop, (b) the causes and nature of the deficits found among disadvantaged children, (c) the technique for appraising the state of development and (d) the design and delivery of programs and curriculum to prevent or overcome developmental deficits."

The situation could scarcely be made clearer; the federal child-care experts don't know what they are doing, can't show any good reason for doing it, and can't measure their own programs adequately to determine the effects of all this intervention in the development of children.

The same statement, in fact, frankly admits that, in practice, "the results of those experiences [with developmental programs] have not been fully reassuring. In fact, in some cases they have been rather difficult. We have been discouraged by some of the findings."

Not discouraged enough, however. For despite the inability of any expert or federal child-care official to predict the results of deliberate tampering with the developmental processes of infants and children, despite the admitted lack of any benefits from the preceding ten years' experiences, the current proposals in House and Senate are designed to increase the use of the behavioral sciences on increasingly younger children in experimental procedures contemptuously labeled "child care."

Thus the House Education Committee summed up testimony on universal early childhood education and day care: "One can make the case, I obviously don't, that we don't know enough about what makes the difference in the development of children; therefore, we do nothing . . . until we have satisfied ourselves that adequate research has been done . . . Now, in earlier testimony with other childhood experts, we were told, no, that is not the attitude to take, 'You should go ahead with programs, and at the same time, carry on very effective and careful evaluation of ongoing programs,' which is one very important means of conducting research."

The key words, "conducting research," are identical with the processes activated in elementary and secondary schools through federal funds. The philosophy and goals are also the same. Thus, from a standard text on activities in the regular classroom, it is interesting to note that the title "Introduction to Educational Research: A methodology of design in the behavioral and social sciences" identifies the changed definition of education described by the Office of Child Development. Published in 1963, this standard reference contains suggestions on helping teachers overcome their reluctance to experiment on other people's children (pg. 49), identifies the "change" in education away from imparting skills and information and toward study of the child and his development under manipulated circumstances—with emphasis on his value systems (pp. 91, 92, 353, 379). With the expressed anticipation that educational research will be to the behavioral sciences what clinical psychology was in the past (pg. 477), emphasis is placed on study of children's value systems in "intrafamilial" contexts (pg. 479).

Recognizing the possibility of damage to the "normal and healthy" child-subjects of this educational research, the text contains the suggestion that the experimentation be carried out under the concept of "liability without fault," a flat statement that the government should assume responsibility for rehabilitation of damaged children or payment of indemnities to the families of those who cannot be rehabilitated. For, says this text by Carter V. Good, Dean, School of Education, University of Cincinnati, government-as-society supports most of the experimentation to begin with.

How ironic that the increasing number of children with emotional problems has been blamed on the parents by those tampering with the children. What skillful misdirection permits the use of these tragic figures to justify increased federal "child-care" and "education" programs, wherein no information or skills are imparted, wherein no care for any child exists? How ingeniously the proven failure of Head Start and other "remedial" programs is used to justify access to even younger children.

But, the federal fantasy of a child-care crisis is not amusing. It is as dangerous to the survival of the nation's political, social, and economic institutions as any foreign aggression.

Whether sold to Women's Lib as a way to free women from the home, or to professional women as a humane provision for those less fortunate than themselves, to welfare mothers as a "Head Start" to help their children catch up with the middle class, or to welfare critics as a way to get those lazy mothers off the dole and into jobs—whether promoted to liberals in the properly vague but beautiful language of social justice, or to conservatives with creative statistics indicating a national crisis that does not exist, the sheer dishonesty of the advertising indicates the quality of the product, and the level of acceptance its promoters would expect from the public if its nature were understood.

The echoes of Dachau and Auschwitz in the potentially dangerous, involuntary experimentation on children would not likely be acceptable to the American public. Nor could the citizens really be expected to endorse the assumption that the central government should control moral and ethical values through a private arrangement to disregard First Amendment guarantees.

The deliberate attack on the political existence of state and local governments, begun with the Elementary and Secondary Education Act and continuing through current child-care standards and legislation, presents the serious possibility that the collapse of these sources for representation in the Congress will, as they succumb, render the House and the Senate illegal bodies like the "coordinated" Reichstag of 1933.

Certainly, imposing federal standards and regulations at the expense of state constitutions and local control casts doubt on the viability of the federal system. The value of the individual vote is diminished in direct proportion to the erosion of its Constitutional resources and the expansion of central government control.

The definitions of federal child care and education, in their many guises, are expressions of authoritarian contempt for the principles of individual liberty, free will, and self-determination. The support of too many individuals and groups has been secured for them simply by rewording the old saw that the end justifies the means.

Subjected to the artificial crises trumpeted day and night, by media sophmorically determined to change the world, the resistance of normally rational people collapses under emotional overload. Pressed from all sides to support the kindly central government's plan to take responsibility for infants and children, even before birth, and loved by the federal priesthood's miracles of statistics and pseudoscience, paraded with the modest assurance that Super Parenthood will prevent all social, physical, mental and economic ills forever more, too many responsible leaders have succumbed.

The sheer stun-effect of so much illogic and garbled prose silences initial objections. Subsequent failure of the promoters to communicate the facts—thus promoting propaganda instead of news—effectively isolates objectors in an environment where they seem alone in disagreement and, therefore, in error.

There are undoubtedly more fools than villains, more mad scientists than fascists, more who are coerced than coercing. But the fact remains that federally funded programs of child care and education (since ESEA) represent an expression of monolithic, total power by the central government, at the expense of the states, local governments, the federal system, the Constitution, and the individual's essential human dignity and liberty.

Only public rejection of these programs can halt them. Letters to the President, your Senator and Representative are in order. But, the time is short. And the Administration has let it be known that only a massive outcry will stop expansion of the cynical "child care" and "early childhood education" to every community, family and child in America.

Who has the youth, said Adolf Hitler, has the future. No government, if we dream of liberty, should ever have control of our children—Marilyn P. Desaulniers. The author is completing a book. "Revolution from the Top; The Making of Nazi America."

DEDICATION AND ENTERPRISE OF OUR FEDERAL WORKERS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 12, 1971

Mr. DULSKI. Mr. Speaker, over the years our many dedicated Federal employees have been maligned time after time in the public eye.

This is both unfortunate and unfair—as anyone knows who deals with the Government and its employees on a regular basis. As in any large organization, there are exceptions—but that only goes to prove the rule.

Since I came to Congress in 1959, and immediately was assigned to the House Committee on Post Office and Civil Service, I have come to know well of the conscientious work and the working conditions of our Federal employees. I had some knowledge of their plight before I came to Washington since I had served several times as a Federal employee in my home city.

Mr. Speaker, I believe the report this year by the Civil Service Commission speaks for itself in indicating the caliber of people who serve in our Federal establishment. I include the text of the announcement from the Commission as a part of my remarks.

PRESS RELEASE BY U.S. CIVIL SERVICE COMMISSION, NOVEMBER 8, 1971

Federal employees made record contributions to Government economy and efficiency valued at $344.8 million through their suggestions and superior accomplishments during Fiscal Year 1971, Chairman Robert E. Hampton of the U.S. Civil Service Commission announced today. This all-time record in the 17-year history of the Government-wide Incentive Awards program exceeded the previous high of $343.5 million recorded in Fiscal Year 1967.

Assessing the results, Chairman Hampton stated:

"I wish to commend these Federal employees who have so admirably demonstrated their awareness of the great need for economy and high level of performance in Government. This evidence of their efforts and initiative sets a high example for Federal employees and should be of particular interest to American taxpayers as an illustration of employee contributions to achieving greater Government efficiency and economy."

A total of 96,879 employee suggestions achieved savings of $170,844,320 in reduced man-hours and costs of materials and equipment, and contributed immeasurable benefits in improved services to the public and increased efficiency. Employees received $5,060,038 in cash awards for adopted ideas, with an average cash award of $82, compared to $65 the previous year. Average benefits to the Government per cash award were $2,125 for FY 1971, compared to $1,873 the previous year.

For meritorious performance exceeding job requirements, 105,937 Federal employees received a total of $17,835,240. Benefits totaled $173,949,083 and were 75.6% higher than in FY 1970. The average lump-sum performance award in FY 1971 was $185, and average benefits per cash award were $1,410.

The largest special achievement award ($10,000) was earned by a group of 29 engineers and technicians of the Radar Techniques Branch, Naval Research Laboratory, Washington, D.C., for developing radar equipment that can "see" over the horizon. In addition to its immediate value in military use, this development will contribute to safety in commercial and private air traffic control. The Naval Research Laboratory has been a pioneer in radar technology since its invention there by Dr. Robert M. Page, the laboratory's retired director. (Dr. Page was a recipient of the President's Award for Distinguished Federal Civilian Service.)

Another notable award recipient was James S. Griffiths, a special agent with the Department of the Treasury, who received $1,000 for his outstanding initiative and judgment in working to eradicate counterfeiting in the Los Angeles area. Under his leadership, over $1,180,000 in counterfeit bills was seized in 5 cases alone.

The following agencies had outstanding results in their Incentive Awards programs:

Army led all agencies in dollar benefits from suggestions ($62.1 million) and from special achievements ($61.7 million).

Navy established a new Department record of $33 million in measurable benefits through the suggestion program.

Air Force, second among agencies in benefits from suggestions, topped the $50 million mark for the fifth time in 6 years with over $54.3 million.

The Incentive Awards programs of the Department of the Treasury, District of Columbia Government, and General Services Administration showed significant increases in all areas—including more suggestions received, more adopted, more special achievement awards granted, and increased dollar benefits.

Other individuals receiving awards for exceptional accomplishments included:

E. P. Davitt, a General Engineer at Naval Ordnance Systems Command Headquarters, Washington, D.C., who earned $9,705 for developing the Sonobuoy Missile Impact Location System at less than one-fifth of the cost of designing, engineering, and manufacturing a competitive system, with a savings to Government of over $18 million. (Mr. Davitt was a 1971 winner of the Presidential Management Improvement Award.)

Walter K. Sterling, engineering technician at the U.S. Naval Air Station, Patuxent, Md., who received $7,455 for suggesting and developing an adapter device to carry practice bombs on training flights. His idea resulted in estimated savings of $6,353,181 during the first year of use.

A five-member team of research scientists at NASA's Ames Research Center, Moffet Field, Calif., who received $5,000 for their outstanding contributions to scientific progress in the field of deep-space radio communications.

Clarence M. Poole, a physical examination specialist with the Department of the Army, Fort Benning, Ga., who was awarded $3,350 for suggesting an improved method for processing the release of enlisted men who disqualify physically for military service. His idea has achieved savings of $1,249,740 and produced additional immeasurable benefits.

Paul L. Glasener and Robert E. James, Agency for International Development, who were granted $2,790 for their team effort in finding a way to significantly reduce costs of shipping voluntary agency food shipments to India.

Stanley Hansen, a marine surveyor for the Department of Commerce, San Francisco, Calif., who was granted $1,255 for devising a way to take impressions of ships' gears using materials and techniques similar to those used by dentists and dental technicians. This development, which permits engineers to determine the condition of gears without costly disassembly, has been adopted by the U.S. Coast Guard and the American Bureau of Shipping.

Pierre C. Boucher, a poultry products marketing specialists with the Department of Agriculture, who was awarded $1,220 for suggesting the use of an improved method of packaging dried egg mix used in direct food distribution programs.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 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 1600 American prisoners of war and their families.

How long?

PHASE II PROGRAM

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. HANNA. Mr. Speaker, the President's phase II program is based on too narrow a premise to solve our present economic dilemma. It assumes that our sole battle to reduce inflation is in containing the wage-price spiral. I do not agree. Certainly, where the load of amortizing unused capacity is not absorbed in loss of profit, it is a cost distributed in higher prices. Additionally, where there exist inefficiencies in production and distribution, these are also read out in price structures. Finally, with a tax proposal to give 7 percent incentive credit for adding to an already excessive production capacity and tolerating both a reduction in earnings and a high unemployment, we are enduring a substantial loss in tax revenue. I would point out, Mr. Speaker, that there are in reality two sources for governmental deficits. The first and more widely known of course, is spending too much. The second, and equally as successful yet not too well-known, is collecting too little. To my mind, this loss in tax take is contributing more to the budget deficit than the so-called excess spending.

When you realize that the most predictable consequence of increasing wages and increasing wage earners is to increase tax revenue, the essence of governmental benefits from a full employment economy becomes apparent.

It therefore strikes me that where wage increases do not, or should not, effect price increases, they should be encouraged. Also, some price increases which reflect honest and fair assessments of costs should not be measured as inflationary. Again, programs and policies for increased employment should be promulgated and fostered and these cannot be limited to investment credit inducements. Rather, investment tax credits should be tied to the following:

First, actual increase in jobs;

Second, demonstrated increases in efficiencies of production and delivery of goods and services; and

Third, demonstrated increases or improvements in markets.

These, it would seem, have more dynamics than the mere encouragement of investment per se.

Our problem now lies in the total effort of both management and labor to make our production competitive. It lies also in recognizing we have underconsumption of a serious kind which suggests increases in purchasing power at home and increases in market activity abroad. Once we have the dynamics of full employment, our tax revenues will quickly fill the gap now suffered in revenue which is largely responsible for our present shocking deficit, a deficit revealingly portrayed by my esteemed colleague from Texas (Mr. MAHON) whose committee has projected a 4-year deficit for the present administration of in excess of $100 billion—a deficit we simply can-

not afford, by any meaning of the word. For further background on this disturbing figure, I urge my colleagues to review Chairman MAHON's remarks in the RECORD of October 28 at page 38053.

THE SUSAN B. BILL?

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. GUDE. Mr. Speaker, our distinguished colleague, the Honorable SEYMOUR HALPERN, has recently proposed that the $2 bill be reissued carrying the portrait of Susan B. Anthony. I believe this to be an excellent suggestion and the gentleman from New York is to be congratulated for offering it.

Should the $2 denomination again be brought into use, the Federal Government could realize an annual savings of $2.1 million in printing costs. This, at a time when our economy is in need of all the help it can get, is a positive contribution.

Additionally, with the gospel of women's liberation deservedly gaining converts, I think it most appropriate that Mrs. Susan B. Anthony, a woman who contributed so much both to womanhood and to our national heritage, be honored in this fashion.

The Washington Daily News has published an editorial in support of this proposal and I would like to share it with my colleagues at this point.

The editorial follows:

[From the Washington Daily News, Nov. 3, 1971]

THE SUSAN B. BILL?

Rep. Seymour Halpern's proposal to reissue the $2 bill and put suffragette Susan B. Anthony's picture on it seems to us to have a lot going for it.

The $2 denomination, discontinued in 1966, makes even more sense today when the buck doesn't go nearly as far as it used to. And it would save the government an estimated $2.1 million a year in printing costs by replacing half of the ones with bills of twice that value.

True, Founding Father Thomas Jefferson, whose serenely handsome face used to grace the $2 bill, would be replaced by the rather grim visage Susan B. presented to a male chauvinist society.

But richly honored Tom already is represented on the nickel. And, Virginia gentleman that he was, we can't believe he'd mind a bit stepping aside for a lady whose company he might have found tedious but whose zeal for social progress he certainly would have admired.

One hitch seen by New York Republican Halpern and cosponsors of his proposal is that Women's Libbers will view it as an insulting sop to their ambition to innumerable high offices. Their suspicion might be merited if he had proposed putting Susan B. on a $3 bill.

But, given the economic temper of the times, Susan B. Anthony on a $2 bill might become even more familiar to the citizenry than two famous males popularized by our coinage. The Indian on the old penny. And the buffalo on nickels when nickels used to buy a good cigar.

LEGAL SAFEGUARDS FOR U.S. WORKERS IN DANGER

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 12, 1971

Mr. DULSKI. Mr. Speaker, the very capable Federal Spotlight reporter for the Washington Evening Star, Joseph Young, has indicated that plans are afoot to change the legal safeguards with regard to Federal employees.

This is a matter which merits our concern and I call the article to the attention of all our colleagues:

U.S. MOVES TO FIRE "SUBVERSIVES"; AUTOMATIC OUSTER CALLED FOR IN PLAN

(By Joseph Young)

The Nixon administration is drafting plans for the automatic firing of all federal employes who are members of any organization the government decides is "subversive" or "revolutionary-terrorist."

The plan would abolish present legal safeguards adopted following the witch-hunts of the Joseph McCarthy era in the 1950s and the loyalty programs of the late 1940s.

It would apply to both "sensitive" as well as "non-sensitive" jobs in government.

Mere membership in a group listed by the attorney general as "subversive" is not now grounds to fire a federal employe. The government must prove that an employe is an "active and knowing" member of such an organization.

The proposed new standards would bring the dismissal of an employe if the government decided his continued employment "would not promote the efficiency of the service."

Apprised of the administration's proposed changes, federal employe union leaders expressed alarm that this could result in a new witch-hunt in the federal service.

They also express concern that the proposal would mean virtually any employe could be fired on vague charges.

WHO LISTS ORGANIZATIONS?

The union leaders ask who is to determine in these rapidly changing times of social stress and upheaval which organizations are "subversive" or "revolutionary" and which are not?

Federal union leaders say there is a grave danger that government employes belonging to groups demanding an end to the fighting in Vietnam or in the cause of school and housing integration and other social issues would stand to lose their jobs if the plan becomes effective.

Asst. Atty. Gen. Robert C. Mardian, chief of the Justice Department's internal security division, referred to the proposal in remarks prepared for an Atomic Energy Commission security conference. Mardian has also indicated the administration's thinking on the matter in testimony before Congress.

The ideas discussed by Mardian are only "working proposals," a Justice Department spokesman said today.

"These proposals," he said, "are simply part of our current evaluation of the existing security system."

Officials have not yet decided whether it would take new legislation or only a presidential order to put the proposals into effect, if a decision is made to implement them, the spokesman added.

DESCRIBED AS "LEGALISM"

In his remarks to the AEC group, he described as "legalism," federal court decisions which carefully circumscribed operations of internal security programs.

He said that "legal distractions . . . have placed an onerous, if not impossible, burden on government and industrial security officers," and that the new standards are part of several proposals to correct this.

Among others he named was a July 2 executive order from President Nixon authorizing the Subversive Activities Control Board to hold hearings and designate groups that fall into the "subversive" or "revolutionary-terrorist" category.

This order is under attack in Congress. There have been bills introduced by Sen. Sam Ervin, D-N.C., to bar use of federal funds to enforce the order.

Mardian argued that evaluating the membership in groups "dedicated to revolutionary-terrorist" principles would offer a "more realistic" test than present standards.

JUSTICE DEPARTMENT VIEW

Mardian argued that government agencies should be able to fire employees if membership in an offending group would diminish his agency's efficiency.

Mardian added that "the vast majority of Americans would . . . agree that persons who are knowing members" of such groups "should not be employed in even non-sensitive positions, not simply because they are disloyal, but because such people are not likely to improve the delivery of governmental services of a government system they are trying to destroy."

Queried by Jared Stout of the Newhouse News Service as to which additional organizations would be named as subversive or which kind of activities by federal employes would be regarded as subversive or revolutionary-terrorist, Justice Department spokesmen declined to do so.

A Justice Department spokesman said the proposed plan could take the form of either legislation or a presidential executive order.

RUSSIAN GRAIN SALE HISTORIC STEP

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. FINDLEY. Mr. Speaker, the sale of nearly 3 million tons of U.S. feed grains to the Soviet Union, announced last week, is an historic event of great importance to the American farmer.

The shipments that will be made between now and July 1972, equal more than 15 percent of all U.S. feed grain exports last year. This is particularly significant as we are in the midst of harvesting the largest corn crop in history. In addition to the tremendous lift this gives to agriculture, it also benefits the U.S. balance-of-payments position, since the Soviet Union will pay for the grain with U.S. dollars.

Beyond the immediate benefits of such a large sale—2 million tons of corn alone—are the long-term implications for U.S. agriculture.

This sale is further evidence that the Russians are making a serious effort to produce more meat and poultry products, and it means that they could be a continuing an important market for the feedstuffs required for a thriving livestock industry. While feed grains made up the initial sale, a good potential for sales of soybeans to Russia also exists.

It is an historic development that has opened the door to a new market of great potential for the U.S. farmer. I am inserting in the RECORD as part of my remarks the initial announcement of the sale from the U.S. Department of Agriculture and a fact sheet outlining the products being sold:

[From U.S. Department of Agriculture News]

UNITED STATES TO SELL GRAIN TO SOVIETS

WASHINGTON, November 5.—Two U.S. firms have firm offers to sell more than $125 million worth of grain to the Soviet Union and an agreement has been reached with the U.S. maritime unions to make the overseas shipment, Acting Secretary of Agriculture J. Phil Campbell announced today.

The Secretary said approximately 3 million tons of feed grains, "primarily corn," but including barley and oats will be involved in the sale.

"This historic development opens the door to an important market for American farm products—not only for this year but it can develop future avenues of trade that will be even more important to American farmers," Mr. Campbell said.

The sales of grain to the Soviet Union have been made by Continental Grain Company and Cargill, Inc., Mr. Campbell said. The grain, primarily corn, will be delivered between now and July, 1972. Payment will be in cash, with U.S. dollars.

Mr. Campbell also praised the leadership of President Nixon and the "statesmanship" of union leaders in negotiating to ship the grain.

Mr. Campbell called the agreement to move the grain a "breakthrough which offers major possibilities for American farmers."

The grain sale, which is equivalent to more than 15 percent of all U.S. feed grain exports last year, comes at a time when the U.S. is harvesting a record 5.4 billion bushels of corn.

The record corn crop is the result of increased plantings by farmers to offset a possible loss to a new, more virulent strain of corn blight, which cut the size of last year's crop by 15 percent. But weather conditions kept the blight in check, and a record production was the result.

Mr. Campbell said the corn involved in the sales will come from the free market—that part of the barley and oats will be from Government stocks and will move at world prices.

"These historic sales of grain to the Soviet Union may open a new era of understanding with the people of the Soviet Union," Mr. Campbell said. "There is every indication that Russia is expanding its livestock industry. Two USDA-sponsored teams which have recently completed study missions in Russia report that if the Russians carry out their present intentions they will need substantial quantities of feed stuffs which the United States is in a position to supply."

Mr. Campbell said, the arrangement that led to the completion of the sales agreement between the commercial grain companies and the Soviet Union is a result of President Nixon's charge to his staff to do everything practical to break a long impasse over the handling of grain shipments to the Soviet Union.

The Maritime Act of 1970 provides for a significant modernization of our merchant fleet. This Administration initiated this legislation to make it possible to compete in an ever-expanding market, and we are confident that the U.S. flag fleet will be competitive and will participate in new export fields.

GRAIN SALES—SOVIET UNION

I. CORN

2,000,000 metric tons=80,000,000 bushels—15% of last year's exports.

II. BARLEY

600,000 tons=28 million bushels—36% of last year's exports.

III. OATS

300,000 tons=21 million bushels—117% of last year's exports.

EXPORTS

[1970–71]

Million bushels

Corn	509
Barley	77
Oats	18

PRODUCTION

[1970]

Corn (billion bushels)	4.1
Barley (million bushels)	410.0
Oats (million bushels)	909.0

[1971]

Corn (billion bushels)	5.4
Barley (million bushels)	470.0
Oats (million bushels)	885.0

DELBA AWARD TO MILTON BERLE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. HOSMER. Mr. Speaker, the dedicated and public-spirited members of the Downtown Long Beach Associates next month will pay a richly deserved tribute to a great American entertainer and humanitarian—Milton Berle.

Milton will be the 1971 recipient of the "DELBA" award, presented annually by the Downtown Long Beach Associates to recognize the often unheralded humanitarian and philanthropic activities of our show business personalities.

In recent years, the organization has honored Danny Thomas and Bob Hope with this fine award and the presentation to Milton Berle will give it added lustre.

He is truly one of the giants of the entertainment industry, called "Mr. Show Business," "Mr. Entertainment" and "Mr. Television." But like many stage personalities, there is another side to Milton Berle that the public rarely sees.

Berle's stage personality, like many a movie villain, is entirely different than the real-life Milton Berle. While he comes off brush, arrogant, and fast onstage, it is just his act. In person, Milton Berle is rather a gentle man, kind, considerate, an innate gentleman. It is a personality far removed from the nightclub Berle.

He is a quiet humanitarian, sometimes too much so for his business managers. He has amassed millions as an entertainer but he would have given it all away if his advisers had not limited him to $150 a week pocket money.

Berle's talents need no detailed renumeration. His versatile artistry has found expression on the stage, motion pictures, nightclubs, radio—and television. Berle long was tagged "Mr. Television" for good reason. He was the first superstar of the youthful industry and he has remained consistently on top during the years of its growth.

Berle has probably done more benefits than any other star in show business. His philanthropies are many, and he gives to them generously of his time and money. A beloved figure in the world at large, Berle rehearses as hard for a benefit show as he does for the engagements which have earned him millions over the years.

No greater accolade can be given Milton Berle than when the Television Academy of Arts and Sciences honored him with this well-earned tribute: "The industry honors the man who made the industry."

Berle has come a long way since he started in show business at the age of 5.

He made his debut on television in 1929—to a closed-circuit audience in Chicago of 129 persons. He later became the first big name to break into TV when he bowed on NBC–TV's "Texaco Star Theatre" June 8, 1948.

Until 1956, he rode the medium s pinnacle of popularity for 8 consecutive years.

During much of that time, he stood alone as the first and biggest attraction offered by the electronic infant.

Known then as "Mr. Tuesday Night," he literally cleared the Nation's streets as millions turned to the nearest TV set—usually in appliance stores or at the home of a prosperous neighbor or relative—to catch his weekly hour-long show. Berle is generally credited with selling more TV sets in those days than all the Nation's appliance salesmen combined.

But where the comedic Milton Berle is more widely known, there is a serious acting side to Berle. His Emmy-nominated performance in television's "Doyle Against the House" and his critically acclaimed performance of the harassed agent in "The Oscar" added a new dimension to this multitalented performer's artistry.

In fact, his performance in "The Oscar" was so widely praised in Germany that the U.S. mission in West Berlin petitioned the White House to name Berle head of the U.S. delegation to the 1966 Berlin Film Festival. This, President Johnson did and Berle acquitted himself with distinction at the festival.

Mr. Speaker, I am pleased to join my friends of the Downtown Long Beach Associates in paying tribute to a great entertainer and wonderful human being.

AN ADMINISTRATION CRITIC MEANS NEVER HAVING TO SAY YOU ARE SORRY

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. SCHERLE. Mr. Speaker, Monday, the weekly publication of the Republican National Committee, has printed many a telling observation of the political scene. Under the able editorial hand of John Lofton, Monday has been the source recently of some excellent political analysis. A good example of the kind of sound reporting which has made Monday respected on both sides of the aisle is the following article from the November 8 issue:

BEING AN ADMINISTRATION CRITIC MEANS NEVER HAVING TO SAY YOU ARE SORRY

Being a liberal critic of the Nixon Administration means never having to say you're

sorry—even when the facts ultimately prove your charges wrong.

Back in February of 1969, after company executives of three major Southern textile manufacturers assured Defense Deputy Secretary David Packard that they would take "affirmative action" to reach equal employment goals, the Department of Defense announced approval of $9.4 million in contracts to the three firms.

"The lesson of my experience is that one can move ahead at the fastest pace on these employment issues when one enlists the cooperation and personal backing of the top executives of a company," Packard testified before a Congressional subcommittee explaining the Administration's flexible approach. "I believe that this is the best way to achieve what we are working for."

CRITICS WANT BLOOD

But the Administration critics disagreed. They wanted no part of any effort which emphasized mediation, persuasion and voluntary cooperation.

Massachusetts Sen. Edward Kennedy, as head of the Judiciary Subcommittee on Administrative Practices, called a hearing and sternly rebuked Deputy Secretary Packard for awarding the contracts on the basis of "nothing more than a gentleman's agreement."

Former Vice President Hubert Humphrey accused the Administration of inconsistency and a "marked disparity between words and deeds."

Michigan Sen. Philip Hart called the Defense Department decision "unfortunate." Minnesota Sen. Walter Mondale charged that the Department of Defense "is the first Federal agency in the new Administration to impede efforts for racial justice here at home." Eight black Democrats in the House wrote the President expressing concern.

WASHINGTON POST CRITICAL

The *Washington Post* editorially criticized the Administration's procedure as an "odd act" and warned: "They will have the most cause for regret if they opened a Pandora's box of resistance and regression."

In another editorial the *Post* labeled as "disturbing" Deputy Secretary Packard's personal, special dealing with the companies and said that "That way lies real trouble."

The "trouble" the *Post* worried about has now occurred but it is not quite what the Administration's critics suggested it might be. According to Defense Department statistics released at the end of September 1971, the Nation's five largest textile firms (including the three awarded contracts in 1969), show substantial increases in minority employment during the period 1968–1971.

MINORITY EMPLOYMENT IMPROVES

Reviews conducted by the Defense Department's Contracts Compliance Office show that in these five companies—Burlington Industries, Dan River Mills, J. P. Stevens, Fieldcrest Mills and Spring Mills—employment of minority males increased 25.7 percent; minority female employment rose 118 percent and total minority employment increased from 21,031 to 31,182, an increase of 48.3 percent.

Back in 1969, before Sen. Kennedy's subcommittee, Deputy Defense Secretary Packard told the Massachusetts Democrat: "We can measure progress by the results they have achieved and I think that's the important part of it."

Now that they have been proven wrong, will Sens. Kennedy, Mondale, Humphrey and Hart; the eight black Democrats in the House and the *Washington Post* admit they were in error? Don't hold your breath.

FORMER SPEAKER OF CUBAN HOUSE OF REPRESENTATIVES BECOMES AMERICAN CITIZEN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. RARICK. Mr. Speaker, Mr. Antonio Martinez-Fraga, a former Cuban Congressman, twice Speaker of the House and a Senator for many years prior to the overthrow of Cuba by Castro, has now become an American citizen and I am proud to say resides in my congressional district.

Mr. Martinez-Fraga has recently written to me expressing his views on the dangers which threaten our liberties and of his dedication to our country as the last bulwark of freedom.

I feel that all our colleagues will benefit by reading Mr. Martinez-Fraga's letter and will appreciate the inner feelings of one of our new citizens who knows firsthand what it is to have been forced to flee from the Communist menace which has subjugated his country and people and of his intense devotion to the United States as his adopted country.

I ask that his letter follow and commend it to our colleagues.

KING'S FOREST,
Covington, La., November 8, 1971.

Hon. JOHN R. RARICK,
House of Representatives
Washington, D.C.

DEAR MR. RARICK:

As a Cuban—who has had the honor of being a congressman, twice Speaker of the House and a senator for many years up to the unfortunate Batista's coup d'etat in 1952, and a graduate as a lawyer and a doctorate in International Laws and Public Affairs at Havana University—I have performed during my exile in America for more than twelve years my best efforts and sacrifices for the freedom of the Cuban people from the Russian slavery represented by its puppet Fidel Castro, the notorious gangster at the service of the International Communism since the bloody episode of Bogota, Columbia, in 1948.

But the fulfillment of my duty could not and cannot be accomplished especially after the personal and unconstitutional pact negotiated between the late president John F. Kennedy and the also late communist dictator Nikita Khrushchev in order to secure to the Soviet Union its control and domination upon Cuba—just in the heart of the Western Hemisphere—in exchange for a promise which could never be verified during the so-called Cuban crisis in 1962, nor thereafter. This last and dramatic chapter of the Monroe's doctrine funeral has never been approved by the U.S. Senate, and it is a permanent violation of the Joint Resolution approved by the Legislative Branch in Congress assembled on October 3, 1962.

Such irreparable fact, direct result of serious political mistakes, has been increasing the growing peril under which the United States has to live as long as Communism stands for the total domination of the world. And all Cubans who have been received by the American people with open arms cannot ignore such peril, nor they either can forget their eternal debt of gratitude with the American people. I think that now my time has come to start paying such special kind of indebtness, and the best way to do that for all Cubans in America is acquiring the American citizenship, so that we can fight with our votes in defense of America, the only country in the world which is able to save mankind from the Soviet Union domination. But now, when the United States is suffering the most perverse subversion put in motion by Communism from inside America; now, when such a subversion is largely coming from the Russian colony in the Caribbean Sea, especially through Canada. But now, when the "new isolationists", the demagogic politicians, the faint-hearted and weak-kneed peacemakers, the color bearers of the protests and strikes, the outstanding representatives of the very well-known communist organizations, the notorious preachers who claim that the cold war is only a memory perpetuated by the "military-industrial complex", and that the necessary and successful nuclear test on Amchitka Island in Alaska would be a tremendous crime against mankind, but all of them unified, by chance perhaps, under the flying colors of the radical liberals whose purposes are to crush the moral principles of the American family, to destroy the American economy, to reduce to ashes our military defenses, and to break the enforcement of the law and order in evident coincidence with the same finality pursued by Communism. Such a decision has to be taken now, when you, as well as many congressmen and senators are fighting with real courage against the aforementioned small but numerous groups. Now, in order to use in due time the powerful weapon of the American citizenship: the vote.

All of us, the Cubans from birth, in the United States should begin paying our debt of eternal gratitude helping America to be saved, and through America when time comes with the help of God to restore freedom in Cuba and in all the unhappy countries which are dying under the thumb of Communism.

Therefore, one of our most important civic duties now, as American citizens, is to alert the Cuban exiles toward the above-mentioned purposes.

God bless you, Mr. Rarick, that is my salute and the salute of my family as new American citizens.

Very respectfully,
ANTONIO MARTINEZ-FRAGA, LL.D.

SEND THE U.N. SPIES TO MOSCOW?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. ASHBROOK. Mr. Speaker, the June 1971 issue of the publication of the Veterans of Foreign Wars, VFW magazine, carried a very informative article by FBI Director Hoover entitled "Mao's Red Shadows in America."

In the article Mr. Hoover stated:

Red Chinese intelligence in the United States, as compared with Soviet Russia's, has a major handicap in that Peking is not recognized diplomatically by this country nor is it a member of the United Nations. This deprives the Red Chinese of a legal base from which to operate spies. A high percentage of Soviet espionage, for example, is carried out by Soviet diplomats assigned to either the Soviet embassy in Washington or the USSR's Mission to the United Nations in New York.

Mr. Hoover's statement, of course, predated the infamous action of the United Nations in admitting Red China to the world body while at the same time expelling our friend and ally, the National-

ist Chinese Government on Taiwan. The Red Chinese now have a "legal base from which to operate spies"—the United Nations. In another example of its excellent coverage, the New York Daily News of November 11 carried a front-page headline reading "Red China Envoy Tabbed As Spy."

Two articles on page 3 of the News pointed out that Kao Liang, the head of Red China's advance party at the United Nations, is an old intelligence pro who has done yeoman work for the Chinese Reds in a number of African nations. Now, in addition to the U.S.S.R., the Soviet-bloc nations and Cuba, we can look forward to a Red Chinese network of spies working from an additional legal base within our country. Year after year, Mr. Hoover in his annual appropriations statements, has warned of the increasing activities of the Communist representatives here in the United States in addition to the "illegals" who sneak into the country and ply their espionage wares. On March 17, 1971, before a House subcommittee of the Appropriations Committee Mr. Hoover stated:

Some of the Soviet-bloc intelligence officers in our country are "illegals" who have no ostensible connection with the USSR. They are deep-cover intelligence professionals who easily blend into our population using assumed identities. Eventually each becomes the nucleus of an espionage network. The detection and identification of these deep-cover agents constitute counterintelligence problems which require much detailed and extensive investigative effort.

Now that the Chinese Reds have a U.N. base, they can take a lesson from Fidel Castro on how to use their U.N. mission as a base for intelligence operations and in coordinating the efforts of violence-prone radical groups of American citizens who seek to create trouble both here and in Latin America. Lest one doubt that there are American citizens who will do the revolutionary bidding of Mao and the Reds, the above-mentioned article by Mr. Hoover in the VFW magazine should dispel such doubts. This article which was first inserted in the CONGRESSIONAL RECORD on June 15 of this year by Congressman JOHN SCHMITZ, of California, is of such importance that I am again inserting it at the end of my remarks.

Concerning the use of the U.N. as an espionage base and what possible solution might eliminate this problem, a resolution on the U.N. passed earlier this year by the American Legion at Houston, Tex., recommended consideration, among other things, of the following:

For the second 25 years Russia should provide a U.N. site and buildings.

If such a change were to come to pass, it would indeed be interesting to see how the Soviets would handle the likes of Kao Liang in Moscow.

I request that the following material be inserted in the RECORD at the end of these remarks:

The two items from the New York Daily News by its news bureau and reporter William Federici; excerpts from Mr. Hoover's appropriations statement of March 17, 1971; the article from the VFW magazine, "Mao's Red Shadows in America"; and the American Legion resolution on the U.N.

[From the Daily News, Nov. 11, 1971]

CHINA ADVANCE MAN CALLED AN EXPERT SPY

WASHINGTON, Nov. 10.—Kao Liang, head of Red China's advance party at the United Nations, is an espionage expert who once selected African recruits for guerrilla training at Chinese camps in Cuba, United States officals disclosed today.

These officials, revealing Kao's role as a top Chinese intelligence agent, told THE NEWS that he was active in East Africa between 1961 and 1967.

While ostensiblv serving as a journalist for Peking's New China news agency, they said, Kao was a major figure in a pro-Peking coup in Zanzibar in 1964, then moved to the French Congo (Brazzaville), when he advised the government's counterespionage police and serve as China's chief guerrilla recruiter for East Africa.

Kao arrived in New York Monday as head of a six-man advance party for the official Peking UN delegation scheduled to arrive tomorrow. He paid his first visit to UN headquarters yesterday.

U.S. intelligence maintains a fat file on the Chinese diplomat-journalist, who was kicked out of India in 1960 for "tendentious reporting."

Kao had arrived in New Delhi as a New China news agency correspondent four years earlier. About a year after his expulsion, he surfaced as a roving correspondent in Africa.

Soon after, Western intelligence identified him as the principal Chinese Communist espionage agent in East Africa. He was expelled from Mauritius, an island nation in the Indian Ocean off the African mainland, in 1964.

He was reportedly active in Nepal and in Switzerland, where he attended the 1961 Geneva conference in Laos. His most recent public appearance was last spring, when he accompanied the Chinese ping-pong team to Japan for a tournament that led to the historic invitation for a U.S team to visit Red China.

Sources said that Kao passed out money and arms to pro-Chinese insurgents in Zanzibar in 1961. One of them was Shiek Abdul Rahman Muhammed, a New China news agency stringer who emerged as foreign minister after the coup.

While in Africa, Kao lived lavishly, maintaining a large house and car and throwing expensive parties. He left Africa in March 1967.

BEGAN WITH NEW CHINA

The Chinese news agency, like the Tass news agency, its Soviet counterpart, is considered by United States intelligence as a front for espionage activities in some countries. Red China's deputy foreign minister, Chiao Kuan-hua, who heads the official delegation to the UN, began his career as a correspondent for the agency before entering the diplomatic service.

Using the UN as a cover for espionage is not new, according to U.S. sources. Last month, American intelligence sources leaked a charge that Vladimir Pavlichenko, a director of the UN public information office, is an officer of the Soviet intelligence agency, the KGB.

American intelligence estimated that at least half the Soviet officials at the U.N. are KGB agents.

INSCRUTABLE SUPERSPY PLAYS IT COOL . . .

(By William Federici)

United States authorities had expected that at least one member of Peking's advance party to the United Nations would be a spy. But when the word was passed through the intelligence network that Kao Liang was to head the group that arrived Monday, intelligence people here flipped.

So far, Kao, the man billed as a top Red Chinese agent, has spent most of his time here looking for an unbugged home for the delegation.

SECURITY CHIEF FRONT

But nobody is taking any chances. The 5-feet, 10-inch, 175-pound superspy is being watched by an assortment of undercover cops, as well as by agents from Russia, Britain and the United States, to mention but a few.

Everybody, including local police, have been given a complete description of Kao's modus operandi.

There are strong suspicions that his role here will be that of "coordinator," never making any subversive contacts or deals himself but fronting as chief security officer for the new mission.

Kao's appointment here was considered "very interesting" by one top U.S. agent. "Either they think we wouldn't believe it possible that he would be used as a spy, or their intelligence chief is a very sophisticated man and they are going to make the most of him."

ANOTHER IS REAL SPY?

Meanwhile, Kao has made the agents' job easy. He has been photographed repeatedly and is talking freely and pleasantly to any man with a badge.

One government agent believes that Kao's main job here will be to keep an eye on another member of the advance party, who is the real spy.

Privately, agents say there is the possibility that Kao is being rewarded for a series of jobs well done all over the world and assigned to great duty in the glass house on the East River.

Nobody has told U.S. authorities where the Red China delegation will take up permanent residence here. But it is expected that Kao will be the man who selects it and finally tells them, "when he thinks it is necessary," a source said.

ESPIONAGE AND COUNTERINTELLIGENCE

THE SOVIET BLOC

Mr. HOOVER. The most serious threat to the security of our country is Soviet Russia and its satellites. As the power of the USSR has grown since the end of World War II, so has the intensity of the Soviet-bloc espionage aimed at the United States. The FBI as a result has been confronted with a constantly increasing volume of work.

There has been a steady increase over the years in the number of personnel from the Soviet-block countries assigned in the United States. As of March 1, 1971, there were 1,172 Soviet-block officials and 1,454 of their dependents in our country. The buildup is evident when we compare these figures to the 806 officials and 1,174 dependents here as of July 1, 1966. Not included in the figures cited are the numerous couriers, members of special delegations and other officials temporarily in this country but not assigned to official establishments.

(Discussion off the record.)

Mr. HOOVER. A Soviet defector has stated that 70 to 80 percent of all personnel assigned to Soviet diplomatic establishments work in the intelligence field.

I hand to the Chairman two charts which show the number of Soviet-bloc personnel in this country since 1966 and a breakdown by countries of the personnel currently here.

Mr. ROONEY. The two charts referred to by the Director will be inserted at this point in the record without objection.

Mr. HOOVER. The targets of the Soviets aided by the intelligence services of the satellite countries of Poland, Czechoslovakia, Romania, Hungary, Bulgaria, and Mongolia, are our most closely guarded military, scientific, political, economic and industrial secrets. In addition to engaging in clandestine activity to obtain vital data of these types, the Soviet-bloc intelligence officers collect a wealth of publicly available information at conferences and conventions as well as from periodicals and magazines to which they subscribe.

Some of the Soviet-bloc intelligence officers in our country are "illegals" who have no

ostensible connection with the USSR. They are deep-cover intelligence professionals who easily blend into our population using assumed identities. Eventually each becomes the nucleus of an espionage network. The detection and identification of these deep-cover agents constitute counterintelligence problems which require much detailed and extensive investigative effort.

COMMUNIST CHINA

Despite its differences with the Soviet Union, Red China continues to regard the United States as the common enemy of the people of the world and its propaganda is designed to stimulate disruption of our society. The so-called "sleeping giant," Red China, has awakened from the lethargy of the cultural revolution and is forging ahead with its intelligence-gathering and revolution-inspiring activities against the United States.

Although the Chinese Communists have no diplomatic establishment in the United States, they carry out their intelligence activities through representatives in Canada and broad-based contacts among established Chinese-American communities in this country. The large number of Chinese entering this country as immigrants or temporary visitors includes some undercover agents dispatched to gather intelligence.

The Chinese Communists have shown support for revolutionaries in the United States. Eldridge Cleaver, Black Panther Party Minister of Information and a fugitive from justice, was hosted in Peking in September 1970 prior to the opening of the Black Panther's international office in Algiers.

A number of pro-Chinese Communist organizations and groups within our country militantly oppose the U.S. policy on Vietnam as well as the Chinese Nationalist Government. One of these is the Red Guard in San Francisco, a militant group of oriental youths which encourages its members to become proficient in the use of firearms. Another militant organization is I Wor Kuen (meaning righteous, harmonious fist) which is composed exclusively of Chinese-Americans, many of whom are from the educational community. This group, based in New York City, contends the yellow race is oppressed and should fight for equality. The I Wor Kuen has a publication which parrots the lines of the Black Panther Party and the Students for a Democratic Society.

Also active in this country is a 500-member group of native Taiwanese who advocate the overthrow of Chiang Kai-shek and self-determination for the Formosan people. The ever-increasing violent posture of this group surfaced in April 1970 when two of its members attempted to assassinate Chiang Kai-shek's son, Vice Premier Chiang Ching-Kuo, who was visiting in New York City.

Our work in Chinese Communist matters has increased consistently over the years and with the intensification of intelligence efforts by Red China, this work is expected to increase substantially.

CUBA

Fidel Castro uses the Cuban Mission to the United Nations as his base for intelligence operations inside the United States. Officers of the Cuban Intelligence Service make up over half of the entire complement at the Cuban Mission.

These agents are well-trained professionals dedicated to Castro. Cloaked in diplomatic immunity, they have been deeply involved in such varied activities as the dissident student movement, the Puerto Rican independence efforts and the racial and New Left movements. There is mounting evidence of Cuban Government support of individuals and groups engaged in violence in our country, such as the Weatherman faction of the Students for a Democratic Society, the Puerto Rican Socialist Workers Party, the Armed Revolutionary Independence Movement of Puerto Rico, and Cuban-trained Puerto Rican terrorists, Filiberto Ojeda Rios, Narcisco Rabell Martinez, and Roberto Todd Pagan.

On October 9, 1970, the Department of State, acting on documented evidence developed by the FBI, declared two Cuban intelligence officers persona non grata. Rogelio Rodriguez Lopez and Orlando Prendes Gutierrez were counsellor and first secretary, respectively, at the Cuban Mission to the United Nations. Rodriguez was the intelligence principal of Jennifer Enid Miles, a foreign national who admitted that she had been recruited by the Cuban Intelligence Service to develop in Washington, D.C., political intelligence of interest to the Cuban Government. Until her voluntary departure from the United States, she was employed in a clerical capacity at the embassy of a friendly foreign government.

Castro made a lasting impression on the dissident groups which visited and worked in Cuba during the past year. Some 1,300 members of the Venceremos Brigade, for example, went to Cuba to cut sugar cane. While there, they were subjected to heavy doses of revolutionary propaganda and constantly reminded that they were the vanguard of the revolution in the United States. The members of these groups provide the Cuban Intelligence Service with excellent recruitment possibilities.

While the Cuban Government has curtailed the refugee flow to other countries, the freedom flights continue to bring over 3,000 refugees into the United States each month. The vast majority of Cuban refugees are genuinely anti-Castro; however, some have actually been covert agents dispatched from Cuba with intelligence assignments.

Even though we are confronted with much additional work, we cannot relax our vigilance in attempting to neutralize Castro's continuing efforts to build up his intelligence potential in our country.

[From VFW magazine, June, 1971]

MAO'S RED SHADOWS IN AMERICA

(By John Edgar Hoover)

Mao Tse-tung, the Red Chinese dictator, is some 6,000 miles from the United States. But the shadows of pro-Peking subversion are daily becoming a more serious problem in this country.

EXAMPLE 1

It was a warm evening in May. In a city not far from San Francisco several cars drove through a suburban area and then parked. Their occupants hurried into an attractive small home. A friendly gathering of people.

But, not quite. This was a meeting of a "collective" (or cell) of the Revolutionary Union (RU) a group dedicated to Mao Tse-tung and his doctrine of the Marxist-Leninist revolution.

Inside, the meeting came to order. The chief speaker, one of RU's West Coast leaders was talking.

"The RU," he said, smacking his fist into his hand, "is placing far too much emphasis on theoretical work. Reading, studying and theory have their place—but not now. The times demand direct action."

He paused for a moment, almost caught up in a rage. He turned and slowly looked into the eyes of every member present, as if he were talking to each individually. This was a group small in numbers, but hysterically dedicated to the teachings of Chairman Mao.

The leader leaned forward, almost hissing between his teeth. "We must start arming. Only in this way will we awaken the revolutionary masses."

EXAMPLE 2

The man had entered the United States from a foreign country. He was a "tourist"—there was no doubt about that. He wouldn't stay permanently. But he had assignments other than just sightseeing. As a pro-Peking intelligence agent, he was gathering information of many types.

In the eyes of this spy, and his masters in Red China, the U.S. was the "citadel of imperialism," "Enemy Number One"—a nation with a vast array of scientific, technological, military and other types of information which, as much as possible, must be stolen or otherwise obtained for use by Mao's government.

EXAMPLE 3

The woman was medium in stature. Her brown eyes reflected a cold, steel fanaticism. She stood behind the podium with a sheaf of papers scattered in front of her.

"I have lived in the Peoples' Republic of China under Chairman Mao. His thoughts and teachings have brought success to the 'people's revolution.' He represents the wave of the future. You must learn more about him—who he is, what he stands for and what you can do to help him.

"You are in an excellent position to tell the story of Mao to Americans. Many of you here today are students. You are working with students on college campuses and young people in industry. Carry to them Chairman Mao's message of revolution."

The group?

A New England cadre training session of the Progressive Labor Party (PLP), a pro-Maoist activist organization with headquarters in New York.

The woman speaker?

A person very closely connected with the Peking regime.

What do these three incidents tell us?

First, there is a variety of pro-Maoist groups in the United States, such as the Revolutionary Union and the Progressive Labor Party, which, although often in dispute over the tactics of bringing about the revolution, are working zealously for the Red Chinese cause.

Second, this nation today is the target of a growing Red Chinese espionage campaign designed, among other things, to gather confidential data for Peking.

Third, Red China desperately wants to make contact with and influence our rising generation, both college and high school students as well as youthful workers employed in industry.

Let's examine in more detail these Maoist thrusts.

The two main pro-Maoist groups, highly competitive with each other, are the Progressive Labor Party and the Revolutionary Union. Each has its own program, origins and, on occasion, feuds with the other. But both are fanatically loyal to Mao doctrines.

PLP's chief contribution to the Red Chinese cause has been the "pulling off" of an almost unbelievable revolutionary feat—that of not only influencing, but ideologically capturing a sizeable number of America's most militant and radical youth!

Here is what happened—and this technique looms as a threat as to what can happen in the subversive indoctrination of youth.

First of all, we must realize that the PLP is what we call an Old Left group, that is, it draws its ideological roots from the Bolshevik Revolution of 1917 (as do the pro-Moscow Communist Party, USA, and the Socialists Workers Party or Trotskyists). Actually PLP was formed in 1962 by dissidents expelled by the Communist Party after bitter internal dissension caused by the Sino-Soviet dispute.

Moreover, not only is PLP Old Leftist (which means strict discipline), but it represents the most orthodox, traditional and dictatorial interpretation of Marxism-Leninism, namely, that delineated by Mao.

Yet, despite this Old Left background, PLP was able, through hard work, masterly maneuvering and a keen sense of strategic timing, to so project a "face" of activism,

revolutionary zeal and youthful appeal as to strike deep roots on college campuses.

The Worker-Student Alliance (WSA), a PLP-sponsored college group, grew steadily. (The name comes from PLP's emphasis that students and workers form an alliance to bring about the Communist revolution.) In June, 1969, WSA even attempted to gain control of the New Leftist Students for a Democratic Society (SDS).

This attempt tore SDS apart, leading to the rise of factions, such as the extremist-anarchist Weatherman, which were to become separate entities. The WSA faction claims to be the legitimate SDS and today, with headquarters in Chicago, it calls itself by this name and issues a newspaper, *New Left Notes*, the name of SDS's former official paper.

In other words, an Old Left group, believing in Maoist Communism, with its strict discipline, organizational control, and concept of the dictatorship of the proletariat, was able to influence and control students who, caught up in the mood of New Left extremism, were denouncing the "tyrannical Establishment" and demanding more "freedom!"

Surely, PLP's exploit must rank as one of the most remarkable and paradoxical in Marxist history in this country.

In late December last year, WSA–SDS held a national convention in Chicago, with an estimated 900 to 1,000 registered.

PLP's newspaper, *Challenge*, headlined the proceedings: "Best SDS Convention: 'Worker-Student Unity is Key to Victory'" and wrote:

"Over a thousand students came from dozens and dozens of schools from every corner of the country. . . . This convention showed that SDS is a strong and growing organization composed of students who want to ally with workers, and NOT a group of crazy terrorists."

As part of the convention proceedings, delegates conducted on-the-street agitation, handed out PLP literature, made personal contact with workers:

"Nearly 400,000 flyers were handed out. Many students on the brigades (organized by the convention) passed out PLP leaflets. All 100,000 PLP flyers were given out in the first two days, 6,000 *Challenges* were sold, and over 600 workers from the communities and factories gave us their names and phone numbers so that we would work together in the future."

Here is a pro-Maoist group, active on campuses, which says, among other things:

"We see that millions are awakening to the need to seize power and set up a dictatorship of the working class . . . Resist the military; fight ROTC and veterans organizations. Agitate inside the armed forces if drafted: There are many ways of resistance within the Army, literature, discussions, organized rebellions, sabotage. Disrupting the courts: Carry the struggle to the courts—turn the court into a political forum . . . Hate the law of the land and the law enforcement officer. Indoctrinate the workers in industry with Maoist Communism. Make the university an agency for propagandizing the revolution."

Membership of the parent PLP group is not large, running over 300. However, through the WSA–SDS, this pro-Maoist organization is able to reach thousands of young people, especially on campuses. It is known, for example, that PLP maintains close contact with pro-Red Chinese organizations abroad. The Chinese Communist subsidize the PLP through the purchase of its publications. PLP leaders have been in periodic contact with Chinese agencies and these leaders on occasion have visited the Chinese mainland.

No wonder PLP proudly sent greetings to Mao Tse-tung last fall on the occasion of the 21st anniversary of his regime's seizure of power.

What about PLP and WSA–SDS opinion regarding the use of violence?

Being Old Leftists, they are not opposed in principle to violence, but they do not feel the time is yet ripe for its use to bring about a revolution. Hence, they oppose the anarchist style of Weatherman violence:

"SDS is Not against violence," says an article in *New Left Notes*, "but we oppose the mindless violence of small terrorist groups isolated from the people, lashing out in frustration at friend and enemy alike. This includes aimless property destruction and attacking other students and workers on campus."

A growing minority inside PLP and WSA–SDS, however, is chafing at this policy of nonviolence. This group feels that violence is needed to bring about the destruction of the hated Establishment. Much will depend on the outcome of this internal argument.

The second major Maoist group's emphasis, is on violence. The Revolutionary Union believes guerrilla warfare is essential to revolutionary action:

"We recognize the need for organized armed struggle against the power of the state . . ." "The people must be armed . . ." "The organized repressive violence of the state (police) must be met with the organized revolutionary violence of the people."

As one observer commented, RU's policy is "g before p"—guns before politics!

FBI investigation reflects that RU members have accumulated weapons and have engaged in firearms and guerrilla warfare training.

Originally based in the San Francisco area, RU has now spread to other cities, in the South, Midwest and East.

Membership is not large, perhaps several hundred. Adherents have come from former members of the Communist Party, USA. At the same time, RU has been successful in attracting both high school and college activists. One youthful member of RU claims to have lived in China and participated in Mao's infamous Red Guards. Key leadership has been given to RU by self-styled intellectuals.

The RU has been rent recently by a violent dispute on the question, "When the revolution?"

In late 1970, a splinter group, calling itself Venceremos, split from the parent RU. This group feels that RU is hesitating on its commitment to armed struggle now, preferring to build a mass base before an actual insurrection. In Venceremos' eyes, the time for an armed struggle is now:

"We believe that armed struggle is an actuality now, not an eventuality."

These militants give strong support to the Black Panther Party: "We support the Black Panther Party and recognize it as the vanguard of the American revolution. We want to unite with the Black Panther Party in every way possible."

What is Mao's fascination for these individuals? Here is a man in a distant foreign country, whom these radicals have never seen. They know little, if anything, about Red China. Why are they so infectiously enamored with him and Peking's program?

For some of the old-line Marxists in the PLP and the RU, Mao is the personification of the "original purity" of Marxism-Leninism, a Communist leader who bitterly resisted the Khrushchev brand of "revisionism." To these comrades, the Soviet Union and its mouthpiece in this country, the Communist Party, USA, have betrayed the "revolution." They feel that Mao, as one of international Communism's pioneers, alone held firm to the original revolutionary principles of Lenin and his successor, Stalin.

To these adherents, Mao is a man of the "old school," believing in discipline, strict organizational control and Communist orthodoxy. They view Mao's "Great Cultural Revolution" as a purge necessary to oust the decadent and revisionist elements which are gradually creeping into Communism.

For the younger members, Mao (like Fidel Castro and Che Guevara) is a charismatic guerrilla leader who fought the "Establishment of his day" and won. They think in terms of the young, tempestuous, romantic guerrilla leader. They feel Mao's call to arms is what is needed in the United States.

All the time, the red wind of espionage from the Far East continues to blow. The FBI's investigation reflects stepped-up intelligence activity by Peking.

Red Chinese intelligence in the United States, as compared with Soviet Russia's, has a major handicap in that Peking is not recognized diplomatically by this country nor is it a member of the United Nations. This deprives the Red Chinese of a legal base from which to operate spies. A high percentage of Soviet espionage, for example, is carried out by Soviet diplomats assigned to either the Soviet embassy in Washington or the USSR's Mission to the United Nations in New York.

Peking is attempting espionage in a variety of ways, one is to endeavor to introduce deep cover intelligence agents into the United States, trained Peking agents who clandestinely enter this country using false identities and identifications and attempt under the cover of being an American to conduct spy operations.

Third countries are used as bases of attack against the United States. The New China News Agency, an agency of Communist China, has an office in Canada. Though claiming to be a legitimate news-gathering organization, it is obvious that the New China News Agency serves as Red China's chief propaganda outlet abroad and has the potential of supplying Peking with intelligence of all types.

Penetration of Chinese ethnic groups in the United States is also tried. The overwhelming majority of Chinese Americans are loyal to this country, and only a very small percentage are sympathetic to Peking. Yet, Mao leaders constantly seek to identify those Chinese Americans who might help them, especially among the younger elements who might have a sentimental pride in the so-called "accomplishments" of Mao in the ancestral homeland.

Recruiting of agents among indigenous pro-Maoist American groups, such as the Progressive Labor Party, Worker-Student Alliance and the Revolutionary Union, is yet another method. The indoctrination of members of these groups in Mao ideology makes them prime candidates for the carrying out of Red Chinese espionage assignments.

Spy couriers are developed. They are individuals who travel between the United States and other countries and can engage in spy activities. This also includes the development of mail drops in third countries whereby spy data can be transmitted.

We must be alert constantly to the possibility that, following an established espionage pattern, we may find the Red Chinese attempting to introduce "sleeper agents" into the United States among the thousands of Chinese refugees who immigrate annually. The same observation applies to hundreds of Hong Kong-based merchant seamen who desert in American ports, some of whom vanish into the American mainstream.

The shadow of Mao Tse-tung can be seen and felt in the United States today. We can expect the subversive danger to grow as time passes. The only way to meet it is to be prepared. This the FBI is doing through its investigations and the training of its personnel. For example, we are giving instruction to FBI agents in the various Chinese dialects. In this way, our agents are capable of conversing in the native tongue, and the FBI will be able to handle present and likely future contingencies.

Above all, the FBI needs the constant and concerned cooperation of patriotic Americans such as the men and women of the Veter-

ans of Foreign Wars. You, as veterans, know the perils of subversion.

My associates and I are deeply grateful for the splendid cooperation which you have given the FBI. To all the readers of the *V.F.W. Magazine,* we say, "thank you."

SUBJECT: UNITED NATIONS ORGANIZATION

Whereas, when the United Nations Organization was formed in San Francisco in 1945, The American Legion acquiesced in United States membership with the provision that it not become a World Government; that our sovereignty not be impaired; that it not become "the cornerstone of United States foreign policy;" and

Whereas, by 1953 House and Senate hearings caused misgivings as to U.N. activities and personnel, as shown by two articles in the Legion Magazine; and

Whereas, the U.N. now has 127 members, one but a tiny island, others of county size, yet all having a vote equal to that of the United States despite the fact that 66 have failed to pay all dues and assessments; and

Whereas, in the 1970 U. N. General Assembly, the Soviet Union, its satellites, and votes of neutralist nations, with those of Canada, Italy, Sweden, Cuba and Chile, mustered a majority of 51 to 49 for admission of Communist China; and

Whereas, the next session might remove the two-thirds voting requirement for admission, and the United States being $400 billion in debt and forced to curtail foreign aid, will be deserted like a sinking ship; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Houston, Texas, August 31–September 1, 2, 1971, that the Legion's Foreign Relations Commission formulate an up-to-date Legion policy toward the United Nations for submission to the May 1972 NEC meeting, giving consideration to the following:

1. The Peking government does not qualify as a legitimate one having seized the China mainland by force; likewise Tibet; and is an aggressor in both Korea and Vietnam.

2. Russia has 3 votes in the Assembly; the United States should demand one each for Alaska and Hawaii before the next session.

3. U. N. staff personnel being apportioned on population, Communist China with 800 million people, would fill more positions than the 5 other largest nations.

4. The Two-China policy is a deception and sell-out, because loss of face for the U. S. in the Orient is serious.

5. A new Association of Free Nations of the World might be preferable to U. S. withdrawal from the U. N. which Russia might try to hold together under her sway.

6. For the second 25 years Russia should provide a U. N. site and buildings.

7. Congress should limit our dues to $30 million and 30% of assessments.

8. The term of our quota of U. N. employees should be 4 years so that the disloyal and incompetent can be replaced and not be reinstated with back pay by the U. N.

9. The United States financial contribution be limited to its fair share of the cost of operation in a ratio of one nation, one vote to the total membership in the United Nations.

THE TRANS-ALASKA PIPELINE: CONCERNS OF THE CORDOVA DISTRICT FISHERIES UNION

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. BEGICH. Mr. Speaker, on February 16, 1971, at the Department of Interior hearings on the environmental impact statement for the Trans-Alaska Pipeline, I testified as follows:

As an Alaskan who is dedicated to the development of a prosperous economy for the people of my State, I want to insure that the present impact statement is a comprehensive and probing analysis into the environmental aspects of the project. I want to be certain it contains none of the fatal shortcomings of the prior report.

I want to know that this project can be accomplished with minimal damage to the genuine principal resource of Alaska—its magnificent natural environment. If you can prepare a final statement that will stand up to incisive public scrutiny on this issue, then a project of unprecedented economic value to Alaska and the Nation can begin. Simply stated, I want your final statement to be excellent because I want full knowledge regarding the environmental impact, and I want it to be excellent because I believe it must be so for the project to begin. My comments and criticisms are offered in that spirit.

I still adhere to that position and believe that in the case of the pipeline, as well as all aspects of our Government, that openness of the process is the best guarantee of wise decisionmaking. Today, I am inserting in the RECORD a fact sheet prepared by the Cordova District Fisheries Union, made up of fishermen from the Prince William Sound area of Alaska. They raise a number of concerns which should certainly be considered as the final environmental impact statement is prepared.

The fact sheet follows:

FACT SHEET

MEMBERSHIP

The Cordova District Fisheries Union—478 membership in 1971. All members are commercial fishermen that fish in Prince William Sound and the adjoining Copper River Delta areas.

INVESTMENT

Average investment in equipment, vessels and other related fishing equipment of all Union members in the aggregate is estimated at over 11 million dollars according to a recent survey. This figures out to an average investment of $23,200 for each individual member. The only source of income for the majority of fishermen is from the waters of Prince William Sound and the Copper River areas.

CORDOVA

The town of Cordova is the center for the great majority of all fishery activities in the Prince William Sound and Copper River districts. The population is estimated to be 1,500 in the summer and 1,100 in the winter. A recent survey indicated that 84.9 per cent of all local business in Cordova is directly dependent on the fishery. The total value of all fishery products up to and including the wholesale level was $19,613,680.00 in 1969, the latest year for which complete figures are available. Up to 90 per cent of this value is directly attributable to the various salmon species that are fished in the area.

PRINCE WILLIAM SOUND

One of the great natural sounds in North America. Well over two thousand miles of rugged beautiful shoreline lay within the confines of the confines of the several large outer islands that separate it from the open ocean. The Sound is very irregular in outline, with great arms spreading in all directions. Many of the islands and peninsulas in the Sound are low and tree covered, but behind these rise eternal barriers of ice and snow. On the north shore glaciers come down to the heads of the bays.

The waters of the Sound are very deep and are chilled by large amounts of ice from the surrounding glaciers. The meeting of cold water and the colder air from the mountains with the warmer waters and vapor-laden airs of the Gulf of Alaska causes changeable weather, and sudden wind squalls and thick fogs are common.

During very cold weather ice sometimes forms in the arms of the Sound which reach well into the mountains, and is at times heavy enough to impede navigation.

FISHERY RESOURCES

According to the Alaska Department of Fish and Game there are 679 salmon spawning streams located within the Sound. The Department of Fish and Game also estimates that as high as 20 per cent of all salmon that spawn in the Sound do so in areas within Valdez Arm. Valdez Arm is the proposed location for the terminus of the trans-Alaska pipeline. The five species of salmon that spawn in the Sound are the king (spring), sockeye (red), cohoe (silver), chum (dog) and pink (humpback). All of these species return to the area of their origin to complete the life cycle and replenish the species. All are dependent on clear unpolluted waters and well sorted gravel areas for deposition of the eggs. A large portion of the pink and chum salmon deposit their eggs in what is referred to as the intertidal zone. This zone is the area that is affected by the rising and falling tides each day. The mechanism that causes the adult salmon to return to the precise area of origin each spawning cycle is little understood by scientists, but it is strongly suspected that some delicate chemoreceptive structure within the fish is responsible for this ability.

Juvenile salmon when they emerge from the gravel in the spring are at the most delicate and critical phase of the life cycle. They migrate from the streams and intertidal gravels into the estuarine waters where they are dependent on a plentiful supply of food organisms. The fry spend three to five months in the estuaries where they can often be seen by the thousands as they dimple the surface of the water. The Prince William Sound estuary is also an important rearing area for many other species of fish and shellfish. A large part of its productivity originates in the intertidal and littoral zones. Species other than salmon that are also abundant are halibut, red snapper, shrimp, king tanner and dungeness crab, octopus, many species of bottom fish, and several different types of clams.

WILDLIFE RESOURCES

In Prince William Sound are found many species of mammals and birds. Sea otters, which were once extremely abundant but were nearly harvested to extinction during the fur trade are now growing each year in numbers. Sea lions and hair seals are plentiful through the Sound. Other sea mammals in the Sound are porpoises, blackfish, little piked whales, bowhead whales, and killer whales. Fur seals pass occasionally through the area.

Port Valdez is used by many types of birds, including waterfowl, shorebirds and sea birds. Prince William Sound is habitat for migrants of many species. Almost the entire world population of black brant migrates across the Gulf of Alaska in the fall and as many as 40 per cent of all the continent's swans and a large proportion of the game ducks that winter in California pass through Prince William Sound during migration.

The Copper River Delta to the east is important nesting habitat for trumpeter swans and many geese and ducks, including the dusky Canada goose, which has no other nesting grounds.

The tremendous fish, wildlife, and scenic values have led the U.S. Forest Service to recommend and study Prince William Sound as a Wilderness Area in the western portion.

THE PROBLEM

The problems associated with the construction and operation of a massive oil transfer and super tanker facility at the village of Valdez, Alaska located in Port Valdez in Prince William Sound pose large numbers of unresolved and very likely, irresolvable, problems. A number of these will be mentioned briefly.

LOW LEVEL CHRONIC POLLUTION

The Department of the Interior draft environmental impact statement of January 1971 states, "There will be considerable tankship traffic to transport the oil through Prince William Sound, the Gulf of Alaska and other waters. Although the frequency and volumes of spills cannot be predicted, the volume handled is expected to result in some biologically-significant oil losses to the marine environment . . The productive littoral and intertidal zones of the Sound would be particularly vulnerable, both to gradual deterioration resulting from chronic low level pollution and to the short and long-term effects of major spills."

LACK OF STUDIES

To the present date, 5 November, 1971, there have been no studies conducted in the field to determine what the effects of the so called low-level pollution will be on the valuable salmon resources of Prince William Sound. In private discussions with scientists at the University of Alaska at Fairbanks it has been learned that influence from oil industry funding has determined the nature if not the content of the studies that have so far been conducted. The fisheries biologists at the University's Institute of Arctic Biology are extremely dismayed that some of the research proposals which they have offered in attempts to resolve some of the serious questions have been given no consideration, while funding by the oil industry has been provided to the Institute of Marine Science whose director is known to be eagerly anticipating increased oil moneys for his department.

ATTITUDE OF ALYESKA PIPELINE SERVICE COMPANY CHAIRMAN, MR. E. L. PATTON

It was learned recently by Cordovans from a Valdez news editorial that Mr. E. L. Patton was wondering what all the controversy was regarding fish. He is reported to have told the Valdez press at a luncheon interview that some industry people are maintaining two tanks of fish, one of which is receiving a controlled amount of Prudhoe Bay oil. He indicated that the oil fed fish appeared to be fatter and healthier than those in the control tank.

SUPERTANKERS

The Seattle based Puget Sound Pilots Association has recently had a split in its ranks. Some members contend that Puget Sound would be subjected to unwarranted pollution threats should super-tanker traffic be allowed in the area. This from an organization that is responsible for the safe passage of large vessels through Puget Sound. Coast Guard materials indicate that 250,000 dwt. vessels are not safely maneuverable at slow speeds and that from cruising speed it takes as much as eight miles and up to forty minutes to stop during which time the helmsman has only limited control.

The economic pressures on the ship captains for quick turn-around times introduces elements of risk that sometimes results in disaster.

If the American Petroleum Institute reserve figures for Prudhoe Bay oil are rejected as being excessively conservative and one uses figures produced at the University of Alaska's School of Social, Economic and Government Research and suggested reserves possibly totaling 50 billion barrels are achieved, this would indicate super-tankers on the Alaska coast for at least seventy years. Is it reasonable to expect that a fragile fishery resource such as salmon can survive that encroachment.

THREAT TO NORTH PACIFIC OCEAN RESOURCES

As a result of oil occurrences of undetermined origin scientists of the federal Sport Fish and Wildlife Agency have stated that we may be already unknowingly destroying large water-fowl populations that reside much of the year in the north Pacific waters. This came to light as a result of large numbers of bird carcasses and oil covered seals that washed ashore on over 1000 miles of Alaska coastline from February-April 1969. It is not unlikely that ballast pumping at sea by the small Cook Inlet oil tankers was responsible for this occurrence which became evident as a result of winter storms blowing the remains ashore to be found by fishermen, trappers and others living along the remote coast. It can be assumed that this is only the beginning of much greater problems to come. Jacques Cousteau in recent statements indicated that areas that he knew as formerly rich in marine life are now virtually dead due to pollution.

TOO MUCH AS YET UNKNOWN

Neither the state of Alaska nor the oil industry is willing to take the time necessary to conduct the studies that would indicate what the real cost to the fisheries resources or the individual fishermen would be. The fact is that very little is known about the effects of oil on the marine biota. Woods Hole Oceanographic Institute, one of the few scientific groups that has done extensive research into the effects of hydro-carbons of marine resources is not inclined to agree that oil and fish can co-exist. The senior chemist at Woods Hole, Dr. Max Blumer, stated in Senate Sub-Committee hearings that his findings indicate that "the presence of an oil port and of refineries is incompatible with the maintenance of an unpolluted environment. I believe that the seriousness of oil pollution has been underestimated because of the lack of in-depth studies of its long term effect. I believe that the public health hazard of oil pollution is just now coming into focus and that more stringent limitations will have to be placed on the acceptability of polluted foods."

FISHERMEN FEARFUL FOR THE FUTURE

It appears to many Alaskan fishermen that they are fighting for their very existence. The Cordova District Fisheries Union members agreed this year to assess themselves one cent for each fish caught in order to bring a law suit in federal court to attempt to prevent development of the trans-Alaska pipeline terminus on the Alaskan coast. The Cordova fishermen feel that the people of the United States have a right to hear their story.

SOLUTION

Before a permit to construct the trans-Alaska pipeline can be issued there must be adequate in-depth studies conducted to determine just what is at stake with regard to the affected marine resources that are the heritage of all of the people of the United States. To date there has been no public forum where any discussion of the cost-benefit ratio has been brought to people's attention. What has been unfortunately emphasized by the oil industry's expensively funded public relations propaganda is the fundamentally false specter of "Energy Crises", when what is basically at stake is the carefully shored up import quota system that has over the years created artificially high oil prices, cheated the American consumer, and depleted our own domestic reserves.

What is drastically needed now is a total North American energy policy. The United States government should direct its attention to the real potential of the Canadian and Alaskan Arctic oil resources and plan for long range development with these resources in mind. Many independent experts feel that the logical place to begin is with a joint-venture with our Canadian neighbors to construct a pipeline to the lower forty-eight states. It is apparent that all agree that transportation of oil by pipeline is far safer than transportation by supertanker.

The fishermen of Alaska and the Pacific coast ask a very simple question: Why take unnecessary chances?

OUR FISHING FLEET NEEDS GOVERNMENT HELP AND COOPERATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 11, 1971

Mr. ANDERSON of California. Mr. Speaker, our fishing industry is in jeopardy. First, our fishermen are harassed and their boats seized by pirate nations which violate international law.

Second, the oceans have become septic tanks—full of garbage, waste, and pesticides.

Third, our fishing fleet is in direct competition with the huge "floating factories" of the sea operated by foreign governments.

In the first instance, ironically, we must first convince our own State Department that they must take action to show the pirate nations that we will not tolerate piracy on the high seas. The State Department is content to wait until the International Conference of the Sea in 1973 before taking action. Meanwhile, the pirate nations go their merry way—collecting our foreign aid, misusing our patrol boats, receiving preferential treatment in exporting coffee and sugar to the United States, and continue to seize our fishing vessels and demand ransom. While the State Department fiddles, our fishermen get "burned" on the high seas.

I was pleased to coauthor H.R. 7117, which has passed the House and is now in the Senate. This bill is designed to, first, mandate the Secretary of State to withhold foreign aid from those nations who seize our vessels on the high seas; and second, immediately reimburse those fishermen who were forced to pay ransom.

In the second instance, we have passed a bill, H.R. 9727, designed to do our part in cleaning up the world's oceans. This bill, now in the Senate, prohibits the unregulated dumping of waste material into the oceans. In accomplishing this purpose, the transportation and dumping of radiological, chemical or biological warfare agents and high level radioactive wastes would be banned. There would also be a ban placed upon the transportation and dumping of all other waste materials, unless authorized by the Administrator of the Environmental Protection Agency or the Secretary of the Army, as the case may be.

The clean water bill, S. 2770, which recently was adopted by the Senate, contains a similar provision prohibiting the unauthorized dumping into the oceans. As a result, we can anticipate the enactment of a stringent ocean dumping bill in the near future.

Third, Mr. Speaker, we must move on all fronts to revitalize our fishing in-

dustry so that we can compete with the foreign-subsidized fleets, such as those operated by Russia and Japan.

At this point, Mr. Speaker, I place in the RECORD an article that appeared in the October 1971 issue of the Reader's Digest entitled "Why Our Fishing Fleet Is Sinking." This article states the problem with shocking clarity, and it also offers solutions to the problem that, I believe, merit our consideration.

WHY OUR FISHING FLEET IS SINKING

(By James E. Roper)

In July 1966, a freshly outfitted commercial fishing boat, the *San Vito,* sailed from Aberdeen, Wash., on a proud mission: to catch the first load of hake for the economically hard-pressed town's new fish-reduction plant. But a dismaying discovery awaited the *San Vito* at the fishing grounds 12 miles offshore. Eighty huge Soviet fishing vessels, 4,500 miles from home, were already there, scooping up hundreds of tons of hake and scattering the rest. The *San Vito,* darting among Soviet ships two and three times as big, could catch only a few fish. "It was a disaster," moaned her captain.

Worse was to come. Before the summer was out, the Soviet fleet swelled to 100 vessels, with 3,800 persons aboard, hungrily ranging the hake fisheries off both Washington and Oregon. At night, lights on the boats twinkled as if a city had risen from the sea.

Off New England, a Soviet fleet has invaded the haddock grounds, causing the American catch to drop from 62,000 tons to probably less than 10,000 tons this year, and forcing a 50-percent rise in U.S. retail prices. This spring, while American boats off Massachusetts refrained from catching yellowtail flounder because of quota regulations, Soviet vessels hauled in tons of the fish for Moscow tables.

With such moves, Soviet fishermen are taking enormous catches from Alaska to California and from Maine to North Carolina, even sending Soviet-sponsored Cuban trawlers into Florida waters where Americans are forbidden to fish.

Nor are the Soviets alone. The Japanese, the Norwegians, the Peruvians have outfished the United States. The world catch has doubled over the last decade, while ours has *fallen* slightly. The United States catch is so inadequate that we have become the world's biggest importer of fish products, which caused a balance-of-payments drain of $921 million last year.

RISE OF THE FLEET

To understand what we're up against, one needs to see a truly progressive fishing nation in action. Take the Soviets.

In 1953, the new Kremlin leaders decided that the cheapest way to provide their people with badly needed animal protein was through massive distant-water fishing. To this end, they purchased models of the best Western trawlers and refrigerator boats, then duplicated them until they had learned to design their own. This done, they began to spend vast sums on the construction of a fishing fleet, port facilities and processing plants.

Today, Russia is investing more than any other country in fishery expansion. It is enlarging its 18,500-vessel fleet with 200 to 300 new craft a year. Its 200 oceanographic-research vessels give it the world's greatest capacity to study the sea. (The information collected is also valuable, of course, for submarine warfare—and the Russians may know more than we do about the waters off our mid-Atlantic states.)

Thirty schools have been established to train ships' officers and technicians, who are attracted by the fact that fishing has become the fourth-highest-paid industry in the Soviet Union. Vast shore facilities have been constructed in the Soviet Far East, and the Arctic Circle city of Murmansk is now the world's busiest fishing port, handling a million tons of fish per year.

NOTHING ESCAPES

The Soviet Ministry of Fisheries directs the operation with naval precision. First, exploratory vessels laden with scientific equipment map sea bottoms, study water currents and temperatures and identify likely fishing grounds. Next, a few boats fish experimentally. If the catch is good, out goes a full fleet, a formidable array ranging up to 300 ships. A veteran U.S. skipper back from fishing off New England reported, "I sailed for 100 miles, never out of sight of a Russian vessel. Some are so big you could put one of our boats on their decks and never see it."

When scout boats using echo sounders and other sophisticated gear locate a school of fish, the Soviet fleet commander radios catcher boats—sometimes a dozen or so lined up shoulder to shoulder—to sweep through the area. "Nothing escapes—nothing!" says a dismayed American fisherman. The trawlers deliver their catch to giant factory ships, where the fish are frozen, canned or otherwise processed at sea. Supply ships ferry out water, fuel and food, even relief crews. The fleet stays at sea for as long as a year.

Sometimes the big Soviet ships over-fish an area, poach in exclusively American waters, break American nets or bully American fishermen in smaller coastal boats. But mostly the Russians follow the rules of the sea. In fact, the U.S. government feels that Moscow is generally cooperative in conserving marine resources. One U.S. official explained: "The Russians know they can catch more than their share of whatever is conserved."

VIGOROUS COMPETITION

Other countries also reap rich sea harvests. Little Peru hauls in the world's largest tonnage, almost all of it anchoveta caught within 40 miles of her coast. Peru grinds the anchoveta into meal for animal feed, then sells much of it to the United States.

The next largest harvest—and most valuable at $2.5 billion a year—is collected by Japan, which, like Russia, sends a huge fleet of catcher and factory ships thousands of miles to distant waters. Since 1962, Japan has doubled her high-seas fishing fleet to 3,000 vessels, some even more efficient than the Soviets'. Last May, 320 Japanese ships were off Alaska for the high-seas salmon season. The Japanese fish in vigorous competition with Americans throughout the Bering Sea and, to some extent, off Washington and Oregon, for crabs, herring, pollock, flat fish and other species. They also roam the North Atlantic, although mostly for species that Americans ignore, such as squid.

Japan has 164 major marine research institutions. The government itself operates 497 research vessels, and energetically swaps information with commerical fishermen. Japan has entered about 50 joint ventures in foreign countries, and, according to a Washington analyst, received "substantial benefits to her domestic fishing industry."

Communist China, fishing close to shore, ranks fourth among the world's fishing nations, and Norwegian fishermen, benefiting from a government program to scrap old boats and build new ones, range around the world. They increased their catch 20 percent last year and sold more than $18 million worth to the booming frozen fishstick market in the United States alone.

DISMAL RESPONSE

Instead of rising to this global challenge, the United States has let its own fishing industry stagnate. The fleet and its techniques of locating, harvesting and preserving fish are obsolete. Of the 13,000 U.S. boats larger than five tons, 14 percent are more than 50 years old, 54 percent are more than 20 years old; only 16 percent have hydraulic winches, only eight percent have refrigeration. The crews, too, are old: full-time Boston fishermen, for instance, have a median age of 59. Young men take better-paying city jobs.

The industry itself is much to blame. In American fishing, one person usually owns one boat and operates it with fierce independence—in the tradition the Pilgrims established in 1620. Today this means that one American boat ordinarily does not help another American boat locate fish. The result is that many cannot compete against a foreign fleet operation. And the independent American captain rarely accumulates enough capital to buy a new boat, reequip his old one or pioneer new technology.

Federal and state governments, moreover, impose some curious handicaps, often forcing American fishermen to use inefficient methods. One federal law, in effect since 1793, requires the use of U.S.-built boats. This has been a boon to the U.S. shipbuilding industry for 178 years, but today it means that an American fisherman must pay up to twice as much for a boat as his foreign competitor.

Then, too, an American may not use a net to catch halibut in the North Pacific; he may not use electronic equipment to locate salmon off Washington. All this in the name of conservation.

UNTOUCHED BOUNTY

The most conservative estimates are that the present world catch of fish could be tripled without impairing future resources. Our National Marine Fisheries Service estimates that the American industry could perhaps quintuple its catch without even leaving American shores. Obviously, then, we should get on with the job of finding economically feasible ways of taking our share of the ocean's harvest.

Numerous fishery authorities see the ultimate solution in a joint government and industry effort, emphasizing these basic points:

The federal government, which has long neglected our fishermen as politically unimportant, must start treating them as vital to the economic and political goals of the United States. It must not sacrifice them automatically to the interests of other groups. Twice the U.S. Tariff Commission has ruled that imports of fish were damaging fishermen, but Washington responded by lowering our tariffs on fish even further in return for foreign tariff concessions on U.S. exports.

The federal government must vigorously support our fishermen in conflicts with foreigners. Congress has finally declared that Americans have exclusive fishing rights within 12 miles of our shores, but we were one of the last major powers to set such a limit. And we still tolerate Peru's and Ecuador's enforcement of their unilaterally declared 200-mile limit. When they haul American tuna boats into port, the U.S. government ends up meekly paying the fines—as much as $155,340.

Washington must centralize its scattered efforts to help: at times, 22 federal agencies have had a say in commercial fishing. The industry must modernize, with government subsidies if need be.

Both government and industry must do more basic research on the seas around us and, specifically, learn better ways to locate, catch, handle and market fish. Dayton L Alverson, of the National Marine Fisheries Service, remembers visiting a Soviet scientific boat in the Black Sea: "It had more electrical equipment than all the Service's vessels combined."

State governments must lay aside local politics and remove the restrictions that make American fishing unnecessarily inefficient.

Most of all, fishermen must cast off their lethargy and work toward becoming efficient enough to face a competitive world without permanent subsidy.

"There are no reason why we cannot be a major exporter of fish and fish products," said the late Wilbert Chapman, nationally known fishing authority and government consultant. "We rail against the Russians for developing fisheries off our coasts. What we refuse to face up to is that a communist society is out-competing us capitalists by applying science and technology to its operations. We must stop crying and do what needs doing."

SENATE—*Saturday, November 13, 1971*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Creator of all beauty and order in the universe, help us to tidy up our lives as we begin this day. Tune our lives to Thy spirit and put us in focus with reality that we may quit ourselves as a people who love and serve Thee. For added duties give added strength. Bind us to one another that in unity of spirit we may advance the welfare of the Nation and bring a blessing to the whole world. As we work this day prepare us for the worship and rest of the Sabbath. May goodness and mercy follow us wherever we go and in whatever we do. Hear us, O Lord, in these supplications and in the deeper longings left unsaid.

In His name who was lifted up upon a cross. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, November 12, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 431, 432, 433, 434, and 436.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS

The bill (H.R. 4729) to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–441), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of H.R. 4729 is to increase the number of ROTC scholarships and, at the same time, place certain restrictions on the use of these scholarships in the ROTC program.

BACKGROUND OF THE BILL

Army and Air Force ROTC enrollments have dropped substantially over the past 3 years. In the beginning of academic year 1968–69, there were 218,466 students enrolled in the program; in academic year 1969–70, 161,507; and in 1970–71, 114,950. The reduction is due largely to two factors. One is that many students have taken a wait-and-see attitude with respect to their status under the selective service draft, anticipating that they may avoid military service altogether. The other factor is a decline in the number of schools which require all physically able male students to participate in the first 2 years of ROTC.

The overall decline in enrollment between fiscal years 1969 and 1971 is 51 percent for the Army and 45 percent for the Air Force. Navy enrollments have not suffered the same decline mainly because the Navy program is smaller and the percentage of scholarships higher than with the Army and Air Force. Navy nonscholarship enrollment shows a decline of approximately 37 percent.

The final measure of success insofar as numbers are concerned is, of course, whether the number of ROTC graduates meets the objectives set by the services.

The Navy forecasts that its ROTC graduation objectives for fiscal years 1971 and 1972 will be met. The Air Force anticipates a minor shortfall in graduating cadets in fiscal year 1971 and is concerned about the fiscal year 1972 production shortfall which will be in excess of 400 officers. The Army's ROTC graduates will decline, but it will meet its graduation objectives for 1972. However, in projecting the current freshmen and sophomore enrollments through to their graduations, both Army and Air Force anticipate a shortfall. It is difficult to project the magnitude at this time because of changes in the Selective Service System. A large number of ROTC enrollees are draft induced.

EXPLANATION OF THE BILL

As introduced H.R. 4729 would have increased the number of ROTC scholarships from 5,500 for each service to an amount equal to 10 percent of the total officer force. This would increase the number of authorized scholarships from 16,500 to 33,400 by fiscal year 1976. The House ascertained that there are many more students attending ROTC who are not on the scholarships than those who were.

Thus, this brought into focus whether the payment of tuition, books, fees, and subsistence to some students, while only paying subsistence in the last 2 years to others was really the best method by which to attract students into the ROTC program. Therefore, the House requested the Department of Defense to initiate a study to determine whether a more effective officer procurement program could be obtained by increasing the subsistence allowance to all and reducing the number of scholarship students. The Department agreed to undertake such a study and to have the results forwarded to the Congress early in 1972. However, the House determined that the decrease in the number of students entering the ROTC program forecast a critical officer shortage if it did not increase the number of scholarships at the present time. Therefore, an interim solution was provided by increasing the numbers as shown above. This is a substantially lower number than requested originally by the Department of Defense. The committee agrees with this reduction and has been assured by Defense witnesses that this will in no way jeopardize the program.

The House also amended H.R. 4729 to provide that not more than 20 percent of the persons appointed as cadets or midshipmen by the Secretary in any year may be appointed from persons in the 2-year Senior Reserve Officers' Training Corps courses. The Department had originally asked that 50 percent of such appointments be made for a 2-year program. Heretofore, there have been no scholarships provided, except to students who would undertake a 4-year program. However, it is now estimated that by 1980 more than half of the students enrolled in higher educational institutions will be in junior colleges as an increasing number of universities are considering the restriction of their enrollment to upper class and graduate students. In order to attract the bright, young graduates of junior college programs into ROTC, a reduced pilot program appears to be in order.

The House also added a provision requiring that 50 percent of the cadets and midshipmen must qualify for instate tuition rates at their respective institutions and will receive tuition benefits at that rate.

At present, a ROTC student is permitted to select any school which has a ROTC program. During the course of the hearings it was learned that the instate rate for tuition at the University of California is $500 per semester as distinguished from $1,500 tuition per semester for an out-of-State student. It is believed that the Government will get more for its money if limitations are placed on the number of students who could attend out-of-State schools without providing an undue hardship on either the student or the service.

The services will permit military students to go to schools of higher learning which have withdrawn from the ROTC program only in those cases where there is a unique capability at a particular university.

The committee agrees with the House that it is morally wrong for the military to spend dollars sending students to a particular college or university which has chosen not to cooperate with the military services in providing career opportunities for those students who desire to make the military their career.

FISCAL DATA

As submitted by the administration, the increased budgetary requirements for the Department of Defense as a result of this legislation were estimated to be as follows:

[In million]

Fiscal year:	Cost
1972	$6.3
1973	16.1
1974	26.0
1975	33.4
1976	41.0

However, because of the reduction in the number of scholarships available and the other charges, the costs in each of the next 5 years are estimated to be $3.16 million.