

By Mr. SEIBERLING:

H.R. 11994. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board increase in benefits (with a \$100 minimum primary benefit), to increase the earnings base to \$15,000 for both benefit and tax purposes, and to provide that one-third of the revenues required for the social security programs be contributed by the Federal Government (with corresponding reductions in tax rates); to the Committee on Ways and Means.

By Mr. QUIE:

H.J. Res. 989. Joint resolution to establish a Joint Committee on Aging; to the Committee on Rules.

By Mr. ASPIN (for himself, Mrs. ABZUG, Mr. BADILLO, Mr. BRADEMANS, Mr. COUGHLIN, Mr. DULSKI, Mr. FRASER, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. KOCH, Mr. LONG of Maryland, Mr. MOORHEAD, Mr. MORSE, Mr. O'HARA, Mr. PIKE, Mr. ROY, Mr. SCHWENDEL, and Mr. SEIBERLING):

H.J. Res. 990. Joint resolution directing that no further action be taken with respect to the development of the trans-Alaska pipeline until a comprehensive and independent

study is made of the economic and ecological aspects of a trans-Canada pipeline; to the Committee on Interior and Insular Affairs.

By Mr. CEDERBERG:

H. Con. Res. 470. Concurrent resolution expressing the sense of the Congress with respect to obtaining recommendations for appropriate steps to obtain an accountability of, humane treatment for, and release of, Americans held prisoner or missing in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL (for himself, Mr. ANDERSON of Illinois, Mr. BURKE of Florida, Mr. BUCHANAN, Mr. FINDLEY, Mr. FRELINGHUYSEN, Mr. GALLAGHER, Mr. HAMILTON, Mr. LLOYD, Mr. MURPHY of Illinois, Mr. O'NEILL, Mr. TAYLOR, Mr. VANDER JAGT, and Mr. YATRON):

H. Con. Res. 471. Concurrent resolution to seek relief from restrictions on Soviet Jews; to the Committee on Foreign Affairs.

By Mr. BROTZMAN:

H. Res. 720. Resolution calling for the shipment of F-4 Phantom aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. MITCHELL:

H. Res. 721. Resolution calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. MONAGAN:

H. Res. 722. Resolution that the House of Representatives express its concern over the present situation in Northern Ireland and that the Government of the United States in all branches be requested to offer its services to obtain certain goals; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LUJAN:

H.R. 11995. A bill for the relief of Norman Yazzie; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 11996. A bill for the relief of John Fletcher Hurst; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE PETER COOPER-STUYVESANT AUXILIARY POLICE FORCE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. KOCH. Mr. Speaker, one of the most dispiriting effects of the continual rise in urban crime is the feeling that people are helpless as well as frightened. Recently, I informed my colleagues of one simple and effective action which city residents can take to combat crime that involved a whistle signal system. There are other approaches to the problem, however, and I would like to call my colleagues' attention to the response of one particular neighborhood in my district.

The Peter Cooper Village-Stuyvesant Town area is a large middle-class area that has—like so many other areas—been experiencing a rise in the rate of crime. Rather than succumbing to a feeling of helplessness, though this community started a membership drive, led by the operation safety committee of the town and village civic association for an auxiliary police force.

These auxiliary police are all private citizens who live in the area. They volunteer their services to work in patrols at night and their primary function is to help rescue people in need and to alert police to potential crime. At present, the Peter Cooper-Stuyvesant Auxiliary Police Force is composed of 31 men and two women—the women, however, do not patrol at night—and is still growing.

The brave men and women who volunteer for the auxiliaries are indeed to be commended. They represent the spirit of a community that refuses to throw up its hands in despair in the face of crime. The auxiliaries are unarmed but work closely with the local police as the sentinels of the community. In the words

of the captain of the local precinct, the force "has proven to be an exceptional adjunct to our regular police forces in combating crime in Peter Cooper Village, Stuyvesant Town, and throughout the 13th precinct."

One of the reasons for the interest and dedication shown by these auxiliary policemen and women is the strong support given to the auxiliary police recruitment campaign by the local newspaper, Town and Village, edited and published by Mr. Charles Hagedorn. I am inserting a brief article from a recent Town and Village edition that tells the story of this community's determined fight against crime:

AUXILIARY POLICE PROCEDURES "BEEFED UP" HERE

"Our Auxiliary Police force has proven to be an exceptional adjunct to our regular police forces in combating crime in Stuyvesant Town, Peter Cooper Village, and throughout the 13th Precinct," said Captain Marvin Boland, commander of the precinct located at 230 East 21st Street near Second Avenue.

"We now have 31 Auxiliary Policemen and two women in the AP program," he said, "and they help to make Stuyvesant and Cooper what is probably one of the best patrolled areas in the City of New York."

Captain Boland made the observations while he announced several changes in Auxiliary Police procedure to be instituted this week in the community.

"On each tour of duty, every Auxiliary Patrolman who is out on patrol will switch posts halfway through the tour," he said. This will make the volunteers "more visible" throughout the community, and they will appear to be on patrol in twice the number of places each night. This plan, according to Captain Boland, "seeks to develop a feeling of the omnipresence of patrolmen in the area."

Communications between auxiliaries and regular patrolmen have been a problem plaguing the Auxiliary force since its inception. Captain Boland has requisitioned additional walkie-talkies, which he hopes will be used by the Auxiliary Police while on patrol. With radio in hand, the Auxiliary Patrolman will be able to summon regular police assist-

ance almost instantly through a clear channel to the police central dispatcher. Several teams of Auxiliaries are now patrolling with the radios.

Volunteers have begun to come forward to patrol on more than two nights a week, the Captain noted, as well. When the program began in the spring, volunteers only patrolled on Monday and Wednesday nights. Now, the volunteers in blue are beginning to patrol five nights a week on a regular basis. A volunteer need only work four nights a month to retain "active" status. In conjunction with regular police forces who patrol constantly, the Auxiliaries and the Stuyvesant Town guards will again enhance their "omnipresence" by increasing the frequency of their patrols.

Last Saturday's Auxiliary Police membership drive recruited 20 new volunteers. More are still sorely needed, Captain Boland said. Anyone, male or female, between the ages of 18 and 55 may enroll in the Auxiliary Police by contacting Patrolman Joseph Butler of the 13th Precinct at 777-8700.

WILLARD EDWARDS

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. GROSS. Mr. Speaker, I cannot let this day pass without calling attention to the fact that it marks the 50th anniversary of Willard Edwards employment by the Chicago Tribune.

Willard Edwards, one of the Nation's most highly respected newspapermen, is known far and wide across this land for his accurate and courageous reporting of the news.

Mr. Speaker, it is given to few men in the field of journalism to spend a half century working for the same newspaper and this golden anniversary of toil in the vineyard of news reporting is a tribute to both Willard and the Chicago Tribune.

On this occasion I extend to this veteran reporter and friend my highest compliments and regret only that he cannot continue his great career for another 50 years.

TRANSPORTATION SAFETY BOARD CONTINUES TO PRESS FOR ADE- QUATE BUMPERS ON TRUCKS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. SCHWENGEL. Mr. Speaker, the National Transportation Safety Board has just issued its report on the tragic accident which occurred on the beltway near New Carrollton last June. While the truck driver was guilty of many safety violations, the absence of an adequate rear underride guard or bumper was a key factor in the deaths. The Board recommends that the National Highway Traffic Safety Administration reinstate its proposed underride protection device rulemaking procedures. I support this recommendation.

I was surprised to learn that the State of Maryland apparently lacks sufficient statutory authority to deal with violations as flagrant as were present in this case. It would be my hope that Maryland officials will take action to secure strong laws with respect to violations such as these, and the right of law enforcement officials to remove violators from the highways. A press release on the accident follows:

PRESS RELEASE

The National Transportation Safety Board, reporting on its investigation of a fatal Washington, D.C. Beltway collision, today recommended tightening of State inspections of motor vehicles and granting police the authority to ban unsafe vehicles of any registry from the highways.

The Safety Board also urged reinstatement of a recently abandoned Federal rulemaking which would require an energy-absorbing under-ride protection device on the rear of trucks—a safety step which the Board said could have helped prevent the Beltway fatalities.

The accident occurred on June 19, 1970 near New Carrollton, Maryland, when a truck hood secured with baling wire flew up against the windshield of the flat-bed truck, blocking its driver's view. When a passing vehicle prevented the truck driver from turning into an exit lane, he stopped in the middle lane of the Beltway's three lanes. Although at least six following vehicles successfully avoided the stopped truck, a 1967 Ford Mustang struck and rode under it, fatally injuring the car driver and the one front-seat passenger. Both were wearing seat belts; the Mustang had no shoulder belts.

The Safety Board determined that the probable cause of the collision was . . .

... the stopping of a truck in a high-speed traffic lane by an untrained driver operating an unsafe truck with a makeshift hood fastener, which failed and allowed the hood to obstruct the driver's forward view. The driver of a following automobile was not warned by the truck's emergency flasher lights due to a faulty light switch, and the driver's attempt to stop was unsuccessful."

The Board said the fatalities, both from head injuries, were caused by "the absence of any form of rear-end crash protection on the truck," permitting the high truck frame

to penetrate the passenger compartment 20 inches past the windshield—"nullifying the intended protective effect of the occupants' fastened seat belts." Contributing accident factors cited were "the general neglect by the operating company of maintenance and other requirements" of the Motor Carrier Safety Regulations of the U.S. Department of Transportation's Federal Highway Administration, and "insufficient manpower" in the Administration's Bureau of Motor Carrier Safety to enforce the regulations.

The Safety Board's investigation of the daytime, dry-road collision showed that part of the truck's primary hood latch was missing, and the secondary latch was inoperative because of previous hood deformation. Owned and operated by the Gray Concrete Pipe Company, Inc., of Springfield, Virginia, the 1965 Ford truck had passed its Virginia State inspection less than two months before the accident—an inspection which did not include the hood latches.

Post-accident examination of the truck, described by the company as a "spare" vehicle, also showed (1) missing or inoperative warning lights, reflectors, flares and fire extinguisher; (2) a cargo of concrete pipe with a five-inch overhang on each side—10 inches over the Virginia and Maryland width maximum of eight feet—partially obstructing the driver's rear view; (3) cut tires; and (4) absence of any rear under-ride guard—extending to within 30 inches of the road and 18 inches of the widest part of the truck—as required by the Federal regulations.

Had the truck been equipped with the currently required 30-inch-high under-ride guard, the space between highway and truck body into which the Mustang crashed would have been reduced by only eight inches, the Safety Board said. It held that the now-required guard provides "only a partial and indefinite degree of protection to other vehicles;" the guard has never been studied for its effectiveness in preventing under-rides; and "so far as the Board has been able to determine . . . was not tested prior to adoption of the regulation."

The Safety Board said proposed Federal rulemaking requiring an 18-inch-high under-ride protection device was withdrawn by the National Highway Traffic Safety Administration last June 17 during the Board's preparation of the New Carrollton accident report. The Board said "the basis for withdrawal in cost/benefit factors is not clear from the docket" of the rulemaking even though it was cited in the NHTSA withdrawal. The rulemaking, the Board said, would have been "a step toward providing desirable under-ride protection."

The 18-year-old truck driver, the Board found, had been hired as a driver the day before the accident without physical or driver's examinations. He had had less than four months' experience as a truck driver. In one earlier trip on June 19 and during the accident trip, he had found the truck to be uncontrollable at speeds above 50 mph. He was uninjured in the crash.

Straight, "panic type" front wheel skid marks left by the Mustang to the point of impact measured only 60½ feet, the Board noted, even though a time and distance calculation indicated that the gap between the truck and the Mustang was well over a quarter of a mile when the truck's hood broke loose. The Safety Board said it could not determine whether the diversion of a car ahead pulling onto the median, "general inattentiveness," or "some adverse physical condition" caused the Mustang driver to recognize his danger too late to avoid or stop short of the halted truck. Although there was a portmortem report of alcohol in the Mustang driver's body, the "absence of corroborating evidence of drinking" and the "considerable circumstantial evidence which questions the existence of alcohol" left the

Board "unable to conclude that alcohol was in fact present."

The Safety Board recommended that . . . The Commonwealth of Virginia and other States (1) consider a Vehicle Inspection Code revision to permit rejection of any vehicle for "any specific incomplete or failed condition which is unsafe" whether or not it now is a mandatory inspection item, and (2) revise Motor Vehicle Inspection Standards "to bring them into conformance" with NHTSA's motor vehicle inspection standard.

The State of Maryland and other States consider providing in State Motor Vehicle Codes a provision to authorize State and local police "to remove from the highway any vehicle found to be in an unsafe condition regardless of the State of registration."

The National Highway Traffic Safety Administration (1) reinstate its proposed under-ride protection device rulemaking covering new buses, trucks, trailers and combinations, or alternatively, "determine whether there is a practical plan" for "voluntary crash protection" with which smaller vehicle operators could avoid under-riding large vehicles; the alternative NHTSA determination should include costs of such protection on cars as compared with under-ride devices on trucks; and (2) make an effort to develop Federal vehicle standards "for bumper protection of motor vehicles to insure predictable and compatible crash performance between vehicles of considerable difference in size and weight."

The Department of Transportation seek authorization and funding from Congress "to expand the strength and operations" of the Federal Highway Administration's Bureau of Motor Carrier Safety "to enable it to enforce the regulations commensurate with the public's right to safe travel on the nation's highways."

A NADER GUIDE FOR ESTABLISHING LOCAL CONSUMER AUTO COM- PLAINT ORGANIZATIONS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. RYAN. Mr. Speaker, all across the country consumers are finding themselves purchasing new automobiles which are delivered with substantial assembly defects. Indeed, the average new car, according to Consumer Reports magazine, is delivered to its buyer with 25 defects. Many people suffer these defects in silence. Others, particularly if their cars are real lemons, attempt to seek redress from the dealer or the manufacturer. Because these complaining consumers are not organized, their efforts all too often are of no avail.

Now, however, a group of students at Case Western Reserve University in Cleveland, Ohio, working with the support and guidance of Ralph Nader and the Center for Auto Safety, has prepared a guide showing how consumers can organize to deal with their automobile complaints. Entitled "Guide for Establishing Public Interest Consumer Auto Complaint Organizations," this manual sets forth step-by-step procedures for the development of a complaint center and for the resolution of complaints.

Forms used to keep track of consumer complaints are included, as well as illustrative case studies.

I believe that this manual should become widely available. Therefore, I am calling it to the attention of my colleagues:

A GUIDE FOR ESTABLISHING PUBLIC INTEREST CONSUMER AUTO COMPLAINT ORGANIZATIONS

The voice of dissent must be heard—
HENRY FORD.

(By Thomas N. Vacar, Director, Auto Safety Research Center, Cleveland Auto Safety Research Centers Network Program, and Michael E. Banta, Assistant Director, Auto Safety Research Center, Cleveland)

Without the dedication and hard work of the following people, the Center and, hence, this report would not have been possible.

Dr. Sidney Wolfe, Diane Williams, Lila Shapero, Kevin Karp, Murray Davis, Mickey Epperson, Lisa Capell, Debby Luxenberg, Bruce Fisher, Linda Deyling, Bob Shutts, Mary Jane Ward, Eric Heylman, and the Administration and Student Government of Case Western Reserve University.

This report contains guidelines for starting a local auto safety research center based on the experiences of an auto complaint center located in Cleveland, Ohio. Its primary purpose is to serve as an organizing manual, which must be complemented by locally gathered information about automobile problems.

PREFACE

This is a report on the first year of operations of the Auto Safety Research Center—Cleveland, a student consumer advocate group in Cleveland, Ohio.

This report is written as a guide to others who may be considering starting similar centers in their own cities. It describes those aspects of the Cleveland experience relevant to initiators of comparable efforts. Thus, it is hoped that it can help others avoid some of the problems and setbacks that were faced by the Cleveland Center, while sharing approaches, techniques, and devices which were found to be most effective.

The aim is a nationwide network of aggressive, student-initiated and student-run consumer advocate projects, all lending weight to the effort to force major corporations to abandon their reckless course of white collar criminality.

I. INTRODUCTION: CONTRIVED ANARCHY AND THE CORPORATE STRAIGHT ARM

New cars reach their owners, on the average, with 25 defects. Most are minor defects, but some are serious. Most owners detect some of the defects and report them to the dealer who sold them the car. It is a fortunate owner who succeeds in getting the dealer to correct the defects the first, second, or even the third time back to the shop. Even if he is successful getting action on the initial list of problems, his joy is short-lived at the appearance of new problems, all of which come as standard equipment with his new car.

For those who cannot get their cars fixed and who are forced to take their complaint beyond the dealer level, there is little justice. Writing the manufacturer will usually bring a polite acknowledgement letter, but this letter is too often followed by stony silence. Complaining to the manufacturer about the inadequacy or refusal of the dealer to correct the new car under warranty may result in a cursory check into the problem by the manufacturer's zone representatives, but if the zone representative decides against the owner, there is no appeal. Even if, or especially if, the warranty job the consumer needs and deserves is a \$900 engine replacement, he often finds himself with no effective recourse. He may continue to write the manufacturer and receive another polite refusal, best described as the corporate straight arm. In effect, the owner has paid for his own harassment.

Recent attempts on the part of General Motors (Chicago to Detroit Hot-Line), Ford (Ford Listens Better), and Chrysler (Your

Man in Detroit) to make the dissatisfied customer's voice adequately heard are really more window dressings and a token response to recent consumer pressure than honest changes in the inadequate corporate complaint handling system.

Once rebuffed by the corporation, the owner with a \$1 to \$3,000 loss on his hands has several places to turn; all about equally useless:

(1) *Congressmen* are not in a good position to do much about individual complaints, and they may not wish to antagonize dealer or manufacturer political support.

(2) *Federal, State, and Local Agencies* in most cases lack the power to handle masses of complaints, most of which represent relatively small losses.

(3) *Private Groups*, for the most part, are either funded by business and unwilling to be critical, or unable to respond effectively.

(4) *The Law* enters the owner's mind as his sense of outrage grows, but high expectations in lawyers and courts are usually deflated early on. Most attorneys have shown little concern for the average consumer's plight primarily due to the lack of monetary gain in such cases. This is especially prevalent among private attorneys. Legal services attorneys focus on persons usually too poor to have cars and evidences little interest in the person just over the poverty line whose lemon costs him precious money, keeps him from steady hours on the job, or disrupts a long-planned vacation trip. Small claims courts while initially conceived to aid victimized consumers, operate in most places to enforce the rights of creditors rather than consumers. Another mechanism is the class action suit; however, due to its procedural complexities the effectiveness of class action suits is minimal.

A gaping void exists in our society's mechanisms for resolving disputes between a small consumer and a large corporation. There is no effective means for the average consumer to enforce a small claim against a large corporation. This virtually total absence of an effective complaint resolving mechanism gives rise to the unsolicited flood of letters to Ralph Nader, which typically begin: "My new car has given me nothing but trouble from the day I bought it. The dealer cannot or will not fix it. I am writing to you as my absolute last resort. Please help me."

The manufacturers, fully aware that the rebuffed consumer has no place to turn, are almost without restraint in passing off to consumers cars that are poorly designed, only partly assembled, and built to undergo varying degrees of self-destruction while still relatively new. The owner then pays for the manufacturer's mistakes and sloppiness. In the aggregate, this amounts to an annual billion dollar fraud. The corporation has, by isolating individual consumers, effectively thwarts all attempts by consumers to obtain relief from what can be considered contrived anarchy.

An alternative model: A consumer's auto complaint center

The process of arriving at an alternative model involved taking a relatively close look at all existing complaint organizations in order to determine why they were not working and to generate ideas for effective complaint handling. Five problems undermined the effectiveness of existing complaint handling programs:

(1) *Bureaucracy*—Inside the auto companies, the corporate complaint handling system is itself the primary obstacle in resolving problems faced by the auto owner. Most consumers are treated to the standard run-around which can be characterized as follows: Upon finding out that the dealer cannot or will not repair his new car properly (the warranty notwithstanding) the average consumer usually sends a letter to the president and/or chairman of the board of the manufacturer involved. The executive's office then refers that letter to the corporate cus-

tomers relations office which then refers the letter to the divisional customer relations office which sends a letter to the consumer acknowledging that the executive got the letter and referred it to the replying office. The divisional customer relations office then informs the consumer that the letter is being further referred to the regional zone office, which is relatively close to the dealership so that the complaint can be handled in the area where it originated. Several days or weeks later, the consumer usually receives another letter, this one from the regional zone office, stating that the letter is being further referred back to the dealer so that it may be handled where the complaint originated. It further states that the dealer will be in touch with the consumer in the near future, but if the near future is any longer than three days then the consumer ought to contact the dealer. This whole process takes anywhere from three weeks to two months with absolutely no guarantee of ultimate success. During this time, many carbon copies of letters have been made but nothing has happened to aid the woeful consumer. This process is very exasperating. Many legitimate complaints are dropped for lack of stamina.

(2) *Allegiance to the Auto Industry*—Many "public service" groups are victims of this financial or political allegiance to the industry against which the agency handles complaints. The most notorious example is the Better Business Bureau which often has financial membership support from dealers and manufacturers, as well as influential board members from the industry. The Better Business Bureau tends to take anything the dealer says as fact and rarely consults the consumer as to whether the complaint was handled to his or her satisfaction. Too much criticism of the industry or individual members could easily result in a loss of membership dues for the Better Business Bureau and similar public service agencies.

(3) *Dependence on Advertising Revenues*—This problem prevents most large newspapers and broadcast media from releasing information which might adversely affect automobile sales. Outlets such as NBC, ABC, and CBS are financially dependent on considerable advertising from industries such as the auto industry. Too much adverse publicity may lead the advertiser to drop the outlet from its advertising program. This has generally emasculated any meaningful and continuous public disclosure of automotive abuses as a means of redress.

(4) *Statutory Non-effectiveness*—This comprises the primary defect of governmental regulatory organizations, both local and federal. Most of these bodies, such as the Federal Trade Commission, have the statutory power to take action against corporate wrongdoing, but fail to exercise it fully. The major problem with such regulatory agencies as the FTC is that they tend to define their role narrowly and refrain from intervening directly in disputes between automobile owners and the auto industry. This may be partially due to influence over the administrative branch and regulatory agencies of the federal government by officials in regulated companies. These officials have greater access to the regulatory agencies than the average consumer. A great part of industrial influence may be traced to the executives themselves some of whom have served on regulatory commissions before retaining an executive position in a corporation regulated by that same commission. More subtly, corporate interests work in the U.S. Congress to make sure that the operating budgets of agencies like the FTC are kept low enough to ensure their powerlessness.

(5) *Lack of Funds*—Obtaining sufficient funds is also a problem confronting most private agencies which are independent from the industry or its pressures. Although these groups are autonomous, the industry can effectively deter financial input from many places such as foundations. This tends to

shorten the life and effectiveness of such agencies. Most new and aggressive consumer groups are in this category.

The efficiency of existing complaint handling agencies is compromised by a combination of several of these characteristics. Therefore, an attempt was made to establish a consumer group that could, for the most part, avoid the problem areas discussed above and be an effective organization to help the distraught consumer.

In consultation with the Center for Auto Safety in Washington, D.C. and based on empirical studies in the Cleveland area, an alternative complaint handling model, the Auto Safety Research Center, was conceived. Most importantly for the consumer, the Center had to be a *direct action ombudsman advocating the consumer side of the individual complaints in a meaningful and organized way*. Since many consumers who cared to complain through existing systems saw that much unnecessary paperwork and red tape was involved, the number of people dropping complaints seemed to be high. It was imperative that the Center avoid as much of the bother from this process as possible in its own operations so that the business of direct advocacy could begin.

Autonomy from the aforementioned pressures was the key issue in the formation of the Center, because only then could the Center freely criticize the industry without concern for its continued funding. Since autonomy from the auto industry was a basic requirement, it followed that the industry and those sympathetic to the industry would, of necessity, be suspicious of such a venture. Consequently, fund raising was a big problem, and developing the art of fund raising became a major task of the new Center.

The avoidance of a bureaucracy, i.e., the non-formation of one, was achieved by providing that all Center members would be required to handle complaints regardless of the time they worked at the Center or what other projects they might be working on. As well, the Centers would be small enough to prevent massive departmentalization which requires the growth of red tape. (If one Center were to become too large in one city, there is nothing to prevent it from dividing into two cooperative but autonomous organizations.)

II. A BRIEF HISTORY—THE CLEVELAND EXPERIENCE

Although the Cleveland Center did not begin to gather consumer complaints until April of 1970, background research began five months earlier in December of 1969. At that time, the Center was registered as a student organization on the campus of Case Western Reserve University which entitled it to free office space. It was apparent from the outset that a base of operations was not only desirable but necessary.

In January of 1970 four of the Center members gained substantial experience in understanding the auto industry during a one month research program at the Center for Auto Safety in Washington, D.C. The four students conducted projects on the Experimental Safety Vehicle, ambulance and police vehicle defects, Freedom of Information Act, and other topics. This experience was taken back to Cleveland. Shortly thereafter began the solicitation of several consumer complaints, dealer manufacturer documents (i.e. sales contracts, car order forms, advertising brochures, dealer franchise agreements, etc.), and other basic local auto information.

Operations

The Center focused on auto complaints because the process of investigating them opened up a view onto the landscape of corporate irresponsibility in the auto industry.

The larger issues, such as understanding the limitless lack of concern shown by cor-

porations for the health, safety, and sanity of the public, seeking answers as to why the mechanisms of government, the courts, and the marketplace fail to provide any protection to consumers, and mapping out needed reforms, all took on a clearer meaning to the students as they came to understand the intense frustration of the consumers who in desperation brought their problems to the Center in hope of finding a solution.

Basic complaint handling guidelines were not rigid, but each member was encouraged to handle each complaint in the way that was most comfortable and successful, provided that designated pieces of data were gathered. Methods used varied from person-to-person conferences, to telephone calls, to mail handling of complaints, and combinations of these techniques.

One of the primary reasons that the Center was set up was to give students a chance to create positive, feasible change in an area rampant with abuses and over which the consumer has virtually no control. One problem which constantly plagued the Center was keeping on the staff a continuum of experienced personnel trained to handle consumer complaints. A pattern soon developed that students' commitments to this endeavor to create change wore off as the novelty was replaced by the continual input of new cases to be handled. The Center's role is one of providing continuing and growing support; it is not an organization constantly dealing with issues which have the same overt level of political content as the war in Vietnam, racism, and the like. Although the overall issue is one that is highly political, i.e. the analysis and critique of the corporate power structure, the nitty-gritty of consumer complaints is tedious. Such work, however, can be viewed as the price of change. It was our experience that although there were many transient volunteers, a core of about eight dedicated workers emerged.

Personnel

The staff consisted primarily of law and political science students. Others, including non-students, helped in all phases of the Center's work. Volunteers handle the bulk of consumer complaints and actively participate in research having to do with the auto industry (resulting in complaints) in and about the city of Cleveland. This type of information will come primarily from surveys and contacts with industry "insiders", who offer information that the auto industry does not want released.

Other persons helping the Center included a physician, attorney, educator, contractor, and three students with volunteer attorneys to donate legal talent. Access to professionals teaching technical courses at Case Western Reserve University provided valuable expert input where technical judgment was required to the settlement of a case.

There are two obstacles that confront any organization such as the Auto Safety Research Center. The first is to obtain students who are willing to work long and irregular hours for little or no pay. We overcame this first hurdle with three techniques: First we offered a constructive way to try to change the Establishment; Secondly, Ralph Nader lent his prestige by making several speeches promoting the Center; and thirdly, we began to make noticeable headway toward our objectives, especially in the consumer protection area. In fact, it was not long until we were getting referrals from local attorneys, the Better Business Bureau, the Cleveland Bar Association, and the local office of the Federal Trade Commission.

The second obstacle was the training of the volunteers to enable them to handle individual cases or complaints effectively. For a volunteer to be capable of serving as a mediator between the automobile owner and the auto industry, he had to be familiar with mechanics of an automobile, and he had to have an extensive knowledge of the corporate structure with which he was dealing. This

latter part was the most difficult, because there is no short-cut method. The student volunteer had to read and familiarize himself with many documents such as dealer franchise agreements, warranties, and governmental safety regulations to mention a few. The importance of this education process becomes more obvious when you consider the fact that you will be dealing with experts from the industry, and the only way you can protect yourself from being taken advantage of is to be prepared to discuss the problems on their level and to be able to spot and refute any weak arguments that the industry might use to confuse you. Thus, for our project, education was crucial to the success of our operations.

The center and the university

The Center was set up on a university campus for several reasons. First we were students. Secondly since it was known that the budget of the Center would be extremely low, it was decided that the Center would have to be able to obtain the maximum amount of output for the least possible investment. For this purpose, the college situation was ideal. Under the rules of Case Western Reserve University, registered student groups could get free office space and access to many facilities on campus, including the expertise of many experts on a wide range of topics dealing with the automotive field.

The additional fact that the Center was able to obtain academic credit for students conducting research at the Center was a major contributor to keeping experienced students working at the Center for long periods of time with little or no monetary compensation. These two reasons were the major factors which gave the university environment a decided advantage over other potential locations for the Center. The third factor, i.e., the need for people to man the Center, clearly meant that students, idealistic and often with time on their hands, would form the nucleus of the Center staff. Supplementary assistance from non-students (housewives, faculty) and professionals could not be realistically expected to be full time. What was expected, however, was that all staff and volunteers make some kind of long-term commitment to the Center to insure some basic kind of continuity.

Fund raising

The lack of adequate funds has plagued the Cleveland Center. Volunteer organizations can function so long as there is a basic administration of the overall program by regular, full-time personnel who can be depended upon. Successful fund-raising in the Cleveland area was extremely difficult for several reasons. First, the concept of the consumer oriented public interest group was not readily comprehended by members of the established Cleveland business community. Consequently, they were, at first, skeptical of the Center and presumably regarded it as a threat. Second, politics played a large role. The lack of concern on the part of Cleveland businessmen regarding the plight of the consumer was exemplified by meager monetary contributions to back up generous verbal praise. Grants from Consumers Union, Ralph Nader, and interested professionals and consumers provided subsistence funding through 1971.

Individuals approached for funding felt that it was the legitimate role of philanthropic foundations to support such an organization so application for a grant of \$19,000 was made to the Cleveland Foundation in April of 1970. This particular foundation was already funding other consumer efforts to the tune of \$100,000 or more annually. At this time, Dr. James A. Norton, Director of the Cleveland Foundation, encouraged the Center to comply with several legal requirements so that funds could be made available to the Center pending a decision of the Foundation's Board several months later. These requests were fulfilled. Moreover, the Center followed

the Foundation Director's suggestion that we seek all funds through the Cleveland Foundation rather than from several sources. Although their Board was not to meet for quite awhile, the optimism generated by the Foundation Director led to the hiring of four students to work full-time in the Center. As weeks progressed, the optimism eroded as a result of suggestions from the Foundation that the Center put a member of the Better Business Bureau or the Cleveland Growth Foundation on the Board of the Center to quell doubts of some members of the Foundation Board. Since the Better Business Bureau approach was the very thing we were trying to avoid, we flatly refused. On July 8, 1970, the Cleveland Foundation voted not to give any financial support to the Center.

We were forced to conclude that despite the Center's excellent record of handling consumer complaints to the satisfaction of both consumers and dealers, the Cleveland Foundation's interest in this mode of consumerism was minimal at best. Moreover, many liberal lawyers, doctors, other professionals, and civic leaders from whose midst is heard increasing concern for the alienation of students from the system, gave no meaningful financial support. In short, hypocrisy and politics have made such efforts by students difficult to fund because those who are most verbal and able to afford financial donations pay much more lip service than financial service to such efforts. Fund raising remains an important activity.

The Center has been in operation for nearly two years and much yet remains to be done. But much has been learned from its successes and its mistakes. The time has come for the establishment of additional Centers to further the development of a network of centers which will be able to strengthen the hand of auto consumers throughout the United States and Canada.

The following sections will suggest ways to set up similar Centers and, most importantly, the developing art of handling customer complaints, dealing with the dealers and manufacturers, dealing with the government, and other facets of the day-to-day business of local consumer advocacy.

III. TIPS FOR ESTABLISHING LOCAL COMPLAINT CENTERS

A. Establishing Centers on Campuses—The five main requirements are:

- (1) Campus status as an organization
- (2) Articles of Incorporation and Incorporation itself
- (3) Tax exemption application (Form 1023) under 501(c)(3) of the Internal Revenue Code
- (4) Budget proposal
- (5) List of local foundations and wealthy potential philanthropists

Although these items are vitally important, they are really only the beginning. If the groundwork is undertaken with these points in mind there will be fewer problems later on. To fully understand the importance of these preliminary steps, the points are discussed individually.

(1) *Campus status as an organization*—In setting up a Center at a college or university, the rules required to obtain free office space must be understood. The appropriate officials should be supplied with at least a rough draft of a proposal establishing your campus organization. The sooner an organization has been designated a campus group, the sooner the Center will have a base of operations, i.e. an office. Since each school's rules vary so much, it is up to each potential group to learn what is required at that school and apply accordingly. Here are some suggestions:

- (a) Spell out your intentions so that you may act within the confines of your proposal. Do not make the proposal so restrictive that you cannot function effectively. On the other hand, do not make it so unrestrictive that no one will have confidence in you.
- (b) Emphasize the importance of free space and the need for it immediately.

(c) Relate this group to the type of group already in operation at Case Western Reserve University and its role in a network of consumer service organizations.

(d) Emphasize the benefits to be harvested by the community around the school by a meaningful and worthwhile project.

(2) *Articles of Incorporation and Incorporation Itself*—This and the application for tax exempt status under 501(c)(3) will be most vital in obtaining money from foundations and other sources. The Internal Revenue Service had model Articles of Incorporation written in its instruction booklet for 501(c)(3) applications. You can follow these. Two basic models are presented: Ohio and Massachusetts. Legal supply stores and many law firms have the article of incorporation blanks available for usually less than a dollar which can be filled out in less than an hour. It is helpful to have this process overseen by a volunteer attorney.

In many states it takes at least three people to create a non-profit corporation. They must be 21 years of age or over and residents of the state in which the corporation files its papers. It is wise to make sure the principle officers of the corporation are members of the college or university faculty or student body where the Center exists. This will eliminate the problem of the Center being regarded as too separate from the school to warrant school support.

Principle officers are: president, vice-president, secretary, and treasurer. If the officers are not affiliated with the university, i.e. students there, the center may find itself renting office space instead of receiving it free. As soon as the articles are filed with state and returned to the Center, the 501(c)(3) application may be filed.

(3) *Tax exemption application under 501(C)(3) of the Internal Revenue Code*—Tax exempt status is the key to funding, but it is not a guarantee. It permits individuals to give the Center funds and to deduct it from their taxable income as a charitable gift. This is the toughest step to accomplish because the IRS is a slow, deliberative agency, and Form 1023 is quite complex. The usual waiting period seems to be between two to six months, but it may take much longer.

It is hoped that in the near future a properly framed application, the Cleveland Center or one other, will be approved, thereby becoming the model.

(4) *Budget proposal*—Once granted tax exempt status, the Center will want to submit proposals to various individuals and foundations for funds. This will have to include the proposed budget for a period of at least one year. Local foundations are the best vehicle for meaningful funding and should be vigorously pursued. The foundation will accept the proposal, further investigate it via interviews with Center personnel, and rule on its merits.

The most important thing to remember when applying for funds is not to compromise principles merely for funds. A foundation may want to name a member to the Center's board. The consequences of such action should be carefully weighed before making any such decision. One consequence may be the premature disclosure of findings or plans, or even, possibly, control of them.

The proposal should state the purposes, or goals, program outline, affiliations, personnel, and most importantly, the budget of the Center. The foundation may ask for additional information, and you should always be ready to provide it immediately to expedite your proposal.

(5) *List of Foundations and/or Wealthy Individuals*—Since the Center will have to be funded via local sources, a list of philanthropic foundations should be assembled. As well, all metropolitan and surrounding areas have their share of modestly and abundantly wealthy individuals who might be solicited for tax deductible contributions. Since each possibility is a potential monetary

source, it is worthwhile to apply to as many as possible. Among some of the many individuals and organizations to contact are:

- (a) local philanthropic foundations
- (b) local industrialists
- (c) local civic leaders
- (d) local unions and leaders
- (e) civic groups (Rotary, Kiwanis, League of Women Voters, etc.)
- (f) religious leaders
- (g) local colleges and universities
- (h) local law, medicine, engineering, and other professional societies

(1) the general public

B. *Establishing Centers in Places Other Than on University Campuses*—The general format for establishing an off campus Center is basically the same as has been outlined above with a few variations. There will still be five main requirements:

- (1) Obtaining a base of operations (an office)
- (2) Articles of Incorporation and Incorporation itself
- (3) Tax exemption application (Form 1023) under 501(c)(3) of the Internal Revenue Code
- (4) Budget proposal
- (5) List of local foundations and wealthy potential philanthropists

The first major difference is that the off campus Center will not be able to obtain free office space unless some group or person can be found to donate such space to the organization. There are, however, alternatives to the traditional office that is located in an office building. The use of heated garages, church basements, vacant rooms in a house, etc. can offer a starting point until funding will permit the renting of office space. Basically, all that is needed is a place to keep files, desks or tables, and a telephone. The office supplies will be discussed in more detail later.

The other problem that may confront the off-campus Center is that of personnel. It is important that the new Center have a group of dedicated persons willing to run the Center on nearly a full-time basis. Part-time volunteers can help handle complaints without too much difficulty, but the daily operation of the Center requires the presence of someone capable of making decisions, coordinating activities, and helping train the new volunteers. If it is impossible to obtain full-time personnel there is an alternative approach that may be taken: two part-time people may set up a schedule whereby one or the other of them would be at the Center regularly. However, the only way this will work effectively is if both are able to keep abreast of new developments so that the operation will run efficiently.

The remainder of the staff can consist of housewives, professionals, students, and any other people that can donate their time and/or their services to the Center. These volunteers, however, will have to be oriented in complaint handling by the nucleus of experienced people that should be on hand once the Center has started its operations.

The formation of the off-campus Center would follow the same guidelines as the campus-based Center with respect to incorporation, application for tax exempt status under 501(c)(3) of the Internal Revenue Code, budget proposal, and list of possible sources for funding.

Aside from these tasks, there are several other things that you will need to make things easier and more efficient.

The next section is devoted to these needs (which are applicable to both campus-based and off-campus Centers).

C. Office Support—Attorneys, Equipment, and Materials

(1) Attorneys

You should contact a sympathetic attorney who can assist on tax matters and incorporation. Ask him/her to render services free. He/She will also be able to advise you on how to avoid libel in public statements your Center may issue.

(2) Equipment

(a) *Telephone*—You will need a telephone with a listed number. It is helpful to have a separate line that can be used for out-going calls when the other is busy. As the Center becomes more well known two or three lines become essential.

(b) *Filing System*—A filing system is imperative. Use a separate file folder for each complaining consumer. The Cleveland Center has an "Open" and "Closed" separation of complaint files. In addition, a 3x5 card is made for each complaint which is put into a box. Each card indicates the name of the person with the complaint, the make and model car he or she owns, the nature of the complaint, and the dealer/manufacturer against whom the complaint is directed. The "Open" and "Closed" cases are filed alphabetically by name; however, the card file is broken down into types of automobiles (i.e. Ford, Chevrolet, Pontiac, etc.) with all the consumers' names being alphabetically arranged within each car type category. This enables the staff to have a relatively simple cross-index that helps detect trends such as recurring problems with a particular kind of car or dealer. File cabinets are helpful but not necessary. It is inexpensive to substitute metal racks used for suspended files. These racks require special file folders, but can sit anywhere.

(3) Materials

(a) *Stationery*—A letterhead, we have found, is vital and adds much credibility and legitimacy to the operation. An example. The Cleveland Center's letterhead, can be found in the appendix.

(b) *News Release Forms*—Attractive news release forms will get much more attention than plain paper until the Center is widely known and respected. A copy of the Cleveland Center's news release form is in the appendix. It's first use should be to announce the program and complaint phone number to the press.

(c) *Complaint Forms*—Complaint forms are essential to getting and storing the correct and uniform input of data needed in the handling of complaints and compilation of data. The Cleveland Center's forms are in the appendix.

(4) Other Information

(a) *Names and Addresses*—A list of all dealers and zone offices is required so that you will not have to constantly refer to the cumbersome telephone book. A list of key personnel for each dealer, zone office, and manufacturer, as well as additional relevant organizations should be assembled. You will need, for example:

Dealership: President, General Manager, Sales Manager, Service Manager.

Dealers association: Director, President.

Motor Companies in Detroit: Chairman of the Board, President, Customer Relations Manager.

Zone Office: Zone Service Manager, Entire Customer Relations Staff, Public Relations Manager.

Other relevant agencies include:

Local Consumer and/or Government Organizations: Better Business Bureau President, Federal Trade Commission Director (Local and National), Department of Transportation (Local and National), Local Consumer Group Directors.

Media: Newspaper Auto Editors, Radio and Television News Managers, Local and National Auto Trade Paper Editors (include magazines), Local and National Consumer Paper Editors (include magazines), Wire services (Associated Press, United Press International, etc.).

(b) *Recent and Relevant Information*—This is obtained by writing to several sources. The object is to write for all news releases, reports, fact sheets, and other available free information. Among the most important of these sources are:

U.S. Department of Transportation, Washington, D.C. 20590.

Federal Trade Commission, Washington, D.C. 20580.

Insurance Institute for Highway Safety, Watergate 600, Washington, D.C. 20037.

National Automobile Dealers Association, 2000 K Street NW., Washington, D.C. 20006.

Your state and city governments.

Center for Auto Safety, National Press Building, Washington, D.C. 20004.

After funding, each Center should subscribe to *Automotive News*, *Consumer Reports*, some of the auto magazines, and relevant government reports of the Congress or regulatory agencies. It is also recommended that each Center have a copy of *What to Do With Your Bad Car* by Ralph Nader, Lowell Dodge, and Raf Hotchkiss. A free copy will be provided to Centers established in cities larger than 10,000 people. On the local level a general collection of informations and documents should be made which include sales contracts, advertising brochures, and dealers association materials. This should be done with as many dealerships as possible. Sales figures and distribution data can be obtained through the local dealers association or newspapers who generally have access to this kind of information.

(c) *Map*—A local street map should be obtained to chart where the dealers are located as well as the zone offices and other local relevant organizations. Also, when handling complaints, the map will be help in determining the patterns of where the complaints are arising and where to go when handling out-of-office complaints.

With all these things accomplished, you will be ready to start understanding the nature of the local auto situation and can quickly become effective in the resolution of consumer complaints.

IV. HANDLING COMPLAINTS

This section will be necessarily brief because of the vastness of types of complaints and the many possible solutions. What will be discussed will be methods used by the Center which are used either separately or in combinations, all of which are recorded on standard Auto Safety Research Center forms. Examples are in the appendix.

A. *Forms*—The best way to understand how the Center handles complaints is to refer to the file forms used in the process. Copies are reproduced at the end of this guide. When a consumer calls in with a complaint (i.e., makes initial contact with the Center via phone, letter, or personal interview) the initial information is recorded on an initial information memorandum. This sheet covers vital initial information. The consumer is then asked to submit whenever possible a formal statement of the complaint in writing including all bills, documents, letters, etc. relevant to the complaint. These items are then attached to the details of complaint memo. With this accomplished, the staff member begins to evaluate the validity of the complaint. Any further communication with anyone connected in any way with the complaint is recorded on a development memorandum; one for each and every contact made. Prior to any advice or advocacy for the consumer, the Center contacts the dealer or manufacturer involved in order to establish the opposing side of the story and also attempts to set up a meeting involving the dealer, consumer, and Center staffer. This is also recorded on a development memo. The consumer is asked to sign a permission to use information form so that the Center may work with the complaint and publish the complaint if necessary. Depending on the seriousness of the complaint, maximum and minimum settlements or "acceptable solutions" are determined with the consumer prior to any meeting with the party being complained against. The consumer must sign an agreement permitting the Center to act on his behalf in resolving the complaint. When a satisfactory conclusion or solution is reached, the staffer then fills out a case conclusion sheet in which he/she comments on the degree of success and outlines the final

settlement. The staffer is then required to send out to the consumer a consumer evaluation sheet so that the consumer may comment on how his complaint was handled and give criticisms to improve the quality or services offered by the Center. A separate file is maintained for each complaint. Some complaints can be so serious that some of the above requirements be suspended if time is a critical factor. In any event, precise information must be recorded as soon as time is available.

B. *Methods of Complaint Handling*—Methods used are:

- (1) Handling via telephone
- (2) Via letters
- (3) In person interviews
- (4) Dealer-consumer-Center consultations
- (5) Publicity
- (6) Direct Action

The individual complaint handler must select the method or methods which prove most successful and comfortable. Most cases involve a combination of techniques. Each method has its own merits and the following descriptions of these methods can prove useful.

(1) *Handling via Telephone*—Telephone handling is a good device to use when time is of the essence in order to start the resolution process. An example of this may be when a consumer has a warranty problem in which the warranty is to expire within a few days. Needless to say, the phone provides an immediate contact but can be over-utilized. Written documents provide a much better record. Telephone handling can expedite matters when the Center has a good working relationship with the party against whom the complaint is lodged. (Some Cleveland dealers welcome intervention by the Center especially in personality-conflict cases.) Most cases, however, are wholly dependent on the attitude of the staffer when the phone is used. This subject of "attitude" will be discussed later in detail.

(2) *Via Letters*—Most cases require letters to and from the Center explaining the case details and the consumer's and/or Center's logic used in determining a just settlement. Letters provide an excellent tool of communication and documentation. Statements of policy on the part of dealers and manufacturers become guidelines for expected performance if a similar complaint arises in the future. As well, letters from the different segments of the industry may reveal different policies on the same issue between companies or even within the same corporation, i.e. a Cleveland Zone Representative might quote a policy at odds with the official corporate policy. Letters are also valuable in recording precedents.

(3) *In-person Interviews*—An in-person interview with dealership officials allows the Center member to discuss the problem without the presence of the complaining consumer. This sometimes is more conducive to settling complaints especially when a personality conflict is involved. During this type of interview, the dealer will often give his opinions about the sincerity of the complaining customer which, in the light of other facts, can give great insight as to the validity of the complaint or the dealer's opinion.

(4) *Dealer-Consumer-Center Consultations*—Probably the most successful method of complaint solving comes in the form of the in-person interview with the consumer present. When the dealer, consumer, and Center meet it is in this arena where the dealer and consumer must argue their claims over the documents each is using to support his side. Although the President of the dealership may not be in attendance, the service manager or the customer relations manager for the dealership usually will be. Settlements are usually arranged at the first such meeting and discrepancies in both sides often appear. Usually, however, the consumer is able to reach an equitable solution

with the Center's assistance. It is much easier to arrange future action on the complaint when all relevant parties are present to hash things out. In short, it is a situation where not only questions are raised and answered, allegations proved or dispelled, or documents produced and evaluated, but a situation in which personalities of opposing opinions interact and reach a firm decision.

(5) *Publicity*—The final approach of complaint handling may be referred to as the last resort, and that is, unfavorable publicity directed at the offending dealer or manufacturer.

When all else fails, report it to the public and to the legal authorities. It is not the most endearing method to conclude a situation but one which has proven to be effective. One problem is that the cost to the dealer or manufacturer of publicity in terms of potential economic loss may outweigh the benefit of a fair and just resolution. Extreme care must be used here so that innocent people are not damaged by unfair criticisms.

(6) *Direct Action*—And of course, there is the picket line. It is the most forceful and clear cut show of disapproval for the practices of a dealer or manufacturer who has clearly deprived a consumer of his rights and chooses to permit this situation to continue regardless of previously taken channels of recourse. It can bring either an immediate settlement or a law-suit against those picketing. While it is risky, it may be the only path available. Much care should be taken when this path is utilized to define the complaint accurately, and to spell out exactly what is demanded.

In summary, complaint handling is a delicate business which requires a large amount of knowledge about the facts of the case, a proper selection of a method of complaint handling, and the proper and precise recording of all information and case data. It is also a task which demands responsibility and which, if handled properly, can quickly net results for consumers who would otherwise remain unfairly or poorly treated.

Attitude in communication is the one factor that can make or break a case and caution must be exercised. In some cases a calm and cooperative attitude by the complaint handler is an invitation to be ignored. In other cases, a harsh and abrasive attitude may cost a handsome settlement due to a conflict in personalities regardless of the case's merits. Unfortunately, proficiency comes only with practice.

C. Examples of Cases Handled by the Cleveland Auto Safety Research Center

The following cases are summaries of actual complaints handled over the period since April 1970. Necessarily, these cases are capsulized to conserve space and only are meant to give the reader a general idea of what kinds of complaints can arise and how they were handled. Naturally, much more information is needed to fully understand the intricacies of how the information was gathered, how a particular method was chosen, and how a solution was reached. To show the limitations of a Center we have included two cases which we were unable to resolve up to the date of this writing (September, 1971).

File #93 David Brewe

Mr. Brewe came to the Center with a problem based wholly on a lack of communications resulting in a \$100 difference of opinion. While having his car in for an engine repair under warranty Mr. Brewe was asked if he would like to have a valve grind since the engine was apart. Although Mr. Brewe authorized the grind verbally, he was not aware that he would be charged for the service. The warranty problem (seized wrist pin), in Mr. Brewe's opinion created the need for the valve grind. The dealer brought in the service manager and the mechanic involved in the repair and found that lack of proper information was the primary reason for Mr. Brewe's erroneous belief that he would not

be charged for the repair. Mr. Brewe stated that had he removed the heads himself (as an engineer he is quite capable of doing so) he could have had the valves ground for \$24.00. Since Mr. Brewe had stopped payment on the original repair check (which included that disputed \$100 for the valve grind) feelings were pretty bad on both sides. Acting more as a mediator than a purely pro-consumer partisan, the Center arranged a settlement whereby Mr. Brewe paid \$24 for the grind, which was acceptable to both parties. The dealer added that if Mr. Brewe felt that the grind had not been done, he did not want a dime. Mr. Brewe concluded that indeed the grind had been done and paid the \$24.

File #199 Julian Steinberg

In the fall of 1970 the Center was approached by Mr. Julian Steinberg, owner of a 1969 Opel. Mr. Steinberg unknowingly purchased a new car with an engine that bucked and coughed and had a faulty electrical system. For several months Mr. Steinberg had been trying to get the dealer or the manufacturer to correct the defects to no avail. Mr. Steinberg and a Center staffer went to the Buick zone office and argued that although the dealer never refused to do the retail or warranty work involved, the work was either shoddily done or not performed at all. After reviewing the file and test driving the car, the zone manager reimbursed Mr. Steinberg \$156.81 (which the dealer had improperly charged him) and arranged to have the remaining repairs made at another dealer under warranty.

File #206 John Glasson

Owner of a 1971 Volkswagen Super Beetle, Mr. Glasson was having engine and acceleration problems which were grossly in that the car would stall out in close traffic situations. Having complied faithfully with the warranty terms, Mr. Glasson tried for months to get these problems corrected all to no avail. The Center, on Mr. Glasson's behalf, wrote a letter to Volkswagen of America demanding action. Copies were also sent to local and national newspapers, highway safety organizations, government agencies, and several legislators. This produced a series of meetings and further attempts at repair, resulting in nothing but further frustration for Mr. Glasson. Nonetheless, meaningful communications between the Center and VW were established. Finally, realizing that Mr. Glasson would never be happy with his car, VW's distributor, Midvo, offered him a reimbursement of \$2100 for his six-month old car which originally had cost \$2300. Mr. Glasson was extremely happy with the settlement but decided not to purchase another VW. Faced with our efforts VW acted in a responsible and mature manner in this case.

File #379 Hal Foyer

Mr. Foyer purchased a used 1966 Cadillac from Central Cadillac which had an odometer that read 23,459 miles. Upon receipt of his registration Mr. Foyer traced the former owner who informed Mr. Foyer that the mileage at trade-in was 56,000 miles. At that time Mr. Foyer contacted his lawyer who wrote one letter to the dealership. As time progressed Mr. Foyer became distressed by his attorney's inaction. He then contacted our office almost a year after his initial action. To ascertain the veracity of the case we checked the serial number of the car with the Title Department. This served to prove who the former owner was. From Mr. Foyer's attorney we obtained a copy of a statement made by the former owner that the mileage at trade-in was 56,000 miles. Normal procedure was to go to Central Cadillac with Mr. Foyer and discuss the matter, however, two stumbling blocks presented themselves: Mr. Foyer's attorney had to be released and inform Central Cadillac that we were now informally representing Mr. Foyer, and Central Cadillac had handed the case over to

their attorney. Mr. Foyer's lawyer, after being contacted by us, decided to see what he could do first, further delaying action on our part. Finally unable to obtain any satisfactory results, the attorney dropped the case and permitted us to help Mr. Foyer. We then arranged a meeting between a staffer, the owner relations manager of the dealership, the dealership's attorney, and Mr. Foyer. Mr. Foyer wanted another used car not older than 1967 with guaranteed mileage. No common ground could be found between parties to enable a possible compromise settlement. The Cleveland Dealers Association has been contacted and the possibility remains that our office can resolve the case. Otherwise, Mr. Foyer plans to sue Central Cadillac. At the time of this writing the resolution can not be determined.

File #364 Ellen Forester

Mrs. Forster purchased a 1971 Chevrolet Vega, which was equipped with a 110 horsepower engine, two barrel carburetor, and an automatic transmission. This car was made prior to the G.M. strike in the fall of 1970. After the strike, General Motors stopped selling Vegas with this particular power train combination. The 110 H.P. engine with a two barrel carburetor now comes only with a standard transmission. Mrs. Forster experienced many problems with the performance of her car, and subsequently Chevrolet started a recall campaign on Vegas such as Mrs. Forster's. She took her car into a dealer to have the necessary parts added as per the recall. This was the thirteenth time she had taken the car back in attempting to alleviate her problems. After the recall work had been completed, the car still did not perform any better than before. The service manager at the dealer told her that he had done all that was possible and he added that she should drive the car "slowly and not very often." Two members of the Center's staff accompanied Mrs. Forster to the dealer on her fourteenth trip to him. This time a representative of the Chevrolet Zone Office was there, and he told us, in no uncertain terms, that he would not deal with us but he would see to it that the customer was satisfied. However, the car was never fixed and Chevrolet continued to stall by telling Mrs. Forster that more "special parts" had been designed and the car would be fixed as soon as possible. At this point, the Center was preparing to pressure Chevrolet into either replacing some major parts of the drive train or else give Mrs. Forster another car. Ironically, while we were working on this approach the car was stolen from Mrs. Forster's home. Mrs. Forster's final relief came from a car thief rather than Chevrolet, who had admittedly created an engineering fiasco. Mrs. Forster's only fear now is that the car may be found.

File #369 Ronald Gantt

Mr. Gantt owned a 1969 Buick LeSabre that was covered by a 5 year/50,000 mile warranty on the engine and other components of the drive train. After one year, the car began to continually overheat, and the dealer began to replace the entire engine one piece at a time under the warranty in attempts to alleviate the problem. Finally the entire engine, including block and heads, had been replaced but the problem was not cured. At this time, the dealer and Buick Division of General Motors refused to do any more work under warranty saying that they felt the problem was probably arising due to customer abuse. Two members of the Center's staff arranged for a meeting between Mr. Gantt, the dealer, and representatives of Buick and the Center. At this meeting the dealer could not prove abuse, but nor could they explain why, if Mr. Gantt did abuse the car, he had spent so much time and money at various service and diagnostic centers in attempts to locate the problem. At this point, the dealer said he would allow the two representatives of the Auto Safety Research

Center decide what should be done, and he added that he would be bound by our decision. This was an unexpected offer, and although this clearly would not be expected in all cases, it did show the dealer's faith in our reasonableness and objectivity. (This case arose after we had been in operation for over a year and a half, and shows that the Center has clearly gained the respect of at least some of the local dealers.) After consulting Mr. Gantt, we suggested that since Mr. Gantt had used the car for over a year and a half, and since the problem could not be pin-pointed, that he would probably be better off trading the car for a new Buick at a substantial savings, i.e. close to dealer cost. The dealer agreed to this, and all parties were satisfied.

File #489 Howard Schwartz

In June of 1971, Mr. Schwartz contacted the Center regarding a repair bill he believed should have been taken care of under warranty. He felt that "burned" valves were covered by the warranty, and General Motors maintained that they were not if they were damaged by carbon deposits. We argued, in a letter to G.M., that if the customer lived up to all conditions of the warranty, and the valves still burn out prematurely, then the argument is between G. M. and the gasoline and oil industry; not G. M. and the customer. The dealer was pleased with the contents of the letter, and said that the Center had handled the case "like gentlemen." The dealer added that even if the manufacturer would not pay for the repair that the dealership would not charge Mr. Schwartz. General Motors did not pay for the valve grind, but the dealer kept his promise and Mr. Schwartz was not charged for the valve grind.

There is one more problem that must at least be mentioned before leaving this discussion of complaint handling. Whenever one begins to solicit complaints, there seems to be a tendency to believe everything the complaining consumer may say. The fact of the matter is that the person complaining will not always tell you all of the facts involved in his particular complaint. Therefore, the staff member must carefully question the consumer in order to elicit as much of the totality of the situation as possible. After reviewing all the facts, the staff member may conclude that the consumer's complaint is unfounded, and that the consumer had not carefully read his warranty. We call this process "screening." It is much better to find out all the facts before taking a stand on an issue, and the careful staff member can save himself much embarrassment by dismissing the case before he goes into a meeting with a dealer inadequately prepared. Needless to say, a Center that does not carefully screen its complaints will not enhance the effectiveness of the Center in its dealings with the industry. Normally, the staff member can obtain some idea of the dealer's version of a problem by either making a quick telephone call, writing a letter, or setting up a meeting as has been discussed above.

V. OTHER CENTER ACTIVITIES

Beyond complaint handling, research into the local auto situation can be conducted. The Cleveland Center has been approached by corporate "insiders" who have shared information the industry does not otherwise make available to the general public. This information usually deals with patterns and trends of abuse of manufacturing processes, secret documents negating certain consumer rights with respect to products, unfair and one-sided contractual arrangements practiced on a large scale, and other information (including evidence of massive defects) which could lead to Center initiated policy changes and recalls of defective autos.

An example of this type of research can be seen in the rash of Mustangs with a defect in the pivot arms on the bucket seat. The Cleveland Center documented cases of the pivot arms breaking while the vehicle

was being operated, and these cases were sent to the Center for Auto Safety and also to Ralph Nader. This same problem with the seats has been noted in Cougars. For both cars the years of the cars are 1968-1970. Since the Center for Auto Safety receives complaints from across the country, they are better equipped to study these problems on a national scale, and we provided local input for their careful monitoring. As it turned out, our cases were not isolated incidents but, rather, were part of a pattern that extended from coast to coast that may finally lead to a manufacturer's recall of that particular vehicle.

Other functions of the Center include descriptions of dealers, manufacturers, products and services for inquiring consumers. Also the Center can distribute occasional news releases regarding a wide range of local and national topics and act as public information centers in general. Hopefully, the Centers, like the Cleveland Center, should eventually be able to offer a very inexpensive but comprehensive car maintenance and familiarization course for men and women in order that they become more acquainted with the everyday problems of how to avoid unnecessary repairs and how to avoid being overcharged. All of these things will become integral parts of the Center's activities if it can successfully establish itself as being an organization capable of effecting proper response from the industry in legitimate cases.

VI. THE CENTER NETWORK, THE AUTO INDUSTRY, CONSUMERS, AND THE FUTURE

If anything was learned in Cleveland, it was that there is a need for Centers and that the need is urgent. We suspect it is also nationwide. There is a tremendous amount of leverage available to the consumer, but only if he is willing to band together with his peers and support students and other citizens to work full-time in the public interest. It will cost money and time, but the cost, whether from a central source or individual contributions, would be very cheap. Centers similar to the Cleveland Center could be set up and working in a period of not more than two months. Individually, each Center could contribute greatly to the progress of consumers' rights in its own locality. The network system of Centers could easily become a powerful and formidable opponent of the complacent and shoddy corporate system of handling complaints, as well as the manufacturing of defective, shoddy, and unsafe cars.

Manufacturers, for the first time, would have to seriously consider such things as buying back their mistakes on a regular basis from disgruntled customers. In the case of a complete lemon, it would not be unreasonable to ask for a replacement vehicle which is new or to ask for the return of the original purchase price. Needless to say, if Ford, General Motors, or Chrysler buy a defective piece of equipment which is important to them, they would most certainly ask for their money back or a replacement plus damages. If not, they would surely never buy from that supplier again, or they might elect to sue. They can afford it and the consumer cannot. The arithmetic is simple.

Auto Safety Research Centers can go a long way in providing for the consumer, for the first time in the history of any large industry, an effective and economical system of handling complaints and monitoring the industry. Dealerships can be asked to take back grossly defective cars which they have sold, and then to repair them, for sale to other customers as used cars fully guaranteed. This system would eliminate the problems of a consumer having to keep a car he did not trust, yet bought in good faith. It would also require the repair of the substandard product and its subsequent sale as used and guaranteed.

Having already retrieved thousands of dollars for local consumers who have been bilked, and even, in one case, getting the

dealer to buy back a defective car, the Cleveland Center has found the results most encouraging. But one Center in one large city will not even begin to solve the entire issue. It will take many Centers, in many cities, manned by many people willing to work for little or no pay.

The consumer issue, although not as exciting to some as many issues of our time, is the one issue that affects all people all the time. Whether it be defective brakes or dangerous DDT levels in foods, the problem of the integrity of products, integrity of advertising, and the guarantees behind the products and advertising grows vastly more important each year.

It is hoped that this report will enable you to become an active part of the proliferation of these Centers throughout the land. Henry Ford, the man who started the auto industry as we know it today, once said, "The voice of dissent must be heard." For the auto industry, it will take dozens of Auto Safety Research Centers to make it adequately heard and respected.

Sample letterhead—Auto Safety Research Center, 10900 Euclid Avenue, (216) 229-3370, Cleveland.

Room 102, Case Main, Cleveland, Ohio 44106.

Sample news release form—News from: Auto Safety Research Center, Cleveland, room 102, Case Main, 10900 Euclid Avenue, (216) 229-3370, Cleveland, Ohio 44106.

Auto Safety Research Center, Cleveland

Initial Complaint Memo

(1) Consumer: Phone, Mail, In Person, Date, ASRC Staffer, Phone, File Number.

Name.

Address (home).

Address (office).

Phone (home) (office).

Owner of car (if other than person complaining).

Name.

Address (home).

Address (office).

Phone (home) (office).

(2) Complaint Against: Mfr., Dir., Other, specify.

Name.

Address.

Phone.

(3) Summary of Complaint:

Type of complaint—

New Car (Sales).

New Car (Service-Warranty).

New Car (Safety Defect).

Used Car (Sales).

Used Car (Service).

Other (specify).

Ten word summary.

(4) Initial Action (Internal).

Complaint unfounded—Closed.

Referred to Bar Association.

Open—File assigned to—

Status uncertain; referred to Project Director.

(5) How Left with Consumer.

Consumer will call.

We will call consumer.

Consumer will send documents.

Will set up appointment with consumer.

General Remarks:

Auto Safety Research Center, Cleveland

Developments Memorandum

(Use separate DM for each communication. Thank you.)

Consumer.

Date.

File.

Time.

ASRC staff member.

Communication With:

Consumer.

Dir. or Mfr.

Other (specify).

Initiated by:

Consumer.

ASRC Staff Member.

Dir. or Mfr.
Other (specify).
How initiated:
By phone.
In person.
Contents:

Auto Safety Research Center, Cleveland
Details of Complaint

Name of consumer.
Name of ASRC staffer.
Date of initial complaint.
Date of this memo.
Make, model, year.
File number.

Type full details in chronological order of complaint. Refer where appropriate to attached documents (repair order, bill of sale, letters, etc.). Please make a carbon for project director.

Include the following data if available: date of purchase, serial number, mileage at time defect was first noticed, if applicable, etc. Attach additional sheets if necessary.

Auto Safety Research Center, Cleveland
Permission To Use Information

I authorize the Auto Safety Research Center to make use of the information I have supplied in the way(s) checked below.

(1) Unlimited use, or (check as many as appropriate).

(2) Media use:

To be mailed to the Center for Auto Safety in Washington, D.C. and to Ralph Nader.
Research use (tallying type of complaint, etc.).

To work with complaint only with dealer.
Other (specify).

I require the following restrictions:

No restrictions.

Don't use my name.

Don't use these items of information (specify).

Signed.

Date.

Auto Safety Research Center, Cleveland
Agreement

I agree to permit the (Cleveland Auto Safety Research Center) to represent me in resolving my complaint against (dealer and/or manufacturer). I understand that this representation cannot include practice of the law.

Signed.

Date.

Auto safety research center, Cleveland
Case conclusion

Consumer.

File number.

Date.

ASRC staff member.

Type of resolution:

ASRC handled to conclusion.

No case at all.

Referred to.

Other (specify).

Consumer dropped complaint.

Evaluation of case by ASRC staff member:

Total success.

Success (partial).

Failure.

No resolution.

Other (specify).

Comments:

Consumer evaluation:

Sent out (date).

Received and attached (date).

Follow-up (2 weeks later).

Date.

ASRC staff member.

General comments:

Auto safety research center, Cleveland

Consumer evaluation

(optional)

In order to assist us in performing a real service to the community that is of value, would you kindly give comment on the way in which your case was handled by us so that

we may use your comments and criticisms to improve our work.

The Auto Safety Research Center is a young organization which is looking for comment to make it change in accordance with the desires of the people it is endeavoring to serve.

Please comment and return this form as soon as possible. Thank you for your time and consideration.

Comments: (Use additional paper if necessary)

TIME FOR GOP TO CLEAR THE AIR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. WALDIE. Mr. Speaker, yesterday's Washington Star prominently featured an article, by investigative reporter Robert Walters, that raises serious questions about the financial arrangements for the Republican National Convention in San Diego next summer.

Mr. Walters reports that a subsidiary of the International Telephone & Telegraph Corp., has pledged up to \$400,000 to help lure the Republicans to San Diego. If so, this would be the largest such grant ever made by a business for a political affair of this sort. The propriety of such a massive contribution, by a corporation with extensive Federal involvement, can, I think, be fairly questioned. Unfortunately, most of the individuals contacted by Mr. Walters seemed reluctant to engage in a frank discussion about the ITT arrangement.

The Republican powers-that-be should remove any lingering doubts by making a prompt and full disclosure of the background and exact nature of the ITT commitment to the GOP Convention.

Mr. Walter's excellent article, which should be of interest to our colleagues on both sides of the aisle, follows:

MONEY AND POLITICS: GOP CONVENTION PLEDGE QUERIED

(By Robert Walters)

SAN DIEGO.—Throughout the summer and autumn, political and civic leaders here have offered disparate—and often conflicting—explanations concerning the source, conditions and purpose of a \$400,000 pledge to help finance next year's Republican National Convention in this city.

The pledge is an important element in San Diego's reluctant acceptance of the role as host city for the GOP convention, because it is the largest single component of the city's guarantee of slightly more than \$1.5 million in goods, services and cash to offset partially the party's convention costs.

The \$400,000 also is believed to be the largest individual pledge, by far, ever made by a business firm to assist in the financing of one of the quadriennial presidential nominating conventions held by the country's two major political parties.

Because the pledge was made by a corporation—the Sheraton Corporation of America, a subsidiary of the International Telephone & Telegraph Corp.—some Republicans and Democrats here have raised questions about compliance with the federal statute which prohibits contributions to presidential campaigns from business organizations.

SETTLEMENT CITED

In addition, the Southern California chairman of the Democratic State Central Committee has suggested that there might be a

connection between ITT's financial support of the Republican convention and the Justice Department's willingness to accept an out-of-court settlement in a long-pending anti-trust case against ITT.

The first public disclosure that the city had a \$400,000 pledge as part of its convention guarantee to the Republicans came on June 3 from Rep. Bob Wilson, R-Calif., whose district includes this city. Wilson, who is chairman of the House Republican Campaign Committee, said the money had come from "San Diego interests," but refused to provide any further identification.

Two days later, the San Diego Tribune reported that Wilson "said he was working with firms and individuals in San Diego to get pledges of support for the convention," again suggesting that there were multiple local sources of the money being raised to bring the convention here.

SOURCE WAS SECRET

But throughout June and July, the two months during which San Diego was putting together its formal convention bid and during which Republican party and White House officials were considering possible sites for the convention, the identification of the source or sources of the pledge remained a mystery to the public.

During that same period, Wilson and others involved in the local fund-raising effort repeatedly referred, in their public statements, to \$400,000 (on some occasions the figure went up to \$500,000 or \$600,000) as an amount firmly committed in the form of contributions or donations.

That public display of confidence apparently was necessary for two reasons: First, President Nixon, whose permanent home and "Western White House" are located in San Clemente, 55 miles north of here, reportedly had selected San Diego as his personal choice for the convention.

BID APPROVED

Second, Miami Beach, the site of the 1968 Republican convention, was actively bidding to again serve as the host city for the GOP—and was offering a substantially larger financial guarantee, many more hotel rooms and a far larger convention hall.

On June 22, Gordon Luce, a San Diego attorney whose position as vice chairman of the Republican State Central Committee makes him a leading GOP figure here, discussed the necessity of meeting the Republican party's requirement of a financial guarantee, then optimistically reported: "Right now, we have a half million (dollars) of that from Bob Wilson."

On June 29, the San Diego City Council formally approved and submitted its convention bid, with a financial guarantee of \$1,521,800, of which \$900,000 was in the form of "goods and services." That category represents the value of the time of policemen and other municipal officials, hotel employees and the hundreds of other individuals who are expected to prepare for, run and clean up after the convention.

Of the remaining \$600,000—the "cash" portion of the financial guarantee—\$100,000 has been pledged by the area's hotel and motel owners and the city's Convention and Visitors Bureau, while another \$100,000 will come from a San Diego County fund which earns more than \$2 million annually through a 5 percent tax on all hotel and motel room rates.

The last \$400,000, two-thirds of San Diego's entire cash contribution and more than a quarter of the city's total financial guarantee, is being underwritten by Sheraton-ITT—a fact not known to the public when the city submitted its bid or when the Republican National Committee selected San Diego as the convention site.

TIE IS BROKEN

On July 2, the announcement that "there is available \$600,000 in cash, solid" came from

Leon Parma, a former administrative assistant to Wilson in Washington who now is vice president of the Teledyne Corp. and serves as chairman of the local convention fund-raising committee.

When the Republican National Committee met in Denver in late July to designate a host city for the convention, its site selection committee deadlocked 3-3 in the first vote pitting Miami Beach against San Diego. It then decided on San Diego.

On July 23, the full RNC ratified that choice by a 119-12 vote. That evening, Wilson addressed a \$100-a-plate San Diego County Republican fund-raising dinner in nearby El Cajon, and again seemed to imply that the money had been raised in the San Diego area.

In discussing the source of the funds at that meeting, the congressman said: "The pleasant thing was that it was put together fast. There are a lot of good people here and I'm proud of the community for doing this at a moment's notice."

PLEDGE EXPLAINED

It was not until Aug. 5 that Wilson and Parma identified the "San Diego interests" who had pledged the \$400,000—Sheraton, which operates a nationwide chain of hotels and has its corporate headquarters in Boston, and its parent company, ITT, one of the country's largest conglomerate corporations, with headquarters in New York.

At the same time, Parma announced that what he had described one month earlier as "\$600,000 in cash, solid" wasn't quite that firm a commitment. Instead, he explained, the Sheraton-ITT pledge was only to guarantee payment of whatever portion of the \$400,000 could not be raised locally.

"I don't think Sheraton will end up paying us much money," Parma said at the time. "The community will rise to the occasion." Two weeks earlier, prior to the identification of Sheraton-ITT, Parma had announced plans to conduct the local fund-raising drive, and said:

"My intention is that the monies would go to offset the \$400,000 commitment. If we could raise \$200,000 in the community, that would mean \$200,000 less that the big contributor would have to come up with."

AMOUNT DISPUTED

Parma and other Republicans here defend the description of Sheraton and ITT as "San Diego interests" on the grounds that Sheraton already operates two hotels in the area and has a third under construction, while ITT operates a plant which manufactures underwater communications cable in National City, at the south end of San Diego Bay.

Attempts to contact Wilson about the fund-raising campaign have been unsuccessful because members of his congressional staff, both here and in Washington, repeatedly have rebuffed efforts to interview him either in person or by telephone.

Sheraton officials also are reticent about discussing the financial arrangement. Phillip Shea, the hotel chain's vice president in charge of public relations, says the \$400,000 figure—one of the few details on which the San Diego officials have agreed consistently and unanimously—is "not correct." The amount is "substantially less," Shea says, but he will not provide the company's version of the accurate figure.

Parma, in a recent interview here, defended his and Wilson's earlier description of the \$400,000 as a firm pledge from Sheraton-ITT. "If we asked, we could have a check for that amount from them any time we wanted it," he said.

WILL PRODUCE CASH

But Parma says that arrangement is only theoretical. In the same interview, he elaborated: "No one in his right mind ever dreamed that there was one company that was going to throw it all in. We will produce a reasonable amount of cash. There's no way

they (Sheraton-ITT) can put up that kind of money. The law is very specific."

The statute to which he referred is the section of the federal Corrupt Practice Act which forbids corporate contributions to candidates running for president or vice president or to those seeking House and Senate seats.

The law has been enforced only on an erratic and highly infrequent basis—and never by an attorney general acting against a president of his own party. In addition, there are substantial questions about the prohibition's applicability to a presidential nominating convention, a function which lies in the "grey area" between being solely a party meeting or part of the presidential selection process.

Finally, whatever money Sheraton-ITT contributes is technically not a donation to the Republican party because it will be given first to the city of San Diego before being turned over to the GOP as part of the municipal donation.

ADS CRITICIZED

But there is no known precedent for a corporate contribution to a political party's convention even approaching the \$400,000 mark. By comparison, the Democratic party became embroiled in a controversy prior to its 1964 convention when it solicited corporations for \$15,000-a-page advertisements in its printed convention program. The Democrats' decision to raise the per-page advertising rates from \$5,000 to \$15,000 at the party's first convention in 16 years when it had an incumbent president in the White House seeking reelection was sharply criticized by Republicans as a not particularly subtle means of extracting illegal contributions from corporations doing business with the federal government.

A similar issue has been raised in the current case by M. Larry Lawrence, president and board chairman of the Hotel del Coronado in nearby Coronado and Southern California chairman of the Democratic State Central Committee.

"Leon Parma couldn't raise 23 cents if he went into a bank," says Lawrence, suggesting that Sheraton-ITT eventually will pay for more of the convention's cost than Parma and other Republican fund-raisers currently are predicting.

"The response to their appeals for money just isn't forthcoming because basically the community isn't happy with the convention," says Lawrence. "When you get down below 100 guys, there just isn't any support."

HUGE MERGER SET

Lawrence suggests that Sheraton has agreed to underwrite a major portion of the convention costs because Harold S. Geneen, ITT's president and board chairman, "is very close to the President and was having an anti-trust problem."

The public reports filed by Republican fund-raising committees show that Geneen was a major contributor to Nixon's 1968 presidential campaign. And the "anti-trust problem" to which Lawrence referred involves one of the largest mergers in American corporate history.

In early 1969, ITT, then the country's 11th largest industrial corporation, announced plans to acquire, through a merger, the Hartford Fire Insurance Co., of Hartford, Conn., at the time the nation's 6th largest liability and property insurance company.

(Both firms since have enjoyed substantial growth. ITT and Hartford now rank 8th and 4th, in their respective categories.)

On Aug. 1, 1969, the Justice Department's anti-trust division filed suit in U.S. District Court in New Haven, Conn., seeking to halt the ITT-Hartford merger plans on grounds that the acquisition would illegally restrain trade.

On the same date, the Justice Department also filed an anti-trust suit to block ITT's proposed merger with the Grinnell Corp. Three months earlier, government anti-trust attorneys had gone into court to challenge ITT's acquisition of the Canteen Corp.

At the time Sheraton-ITT turned up as San Diego's benefactor, trial courts had ruled against the government's anti-trust challenges in the Grinnell and Canteen cases, but the Justice Department had appealed the Grinnell decision to the Supreme Court and was considering similar action in the Canteen case. In addition, the trial of the Hartford case had been scheduled to start in September.

On July 31 of this year—eight days after San Diego, with a major financial assist from Sheraton-ITT, was selected by the Republican National Committee to be the host city for next year's GOP convention—the Justice Department and ITT announced that they jointly had agreed to an out-of-court settlement of all three pending merger cases.

TERMS FAVORABLE

The terms of the settlement of the anti-trust case were assessed by most industry officials as generally favorable to ITT.

The consent decree signed by both parties did require ITT to divest itself within two years of both the Canteen Corp. and the fire protection division of the Grinnell Corp., but ITT was allowed to retain the new acquisition it wanted most—the Hartford Fire Insurance Co.

Under terms of the agreement, the Hartford merger will go unchallenged if ITT divests itself within three years of four other subsidiaries—Avis Rent-A-Car, ITT Hamilton Life Insurance Co., ITT Life Insurance Co. of New York, and ITT-Levitt and Sons, Inc., and its subsidiaries.

On the day the anti-trust settlement was announced, the St. Louis Post-Dispatch carried a story quoting "reliable sources" as saying that two weeks earlier Wilson had met with Deputy Atty. Gen. Richard Kleindienst to discuss possible resolution of the Justice Department action against ITT. The newspaper account also quoted another source as saying that Wilson met with Geneen in New York in late June.

The allegation that the congressman was working concurrently to settle an anti-trust case against a company and to secure a \$400,000 pledge from the same firm to help finance the Republican convention would raise a question of conflict of interest—but both ITT and the Justice Department deny that Wilson played any role in resolving the anti-trust suits.

WORKED WITH JAMES

On Aug. 5, when Wilson identified the source of the \$400,000 pledge for the first time, he emphasized: "I worked with Sheraton President Howard James, who used to live in San Diego" and whose ITT subsidiary ostensibly was not involved in the anti-trust litigation.

Parma, in an interview here, said the pledge was made to Wilson on May 12, during ITT's annual meeting, held in San Diego for the first time this year and attended by Geneen, James and dozens of other ITT executives.

On several occasions during the spring and summer, Geneen—not James—was named as a likely source for the money San Diego needed to finance the convention.

Weeks before the pledge was made but long before the guarantor was known to the public, Republican leader Luce said the necessary funds could be solicited from "people like Harold Geneen, who are talking right now of having the Sheraton headquarters in San Diego."

And on July 3, the San Diego Union carried a story saying that Geneen "reportedly pledged the lion's share of the \$400,000."

CITIZENS LEAGUE OF GREATER
CLEVELAND

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. JAMES V. STANTON. Mr. Speaker, the Citizens League of Greater Cleveland, a nonpartisan organization of public spirited citizens, is now celebrating its 75th anniversary and I would like to join in saluting the league on this auspicious occasion. As a result of its extensive activity in researching policy questions and evaluating candidates for office, the league has played a key role in both raising and resolving major political issues. The league has never hesitated to take a strong stand, and so it has often found itself at the center of heated controversy. Yet throughout this time, the league has maintained an enviable reputation for fairness and honesty. For the wise advice and counsel it gives to the voters and officeholders, and for the many other services it renders, all of Cleveland is in debt to the Citizens League.

A recent column written by Bob Seltzer of the Cleveland Press outlines some of the specific concerns of the league and its president, David Fulton.

BETTER GOVERNMENT SINCE 1896

(By Bob Seltzer)

Looking backward with pride in the Citizens League's 75 years of improving civic conditions in Cleveland, its president, David C. Fulton, espouses long-range objectives of the organization whose slogan is "Key to better government since 1896."

Fulton, executive vice president of Fulton & Goss Inc., mortgage bankers, will speak on "Right Here and Now" when the league celebrates its diamond anniversary at a luncheon Dec. 7 at the Statler Hilton Hotel.

"The league's No. 1 goal remains a reformed county government," said Fulton. "We feel we eventually must have county home rule, separate the legislative and executive branches, and end domination by the State Legislature."

"Our aim is to eliminate waste and inefficiency and bring solution of area-wide problems on an area-wide basis. We need a metropolitan sewer system, improved waste disposal, air and water pollution control. Transportation should be under county or regional authority. A jet-port in Lake Erie should be under county auspices."

"The league feels the nine county library districts and the six health districts should be consolidated. We need an area-wide approach to prevention of disease. Available federal funds should be sought for transportation rejuvenation."

Fulton said Rapid Transit should be extended to Parma, Cleveland Heights, Maple Heights and Garfield Heights. For the fourth time, the league is seeking passage of a conflicts of interest bill by the State Legislature, applying to legislative and administrative personnel.

"We are anxious for enabling legislation for an appointed county public defender," Fulton said. "The county now pays \$500,000 a year to court-appointed lawyers for the indigent. We could staff an office of criminal law experts to counsel indigents."

"Registration for elections should be extended state-wide. Some counties now do not have to register. Political campaigns should be shortened. We seek a 40-day period between filing and the primary by moving the primary to June."

"Once again, the league calls for a reduction of Cleveland City Council from the present 33 to about 17 members, with some elected at large. It would be less provincial, more efficient. We also favor a different system of selecting judges by eliminating campaigning. In Missouri, a commission nominates three lawyers, and the governor selects one. The nominee runs on his record, and the voters either confirm him or vote him out for another appointee."

Fulton, 42, perceptive and trenchant, graduated from Cleveland Heights High School, majored in American studies at Amherst College and earned his law degree from Cleveland-Marshall Law School in 1958. From 1952 to 1955, he served as a lieutenant in the Navy. He is a past president of the Cleveland Junior Chamber of Commerce, and was named its outstanding young man in 1964.

His brother Thomas Q. is president of Fulton & Goss, and another brother, John M., is vice president-income loans. Their company was founded by their father, Fred C., and Harvey C. Goss in 1949. David long has been active in Cleveland Heights recreation. He and his wife Stella are parents of David C. Jr., 15; Chris, 14; Laura, 12, and Meg, 10. They live at 2248 Woodmere Dr.

[From the Citizens League of Greater
Cleveland]

CELEBRATING 75 YEARS OF "DOING GOOD"

Seventy-five years ago, in Cleveland's centennial year, a group of young men, politically and civic minded, got together and decided to do something about government instead of just talking.

That's how the Citizens League came into being.

The League will celebrate the 75th anniversary of its founding with a luncheon meeting, December 7, at the Statler-Hilton Hotel.

Harry A. Garfield, eldest son of the martyred president, James A. Garfield, was the principal leader in pushing for the organization of a non-partisan civic league.

On November 14, 1896, Garfield persuaded 25 of his young friends to meet with him in his office to talk about the need to do something about Cleveland's dirty politics. Prominent among his cohorts were Rabbi Moses J. Gries, Frederick C. Howe, Charles A. Nicola and John Sherwin.

On motion of Rabbi Gries it was resolved at that meeting "that an organization be affected on permanent lines for the purpose of promoting the betterment of civic and municipal conditions in the city of Cleveland." A committee was appointed to draft a constitution and call a meeting of interested citizens.

On December 5, there were 116 Clevelanders at the organization meeting. Some of those present at the meeting whose names will be recognized by present-day Clevelanders were: H. B. and C. W. Burrows of the Burrows Bros. Co.; H. J. Halle, of the Buckskin Fibre Co.; I. P. Lamson and S. W. Sessions of the Lamson & Sessions Co.; Samuel Mather of the Pickands, Mather Co.; W. G. Mather of the Cleveland-Cliffs Iron Co.; D. Z. Norton and E. W. Oglebay of Oglebay, Norton & Co.; H. A. Sherwin of the Sherwin-Williams Co.; and Thomas H. White of the White Sewing Machine Co.

Among the purposes of the new organization, as set forth in the constitution, were "to induce citizens and taxpayers to take a more active and earnest part in municipal affairs, to devise and advocate plans for improvements in government, to promote businesslike, honest and efficient conduct of municipal affairs, and to secure the choice of competent officials."

Those were the days of Mayor "Curley Bob" McKisson.

Politics were rough and ready. There was talk of graft and corruption.

Harry Garfield became the first president

of the new organization, with George T. McIntosh and Martin A. Marks as vice presidents.

The League has had 36 presidents in its 75 years. Living past presidents of the League are Elmore L. Andrews, D. Robert Barber, Warren Bicknell, Jr., F. J. Blake, George S. Case, Jr., Wendell A. Falsgraf, John H. Gherlein, Walter C. Kelley, Jr., Robert F. Longano, Robert H. Rawson, A. A. Sommer, Jr., Seth Taft, Herman L. Vail, Robert A. Weaver and Ben D. Zevin.

David C. Fulton is president of the Citizens League in this, its 75th year. Vice Presidents are Charles R. Ault and Frank A. Monhart. Mrs. Tommie P. Patty is treasurer.

The League has had 14 secretary-directors. First full-time director was Mayo Fesler who came to Cleveland in 1910 from a position as director of the St. Louis civic league. For three and a half decades the League and Fesler were synonymous. He was a hard-hitting curmudgeon, who called them as he saw them.

Estal E. Sparlin is the present director of the Citizens League, having come here in 1953.

First recorded crackdown on public officials by the newly organized Citizens League came in 1897 when it accused county commissioners of "extravagance, carelessness and chicanery." A year later the commissioner got another drubbing for their wastefulness in connection with the grading and draining of a rural lane known as Brecksville Road, now Highway 21 through Independence and Brecksville.

As early as 1913, the Citizens League was pointing out the inequalities of representation in the Ohio legislature because of the famous Hanna Amendment which gave each county a representative regardless of size. Mal-apportionment of the General Assembly was battled continuously by the league for all the years until the U.S. Supreme Court finally declared the system unconstitutional with its one-man-one-vote decision in the 1960's.

The League was in the thick of the fight to get municipal home rule in the Ohio constitution in 1912 and worked closely with Mayor Newton D. Baker to draft Cleveland's Charter, the first home rule charter in Ohio, in 1913. Baker was chairman of the charter commission and Fesler secretary.

In that same year the League saw the beginning of the merit system in public offices with the implementation by the General Assembly of a civil service provision included in the 1912 state constitution.

It was in January 1917 that the League started its long campaign to do something about the organization and powers of Cuyahoga County and intergovernmental relations in the Cleveland metropolitan area.

There have been some victories as well as losses during this period. Victories occurred when Sunny Acres and Highland View hospitals were transferred from the city to the county in the 1940's. Other successes came in the 50's and 60's with the transfer of all welfare administration to the county, the turning over of City Hospital—now Cleveland Metro Hospital—to the county, and the acquisition of the zoo by the Metropolitan Park District.

Other accomplishments by the League over the years are: complete revision of the state election laws, including the first requirement for reporting campaign expenses, in 1929; establishment of the Cuyahoga County administrative officer position in 1952; creation of the Cleveland personnel office in 1952; revision of Cleveland budget document in 1950; work with the late William A. Stinchcomb (a long-time League board member) to establish the Cleveland Metropolitan Park system in 1917; Cleveland's conflict-of-interest ordinance in 1961; installation of computers for the county's tax and accounting activities in 1964; consolidation of Parkview and Fairview Park in 1962 and Westview and

Olmsted Falls this year; and numerous others.

Both Director Estal Sparlin and his executive assistant, Blair R. Kost, are registered lobbyists in Columbus. Kost is often referred to as the "lonely lobbyist" because he doesn't have the finances to associate on equal terms with most other lobbyists.

Some of the bills being backed by the League in the current session of the General Assembly are: state code of ethics and conflict-of-interest bill; abolish mayor's courts; permit county commissioners to employ management consultants; require local hearings on liquor permit transfers; establish office of public defender; set primary election date later than May to reduce the long campaign; permit six jurors in civil cases; and nearly 20 others.

During all of its 75 years, the League's major program has been that of making recommendations on candidates for public office. This is probably the thing for which the League is most famous.

In spite of the League's disavowal of any intention to "tell you how to vote" it is well recognized by candidates for office that the "preferred" rating of the Citizens League is worth a sizable number of votes. Politicians may differ about the exact influence of the League but few question the importance of the league's approval.

The theme of the celebration "75 Years of Doing Good" is taken from the sometimes used expression that Citizen Leaguers are "Do Gooders".

ELIMINATION OF CANCER

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. TERRY. Mr. Speaker, the Congress of the United States has recently accepted as a national goal, the elimination of cancer in the same manner that polio, German measles and numerous other diseases have been controlled.

The New York State Cancer Society which is headquartered in Syracuse, N.Y., conducts an annual contest among newspapers for the best commentary on our battle to destroy this disease.

The winner this year is Robert deF. Shelley, editor and general manager of the Lakewood Story published in Lakewood, N.Y. The editorial follows:

IN YOUR LIFETIME

The 1971 Cancer Crusade battle cry is "We want to wipe out cancer in your lifetime." A noble goal which is nearer than any of us think. Polio has been licked. Rubella (German Measles) can be prevented. And now they're talking about a cure for leukemia. Yes, a cure. And researchers are working feverishly to make Cancer an obsolete word in the English language.

It takes money. And plenty of it. But it's the best thing money can buy—life, a second chance for countless numbers of men and women. And it's not like you're spending the money for "them," an anonymous crowd of people who will suffer the agony and the untimely loss of life from Cancer. You're spending it for you and your family and your friends and your neighbors. Because Cancer isn't discriminatory. It can hit anyone, rich or poor, of any and all backgrounds. Someone you know has been felled by Cancer.

Here's your chance to put an end to this dread disease once and for all. When a Cancer Crusader comes to your door in the days ahead, be generous.

Think of it—a cure for cancer . . . in your lifetime. We're that close!

TO COMMUNISM FOR PROFIT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. RARICK. Mr. Speaker, the announcement that our NATO allies Denmark and Norway are going the way of Sweden by diplomatically recognizing the Communist Party of North Vietnam is only surpassed by the Swedish announcement that they intend to give foreign aid to the Communist Parties of Cuba as well as Chile and North Vietnam. The sale of Saab and Volvo automobiles in the United States and other Swedish products in the United States must be highly profitable to Crown Prince Palme.

Sweden's Socialist support of other emerging Communist countries is only surpassed by the Moscow announcement that the United States may soon drop all significant restrictions on exports in the Soviet Union. Since U.S. industry has been priced out of the world market, one can only assume that the dropping of trade barriers with Russia is for the purpose of providing that Communist power with sophisticated machinery and products which Socialist countries have never been able to technologically achieve and construct.

I insert related news articles in the RECORD:

[From the Evening Star, Nov. 18, 1971]

MARXIST TUG-OF-WAR—CASTRO'S IN THE MIDDLE WITH CHILEANS

(By Merwin K. Sigale)

CONCEPCIÓN, CHILE.—Fidel Castro is in the middle of the Marxist tug-of-war in this Chilean industrial and university city.

An extreme leftist group based in Concepción is hoping to use the Cuban premier's visit to further its cause, which is to pressure the government of President Salvador Allende into radicalizing Chile's march toward socialism.

"Fidel is ours. He is not the government's," said Marcelo Ferrada, professor of sociology at the University of Concepción and a founder of the Revolutionary Leftist Movement (MIR).

The MIR has clashed openly with Allende. It has called for quick and drastic measures, including abolition of congress and "bourgeois legality," wholesale nationalization without payment, and the installation of "a revolutionary government of workers and peasants."

HERO OF MIR

Castro is the hero and model of the MIR which was founded at the University of Concepción in 1965 and which has a largely student following here, in Santiago and some other cities. It also has front organizations in some farming areas, factories, slums and high schools.

MIR leaders interviewed before Castro arrived in Concepción said Castro has cautiously avoided comment on Chile's political affairs while visiting this country, but they hoped to put him on the spot today when he goes to the campus for a "dialogue" with the students.

About the same time, Castro was telling newsmen at Iquique in northern Chile that this country does indeed have a true revolutionary process, though distinct from Cuba's. Thus on record, Castro seemed unlikely to fulfill the hopes of the MIR.

TERRORISM HALTED

But MIR leaders hoped he would at least speak out against "sectarianism and oppor-

tunism," which are elements of Marxist disunity which the MIR blames mainly on the Communist party, one of Allende's coalition partners.

Pedro Naranjo, secretary general of the student federation at the University of Concepción and a MIR leader, said Castro's presence would point up the Cuban example and enable Chileans to "begin to understand the differences between the two processes."

The MIR, blamed for a number of terrorist acts during the Christian Democratic regime of President Eduardo Frei, has virtually shunned violence since Allende took power with a coalition of Marxist and non-Marxist parties. But it has fomented dozens of land seizures by homeless peasants—which the government has denounced—and it has raised the tempo of its dispute with Allende on strategy and tactics.

ABOUT 200,000 HEAR SPEECH

MIR leaders proposed a suspension of the "polemic" during Castro's visit so the Marxist left could welcome him "united."

Such a welcome was given last night at the 35,000-seat soccer stadium here, where Castro addressed some 20,000 people, the largest audience of his trip.

But the unity did not extend to a sharing of grandstands. Several thousand MIR adherents occupied the upper deck in the west stands. Across the field in the east stands where Castro spoke was a larger crowd of Communists, Socialists and other groups in Allende's coalition.

[From the Washington Post, Nov. 27, 1971]

UNITED STATES MAY LIFT EXPORT CONTROLS

MOSCOW, November 26.—Commerce Secretary Maurice H. Stans indicated today that the United States soon may drop all significant restrictions on exports to the Soviet Union.

Stans told Western newsmen the subject was discussed during his current talks with Soviet trade officials.

"We pointed out restrictions have been greatly reduced in the last year and that we are in the constant process of reducing them," Stans said.

"We think that in a relatively short period of time this will not be a significant issue at all between the two countries."

Elimination of U.S. export restrictions would be a major stride forward in Soviet-American economic relations.

Stans' remarks came as the Supreme Soviet (parliament) wound up its three-day winter session by approving the national budget for 1972 and the five-year economic plan for 1971-75. Both were passed unanimously.

The new budget provides for expenditures of \$192.6 billion and revenues totalling \$192.8 billion. Defense outlays remain the same as in 1971 and 1970, a gesture apparently designed to emphasize Moscow's peaceful policies.

The new five-year plan, according to Premier Alexei Kosygin, provides for Soviet industrial and agricultural outputs to "exceed the present levels of the United States by the end of 1975."

The plan calls for an industrial output of \$610.5 billion by 1975, including steel production of 150 million tons annually. The 1975 grain harvest will reach 200 million tons, compared with roughly 180 million this year.

Kosygin spoke briefly before the vote was taken, calling for improved quality of production in consumer goods industries. The unanimous outcome of the voting was never in doubt, since the Supreme Soviet is a rubber-stamp body normally approving all decisions reached by the party central committee.

The five-year plan was to have been approved by the summer session of the Supreme Soviet, which was not held this year.

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

SWEDEN CONSIDERS CHILE AID
(By Lewis H. Dluguid)

SANTIAGO, November 5.—While the prospects of future U.S. economic assistance to Chile seem nil because of the recent expropriation of U.S. copper interests, Sweden is seeking to launch an aid program here for the same reason.

Swedish diplomatic team told Foreign Minister Clodomiro Almeyda this week that in line with Sweden's interest in assisting countries seeking economic independence, the country was very interested in helping Chile.

The only Latin American country currently included in the Swedish aid program is Cuba. Other recipients include India, North Vietnam and several African countries.

Ehren Preis, a member of the three-man mission from the Swedish foreign ministry, explained that the purpose of the visit was to ask the Chilean government to propose projects in which Sweden could assist. He said the group was impressed with Chile's potential for coming up with viable projects.

Aid has become a lively issue in Stockholm, where the Social Democratic government can now obtain a parliamentary majority only with the cooperation of the Communist party.

Preis said Sweden was determined to fulfill the goal set by the United Nations Conference on Trade and Development: that developed countries should devote 1 per cent of their gross national product to aid lesser developed countries.

Sweden's annual assistance now runs at .8 per cent, he said. U.S. government aid has been below that level in recent years.

Sweden's aid to individual countries is not large. Preis said the program in Cuba may eventually reach \$4 million annually.

The Swedish program includes technical assistance, grants, and in some cases credits for import of Swedish goods. But Preis stressed that the government maintains a strict separation between the program and the interests of private Swedish exporters.

Ironically, the potential project most interesting to the Chileans appears to be a fishmeal process that makes that high-protein product palatable for humans—and that process is offered by a private Swedish firm.

In the 1960s, when Chile was receiving more U.S. aid per capita than any other country, the Americans promoted a similar fishmeal process only to have it vetoed as unsanitary by U.S. health officials.

Chile imports beef at great cost while fish along its 2,000-mile coastline are exploited only haphazardly. Fish meal is produced but for fertilizer, which is exported.

The Swedish mission's visit coincided with one by a Czechoslovak group. At least one East European mission always seems to be in this city, working out trade, cultural or technical exchanges.

[From the Washington Post, Nov. 26, 1971]

TWO NATIONS AGREE TO HANOI TIES

Denmark and Norway yesterday announced that they had reached agreement with North Vietnam to establish diplomatic relations at ambassadorial level.

They became the first members of the North Atlantic Treaty Organization to establish diplomatic ties with Hanoi.

The announcements were made simultaneously in Copenhagen and Oslo.

In Copenhagen, the foreign ministry said Ambassador John Stenbaek Hansen in Peking would also be accredited in Hanoi.

In Oslo a foreign ministry spokesman said Norway's envoy to Peking, Per Ravne, will also serve as ambassador to North Vietnam.

The only other Western nations that recognize the Hanoi government are Sweden and Switzerland.

[From the Washington (D.C.) Evening Star, Dec. 1, 1971]

U.S. COMPANIES AND RUSSIA CLOSE
\$125 MILLION DEAL

MOSCOW.—A group of American companies and the Soviet Foreign Trade Ministry have signed contracts worth \$125 million in what appears to be one of the largest business deals between the two countries in recent years.

The transaction, involving the sale of American ore-mining and oil-drilling equipment in return for unspecified Soviet non-ferrous metals, was signed by Satra Corp. of New York, which represented the American companies.

American officials were unavailable for comment on the background of the deal, which amounted to nearly two-thirds of the entire annual trade volume between the Soviet Union and the United States in recent years.

BRAINWASHING BY THE
NETWORKS

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. SPRINGER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: John Chamberlain, formerly chief book reviewer for the New York Times, and contributor to Barron's and the Wall Street Journal, and chief editorial writer for Life, has written an important and quite revealing article in the November 5 issue of National Review titled "Edith Efron's Murderous Adding Machine."

It has often been said that statistics which are accurate do not lie. I have found no writer and no TV commentator who has disputed the facts which Miss Efron has laid out. She has not attempted to dispute interpretation of what the commentator has said, but she has taken an important word count of "for" and "against."

Mr. Chamberlain's article has attempted to take some of the various items featured in the Efron book, *The News Twisters*, beyond that involved in the presidential election in an effort to find out on which side of the political spectrum the TV commentators lean. It is an interesting article and I believe my colleagues will be happy to read it.

EDITH EFRON'S MURDEROUS ADDING MACHINE

(By John Chamberlain)

I knew Whittaker Chambers for years before I was aware of the Hiss case. During all that time his qualitative analysis of the nature of the Soviet threat was absolutely brilliant, but unfortunately it convinced nobody save those who were convinced already. Then Whit produced his *Pumpkin Papers*, which, in a sense, quantified his arguments. At this point he was taken seriously. Hiss went to jail and the country, for a moment, believed in the reality of the cold war.

This did not help Senator Joseph McCarthy when he couldn't corroborate his first statistical count of the number of Communists in the State Department. Our great quantifying country, which puts its entire faith in polls, demanded that Senator McCarthy produce item-by-item proof of his allegations. A qualitative statement that, judged by its behavior, the State Department

must be under considerable fellow traveler influence, and that it didn't matter much whether there were fifty or 205 Communists in Foggy Bottom, didn't serve to save Joe at all. He had sinned against the gods of statistics by falling in a simple sum in addition.

Vice President Spiro Agnew didn't make Joe McCarthy's mistake when, in 1969, he waded into the TV commentators for abusing the Federal Communications Commission's Fairness Doctrine in reporting on Richard Nixon's Vietnam stance. But his qualitative approach wasn't enough; the networks relying on what they thought was the non-existence of statistics bearing on the Fairness Doctrine, simply produced their own qualitative answer to Spiro. They said he was ag'in the Bill of Rights and was guilty of encouraging fascistic repression.

It did not matter that Edith Efron, a staff writer for *TV Guide*, had interviewed commentator Howard K. Smith a couple of months before Agnew's speech and had received, from one reputable horse's mouth, a statement that TV news "analysts" strove above all to please Walter Lippmann. Smith had not quantified his criticism; he had merely spoken from his heart—from what he had experienced.

WHO ARE THEY "FOR"?

Even before she interviewed Howard Smith or had listened to Agnew, Edith Efron was aware that some way must be found to tabulate bias, and to carry the tabulation out to the last decimal point, if one were to make charges of TV intellectual crookedness stick. With a grant from the Historical Research Foundation, and with the help of Clytia M. Chambers of the Hill and Knowlton Company, Edie Efron set about the formidable task of turning quality into quantity. First, she set three tape recorders to work transcribing all the 7 to 7:30 p.m. prime-time ABC, CBS and NBC network shows from September 16 to November 4 in the 1968 Presidential year. Then she winnowed out the unimportant stuff, keeping a hundred thousand words per network that bore on the Nixon-Humphrey contest.

There was, of course, the big issue of the Presidential race itself. But there were also the sub-issues, ranging from racism and the black militants to the "kids" on the campuses and in the streets of Chicago. Listing under topic heads what the reporters, the public personalities, the politicians and the candidates themselves had to say, Miss Efron broke everything down into simple "fors" and "against." Then she and her researchers started counting. It was a laborious way of arriving at what anybody in his right mind should have known anyway, but the point is that, outside of the "Silent Majority," there aren't many people around these days who seem to have any minds whatsoever. Only a statistical count would be irrefutable even to dopes in a quantity-minded society.

Naturally, what Nixon said during the campaign was pro-Nixon, and what Humphrey said was pro-Humphrey. So we scratch the "fors" and the "against" as represented by big partisan rhetoric. The true test of the Fairness Doctrine came when Miss Efron added up the "fors" and the "against" as divulged in the prime-time talk of the public personalities and the network editorialists, news analysts and reporters.

Miss Efron explains the methodology of her study and presents summaries of the evidence in a series of devastating appendices to her book, *The News Twisters* (Los Angeles, Nash, \$7.95). The main text of the book presents the finished analytical product of the counting. Of particular note are the pages devoted to bar graphs which tell the story in its stark simplicity. On ABC the number of words spoken for Richard Nixon was 869 as compared to 7,493 against. The CBS Nixon "for" count was 320; the "against" count was 5,300. On NBC it was 431 "for" to 4,234

"against." Humphrey, as a candidate, did not benefit as much as might have been expected from the widespread network distaste for Richard Nixon; he got 4,218 "fors" from ABC as compared to 3,569 "againsts," and 2,388 "fors" from CBS as against 2,083 "againsts." With the NBC count a curious thing was disclosed; this network, which had gone against Richard Nixon by a ten to one margin in the Efron tabulation, actually came up with 1,852 counts "for" Hubert Humphrey and 2,655 "against." With NBC it was, more or less, a case of not liking either candidate very much.

THE SANDWICH THEORY

Translating the statistical evidence into words, Miss Efron colors the business a bit by remarking that the commentators and reporters were virtually agreed in describing Nixon as "a demon out of the liberal id." This is a qualitative evaluation of the situation, and it could be discounted as such if it were not for the sheer arithmetic of the bar graphs, an arithmetic that is about as unemotional as a fence post.

When it comes to the TV reporting on the ten "related issues" of the campaign, Miss Efron's tabulations offer unassailable proof of a widespread network "liberal" bias. Turning the cold arithmetic of the adding machine into words, we discover that, as TV saw it in the autumn of 1968, the war in Vietnam was all wrong. As Miss Efron puts it, the "drumbeat of synchronized opinion" on the war was so "crude" that there is almost "nothing to analyze, no special documentation to isolate." With an "editorially selected alliance of a couple of 'dove' Republicans and Democrats; domestic Communists and far-left organizations; politically unidentified 'students' and 'pacifists'; foreign leftists and 'neutralists'; network reporters; and the enemy itself," the leftists had the prime time practically to themselves when it came to talking about the war.

Opinion on the other side of the "dove" versus LBJ controversy was, as Miss Efron describes it, "a calculated void." Opinion in favor of the LBJ war policy was "flatly omitted by NBC News." CBS and ABC covered the pro-LBJ case symbolically, by relaying a few opinions from the Administration itself.

The Efron count tells the same sort of story about the TV coverage of domestic issues. According to TV editorialists and reporters, liberals are the good guys while the conservatives are almost universally afflicted with evil intentions. On ABC conservatives, during the 1968 campaign prime time, were criticized "as violent; as racist advocates of law and order; as rude; as stupid." On CBS, they emerged "as racist malcontents." On NBC they were depicted as "plotters against black militants" and "as the cause of racist violence." The white middle class emerges from the Efron count as "prosperous, self-pitying, mediocre," as "culturally limited," and as "authoritarian-racist-militaristic advocates of law enforcement against black criminals." Black militants, on the other hand, were glamorized in the 1968 TV coverage; their violence was "justified" by social circumstances. As for the kids on the campuses and in the streets, they were merely "hecklers" and "demonstrators" even when they were doing the vilest and most violent things.

Ditto for the Left in general—the Efron count has it that TV opinion "portrays the Left as harmless, friendly, idealistic, funny, young, 'restless' and trustworthy." As Jerry Rubin and Abbie Hoffman might say, "Right on!" But who, on TV, ever described the smell in the Conrad Hilton lobby in Chicago after the "idealistic" and "friendly" young "demonstrators" had finished spreading their favorite effluents around?

Miss Efron's study moves on from the analysis of the counting to a sophisticated detailing of some thirty-odd methods of misrepresentation used by the majority of TV commentators and analysts. There is the commentator who "reports" on the buried

emotions and the unconscious psychological motivations of single persons and of crowds ranging up to a half-million people. There are the reporters who hide behind "anonymous" sources. There is the analyst who presents Eldridge Cleaver as an "enthusiastic" fighter for Negro "rights." There is the "poison sandwich" and its opposite, the "sugar sandwich," which bury one opinion by sticking it in between an introduction and a conclusion that the analyst prefers to support.

ONE PLUS ONE PLUS . . .

It is not only the conservative cause which has suffered from the networks' inability to abide by the Fairness Doctrine. Miss Efron's inexorable count shows that the members of the black community who reject the leadership of the Panthers have been almost totally ignored on television. The New Left itself has cause for complaint; TV reporting has been unable to distinguish between the crazies of the radical movement and those who follow articulate leaders such as Paul Goodman for reasons of genuine philosophical conviction. In short, the really big trouble with the TV networks is that they have had no journalistic imagination whatsoever.

As for Miss Efron herself, the FCC would do well if it were to hire her to monitor the application of the Fairness Doctrine. Heaven knows that she is impartial. Her own position on the Vietnam war differs radically from that of LBJ or Richard Nixon: She wouldn't have sent a single U.S. soldier to South Vietnam as long as we were following a policy of "building bridges" with Communist countries in Eastern Europe. She was once married to a Haitian, which means that her views on "race" can hardly be called troglodytic right wing. She doesn't approve giving subsidies to industry, which would put her at odds with Richard Nixon on the recent Lockheed deal. She comes from a radical New York City background: In her teens she listened to her Uncle Joshua Kunitz, the Communist poet and editor, proclaim the glories of the Soviet Union around the house. She broke with the Communists at Barnard College for aesthetic reasons; she couldn't stand the prose in their literature. I knew her at the Columbia School of Journalism in the early Forties; she was not "ideological" then, only skeptical of all systems. She had been accused of getting her libertarianism from Ayn Rand; actually, she became an anti-statist in Haiti, where she saw from closeup what a little application of capital plus "sweat equity" could do if government would only let the enterpriser alone.

If a girl who does not exactly love the Nixon Administration could produce such a completely fair study, the networks should give her the utmost respect. But they've already gone into battle, hiring sociologists from Harvard and such to pick on little errors and try thus to discourage her thesis. Even so, the TV handling of the 1972 election will be entirely different. The networks will know that someone, somewhere, is recording what is said on the prime-time programs and has an adding machine ready for the tell-tale count.

GRASSROOTS OPPOSITION TO "CHILD DEVELOPMENT" SCHEME IS GROWING

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. ARCHER. Mr. Speaker, citizen groups across the country are beginning to take notice and oppose the controversial child development scheme now

pending before Congress. In a recent editorial broadcast a Washington radio station, WTOP, endorsed the proposal. A contrasting view was submitted to the station by Dr. Onalee McGraw, on behalf of the Citizens United for Responsible Education, a suburban Maryland organization. The reply, which was also aired over WTOP, offers a brief summation of the dangerous aspects of the proposal. The following is the full text of Dr. McGraw's editorial reply:

WTOP has offered me an opportunity to respond to their editorial advocating the enactment into law of the Comprehensive Child Development Bill presently pending in the Congress. As the Director of Curriculum for Citizens United for Responsible Education, an education group in Montgomery County, I have had an opportunity to examine the mental health approach to education embodied in this bill and so dominant in our schools. The proponents of this philosophy consider that the primary purpose of education is the conditioning of the child through behavioral techniques to adopt the attitudes and values which they, the social planners, believe to be the most desirable. Perhaps the best known of these proponents is B. F. Skinner, whose recent book, *Beyond Freedom and Dignity* has raised the spectre of a totalitarian society. At the very same time when the fundamental unit of our society, the family, should be strengthened, this bill would further erode the rights and responsibilities of parents and establish the position that the child is the creature of the state. We urge the defeat of the Child Development Bill and the veto of the President if enacted. We must not "free the mothers" to enslave their children.

CHALLENGING THE CORPS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. WALDIE. Mr. Speaker, I often had the occasion to speak in opposition to the practices of the Corps of Engineers, especially with regard to the development of dams, canals, and other structures on the rivers of the West.

Thus, I find it very pleasant, indeed, to comment favorably on the corps.

Mr. Speaker, I take this opportunity to insert in the RECORD a recent article in the San Francisco Chronicle written by Harold Gilliam which deals with the efforts by the corps to give new emphasis to the environmental impact of traditional engineering projects which have been the sole means of solving flood control or navigational problems.

This new emphasis by the corps is most commendable and would seem to me to be an integral part of the effort to preserve and protect our natural resources and our environment.

The article follows:

CHALLENGING THE CORPS OF ENGINEERS
(By Harold Gilliam)

To most conservationists, the Army Corps of Engineers has traditionally represented The Enemy. In the name of flood control the Corps has turned innumerable living streams and rivers into sterile concrete channels, has mown down countless trees and inundated scenic canyons behind its dams.

Having sharply criticized the Corps on this page at various times (the Napa river, Dos Rios dam, Tamalpais and Corte Madera creeks, Pescadero creek), I was surprised and suspicious last year when I was asked by the Chief of Engineers in Washington to serve on a new six-man national Environmental Advisory Board to the Corps. My first impulse was to decline. I had little desire to cooperate with an organization that seemed to be perennially engaged in the destruction of the natural landscape.

Ultimately, I decided to accept. The chief reason was curiosity. Perhaps the most urgent issue of our time is the conflict between engineering and ecology; development and conservation; technology and the environment. Can this nation, dominated for two centuries by the drive for development, now change its course and begin to give high priority to the natural systems that nurture all life on earth?

NO BETTER PLACE

I could think of no better place to look for an answer than in a continuing around-the-table confrontation between engineers and environmentalists. If it did not work out, I reasoned, I could always resign.

After six two-day meetings over a period of 18 months, not all of the questions have yet been answered. Inevitably there have been disagreements and frustrations on both sides, but the effort has been mutually educational, and I believe has a potential for significantly affecting Corps activities.

What follows is an unofficial, necessarily fragmentary, report on the board's experience to date—as viewed by one of its members. (The other members are Roland Clement, Vice President of the National Audubon Society and current chairman of the advisory board; Professor Linton K. Caldwell of the University of Indiana, one of the authors of the National Environmental Policy Act; Charles H. W. Foster, Resources Director for the State of Massachusetts; Richard H. Pough, President of the Natural Area Council; and Charles H. Stoddard, former Director of the Bureau of Land Management.)

A NEW BALL GAME

F. J. Clark, Chief of Engineers, and his staff are well aware that this is the new era of the environment and that new values must govern all public projects. "We know," said one of his aides, "that we're in a new ball game with new rules."

The new rules are based on the National Environmental Policy Act, which became effective last year and requires, among other things, that all proposals for Federal projects be accompanied by statements detailing the environmental impact to be expected and all possibilities for alternative courses of action.

The chief effect of this law has been to require the Corps to look at alternatives that it would not have considered before. One example is the Morrison creek proposal near Sacramento. The District Engineer has recommended that instead of channelizing the lower portion of the creek to prevent flooding, the creek remain in a free-flowing state and be permitted to overflow onto its flood plain at high water, maintaining the natural ecosystem and wildlife. The county Board of Supervisors, evidently influenced by developers who want to subdivide the flood plain, in effect vetoed the Corps proposal. Later, however, an election brought in a new majority favorable to the recommendation.

THE EEL RIVER

The San Francisco District Engineer has suggested another non-structural solution for the flood plain of the Eel river: Restrict development there to non-permanent structures—such as trailer parks—and develop a flood warning system for evacuation in emergencies. Local authorities wanted chan-

nelization but are considering this recommendation.

Both of these cases highlight a little-understood point about the way the Corps works. The Corps has no authority to initiate projects. It cannot turn a shovel of dirt or even make a study until ordered to do so by Congress at the request of local city or county officials. Theoretically, then, the Corps can only act as a response to local requests. But there is more to the story than that. An engineer who has studied a flood-control problem for months or years and has recommended a project would be less than human if he did not feel obliged to defend his recommendation when it was criticized. Although the Corps may never officially promote a project, it is very difficult to avoid a vested interest in a particular solution.

In order to counterbalance this built-in bias and to emphasize environmental values, the Environmental Advisory Board has made a number of recommendations for new Corps procedures.

NO AUTHORITY

One point must be emphasized: The board has no authority or ability to settle ongoing controversies over particular projects, some of which have been in dispute for years. The board's function is to advise the Corps on how it can avoid such controversies in the future. To that end, we have so far made 26 recommendations. The Corps has accepted most of them, indicating that some represent existing Corps policies. Discussion continues on their implementation.

Those accepted so far include a forthcoming Corps statement on environmental quality with emphasis on the value of free-flowing streams; evaluation of all proposed projects by environmental teams representing the social and natural sciences; in-house training programs to educate all personnel in environmental matters; professional environmentalists as full-time staff members at all levels; evaluation of non-structural solutions in all cases (such as flood-plain zoning or purchase instead of channelization); alternative solutions to include an assumption of zero population growth in the project area; selection of the least environmentally damaging alternative in the case of divided scientific opinion; no requirements that environmental costs be financed locally; no limitations of Corps recommendations to the lowest-cost solutions; research on modification of benefit-cost analysis to include environmental values; pilot programs in waste water recycling.

FURTHER DISCUSSION

Discussion also continues on the recommendations not yet accepted including proposals for local environmental advisory boards or similar methods of regular contact with environmental organizations (some Corps districts, including those in California, already have such arrangements); for statewide environmental inventories; for a requirement that all Corps projects conform to local or regional land-use plans; for Corps notification that no flood-control projects be constructed to protect buildings subsequently constructed on designated flood plains; for a special appeals procedure for review of controversial cases that cannot be settled at the local level.

The Corps does not believe it has legal authority to carry out some of these proposals, and new legislation may be needed.

The board welcomes public suggestions for further recommendations. It will of course do no good for any recommendations to be adopted in Washington unless they are diligently applied at the local level. Here is where local environmental groups must go into action, monitoring Corps studies, offering advice and cooperation in applying these policies. The national board can only help provide the environmental tools. The rest must be done at the grass roots.

THE WINDING DOWN OF THE WAR IN SOUTH VIETNAM

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. BOB WILSON. Mr. Speaker, I include the following editorial from the Washington Post of November 29, 1971.

The editorial follows:

THE WINDING DOWN OF THE WAR IN SOUTH VIETNAM

(By R. W. Komer)

It is depressing but unsurprising that our Vietnam trauma should still cause controversy even over such largely factual issues as to whether that tragic war is declining in intensity, with Saigon at least temporarily out ahead. On the one hand Secretary Laird affirms after his latest visit to Saigon that with the war winding down the Nixon administration has achieved its goal of giving South Vietnam a reasonable chance to survive. On the other hand Sanford Gottleb of SANE tells a war protest rally that contrary to common belief the war "is not winding down." Is the tempo of conflict actually declining, or, as Herbert Mitgang told us in *The New York Times* a few months ago, is it merely the "biggest public relations triumph of the administration thus far?"

Who is right? What are the facts, insofar as they are discernible? Whatever the rights or wrongs of our Vietnam intervention, or whether the Thieu regime even deserves to survive, the question of whether its prospects have improved seems of more than passing moment.

As a one-time participant I may be a biased witness. And what has passed for fact on Vietnam has often proved irrelevant if not illusory. But surely it should be possible to shed more light on whether the shooting war is as intense as ever, and whether the Saigon government's position is stronger than it was three years ago. Much open evidence is available to anyone who asks for it, though few seem interested enough to inquire any more. Such is the still enormous credibility gap.

The fact is that by almost every conceivable measure the intensity of conflict has dropped sharply from 1968-69 levels, and even 1970. Of course, it has dropped off more in some respects than in others, leading some to say that all that's really happened is that the Americans are turning the war over to the Vietnamese.

But let's take the most obvious measure of conflict intensity—the grim casualty toll. The Pentagon says U.S. casualties are down about 90 per cent from early 1969. If this was attributable only to U.S. troop withdrawal, then presumably South Vietnamese casualties would rise.

Instead of rising, however, these are down modestly over the same period too, despite the fact that the Vietnamese have taken over much of the burden and have been fighting in Cambodia since mid-1970. Their casualties were quite high in the first quarter of this year because of the major raid into Laos and heavy fighting in Cambodia. But during the most recent five-month period for which figures are available, April-August 1971, Vietnamese casualties are down 11 per cent from the same period in 1970.

Indeed regular ARVN troops, who are most comparable to the departing U.S. forces, took 26 per cent fewer casualties during April-August 1971. As has been the case since mid-1969, the bulk of Vietnamese losses has been taken by the neglected South Vietnamese militiamen.

What's happened to the war? The news media naturally focus all the more on what fighting remains, which distorts the picture.

Actually, the level of enemy attacks, shellings, harassments, and terror incidents has been declining since 1968. In the last few months they seem to be running less than half of what they were in the peak war months during 1968.

Almost all the remaining large-scale combat is taking place in remote northern frontier areas or in Laos and Cambodia, not in most populated areas of South Vietnam. So by the only available count Vietnamese civilian casualties have fallen greatly too.

One obvious retort is that the war has simply been exported to Cambodia and Laos, with undiminished intensity. This too falls down in fact of the facts. Even Southeast Asia-wide the shooting, the killing, and the destruction are sharply down during 1971. To date the 1971 level of casualties and bombing sorties in Cambodia seem to be lower than in 1970 (Laos may be an exception but only because of the ill-fated ARVN incursion of last April which seems unlikely to be repeated on any such scale).

What about the argument that though ground combat has declined, the slack has been taken up by intensified air war? This too hardly squares with available facts. By whatever measure—sorties flown, bombs dropped, number of aircraft involved—the allied air effort in Southeast Asia as a whole has dropped substantially since 1968-69.

While recent press stories cite a new Cornell University study as saying that more bombs have been dropped in the three Nixon years 1969-71 than in the last three Johnson years 1966-68, this obscures the fact that bomb tonnage actually peaked in 1968 and has been going down every year since.

And to those who equate bombs dropped with genocidal tendencies, it's only fair to note that the great bulk of the current air effort is in practically unpopulated areas like the Ho Chi Minh Trail, another notable change from earlier years.

It stands to reason that U.S. war costs, which go mostly for U.S. forces with their immense firepower, have been dropping rapidly too. They are already less than half the 1968 spending peak, and are now dropping more rapidly than before. We may even be shipping a larger volume of military material out of Vietnam these days than we are shipping in.

As for the current picture in the Vietnamese countryside, let me eschew any comparison based on "computerized" statistics, since even using a computer as an adding machine seems to bother the press. We have plenty of eyewitness accounts from those who have visited Vietnam both before and after Tet 1968, two recent examples being Secretary Laird and columnist Joseph Kraft—the latter hardly a raging hawk on Vietnam. While neither seemed willing to stick his neck out as to their permanence, both seemed struck by the at least short-term gains made by the Saigon regime. And these are not exclusively military by any means.

For a program declared "dead" in an article in *The Washington Post* right after Tet 1968, the U.S.-backed South Vietnamese pacification effort has proved a lively corpse. One result of improved security is that, while the ghastly refugee burden is still far too high, far more refugees have returned to their villages over the last few years than new ones have emerged.

While some critics still talk of "ecocide," South Vietnam also recently brought in the largest rice crop in its history.

Or take land reform, lack of which was a favorite U.S. complaint before the GVN finally passed a radical law in 1970 but which has hardly been mentioned in our media since. From the figures available, some 750,000 acres have already been distributed to small farmers in little over one year—no mean accomplishment even for a country at peace, and surely impossible if Vietnam's countryside were still engulfed in war.

One does not have to accept Thieu's sus-

piciously overwhelming mandate in what passed for an election last October to speculate that improved security, control of inflation, land redistribution, higher crop output, and the like might have contributed to Thieu's capture of a still predominantly rural vote.

Of course the war's winding down to date reflects more than the impact of U.S. firepower, ARVN prowess, or pacification gains. Indeed it's interesting that the war has wound down despite U.S. withdrawal of over 350,000 troops since mid-1969. This almost suggests that all those Americans might not have been so necessary in the first place as many of us used to think.

It also reflects the way Hanoi has been husbanding its resources by reverting to a protracted war. But it is too simple to ascribe this wholly to a Machiavellian strategy of waiting out U.S. withdrawal and then crushing the Saigon regime.

To a great extent this strategy has been forced on Hanoi by its own great losses—especially of irreplaceable Vietcong cadre in its three abortive Tet and post-Tet offensives of 1968—plus ARVN incursions into the formerly privileged enemy sanctuaries in Cambodia and Laos. Unfortunately, our tactical intelligence is still so feeble that we don't have enough detailed feel for how strong (or weak) the enemy now is. Yet even the worst calamity howlers in Saigon seem to have ceased talking up another countryside Tet-type offensive as a live possibility for the next year at least.

Indeed, as Mr. Kraft recently pointed out, critics of the war may need to update their thinking. This is not to say that the war was justified whatever its current state, or to deny that the horrendous costs involved were out of all proportion to any gains. Nor is it to excuse all the errors and excesses. It is simply to say that in the short term at least Saigon's position seems to be far stronger than at any time since 1962 or so.

But what of the future? The tempo of conflict may rise temporarily again during the annual winter-spring campaign season. After all, Hanoi can still infiltrate thousands of troops and keep the pot boiling indefinitely—even if the U.S. keeps bombing and strafing the Ho Chi Minh Trail. Moreover, Saigon's record in dealing with the underlying causes of the Vietcong revolution is still spotty at best. But those who look for new Hanoi offensives to cause early Saigon collapse ignore the tremendous changes in the nature of the conflict within South Vietnam itself.

Up through 1967 most of the forces arrayed against Saigon were southern Vietcong, not regular troops from the North. Today the VC recruiting base is attenuated, VC guerrillas have been decimated, the VC main forces were crippled at Tet 1968, and the bulk of the troops now arrayed against the GVN are Hanoi's regular troops. Thus the VC revolution may have shot its bolt.

Granted that so long as its key politico-administrative cadre remains intact it could make a comeback—especially if Saigon fails to consolidate its short-run gains. Unless this happens, however, why should Hanoi keep sending troops year after year down the Trail? Better perhaps to count on waiting till the Saigon regime's own "internal contradictions" again create a ripe revolutionary situation in South Vietnam.

So those like Cabot Lodge who predicted that this ghastly war would eventually fade away may prove right after all. One may take little comfort in this prospect, given the war's traumatic impact on both Vietnam and the United States. Yet whether the war fades away or periodically heats up again, there's no blinking the overwhelming evidence that it has wound down a long way from what it was in 1968 or even 1969.

It is hard to divine this from TV or the daily prints, but even Mr. Nixon's war is a far cry from what it used to be.

CIVIL RIGHTS STILL DENIED LARGE GROUP OF AMERICANS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. BIAGGI. Mr. Speaker, this body has always shown great concern for civil and human rights. In 1964 and 1965, Congress approved landmark legislation guaranteeing basic civil and voting rights to all citizens. In recent months, many Members have protested the denial of human and civil rights to the Soviet Jews and the citizens of Northern Ireland.

However, right here in the United States there is a large segment of our population that is consistently denied the basic civil rights we have all presumed to be guaranteed by the U.S. Constitution. That group is the law enforcement officers of this Nation, the men we call on to assure the rights of others.

Mr. Speaker, I am going to insert in the RECORD at the end of this statement two articles on court cases which clearly show that a police officer today does not enjoy the rights of due process afforded all other citizens.

In the first case, the Federal District Court for Northern Illinois said a police officer was not entitled to legal counsel at a departmental hearing—a hearing that could result in the loss of one's job or in being charged with a crime. The judge ruled that—

If every officer who appeared before the Panel were to invoke the full panoply of judicial process, serious impairment of the disciplinary processes of the Chicago Police Department could occur.

Is this equal justice? Not since before the *Miranda* and *Escobido* cases has the judiciary been concerned with order. When a mob threatens to tear up the city of Washington, the courts require full due process for those arrested—regardless of the consequences to the city and its citizens. However, our policemen enjoy a special status: they are only entitled to enforce the law, not enjoy its benefits.

In the second case, the court ruled that a lieutenant was not entitled to reinstatement on the force because he sued the police chief. This was a challenge to the authority of the police chief and could result in "internal dissension." What policeman will resort to the courts for settlement of grievances if he knows the courts will automatically rule against him on the grounds he is challenging the authority of the chief?

The policeman today is truly a second-class citizen. He is frustrated by the contradiction of his position—enforce the law, but the law is not for you. To correct this shameful situation, I have introduced legislation to guarantee civil rights to all law enforcement officers. Over 100 of my colleagues have cosponsored this measure. I will again reintroduce the measure and hope that more of those who serve in this Chamber will see the urgent necessity of extending civil rights to law enforcement officers. What a tremendous burden we place on these men. We require them to enforce the law with due

respect for the accused, to treat every criminal with kindness, to be completely honest in their every dealing, to never take even a cup of coffee for free and to do without the protection of the laws they are required to enforce. I hope the 92d Congress will mark the end of this hypocrisy. The articles referred to follow:

[From the International Association of Chiefs of Police Law Enforcement Legislation and Litigation Report, April 1971]

FEDERAL COURT RULES CHICAGO POLICE OFFICERS NOT ENTITLED TO COUNSEL AT DEPARTMENT DISCIPLINE HEARING

Two Chicago police officers brought an action under #1983 of the Civil Rights Act contending that they have a constitutional right to counsel during a polygraph examination and to have an attorney present at a hearing before the Complaint Review Panel. The officers were charged with brutality and refused to submit to a polygraph examination unless they could have an attorney present. The officers were suspended for 15 days upon the recommendation of the disciplinary panel of the police department.

The defendants argued that the hearing was only a "departmental hearing" as opposed to an "administrative hearing," and that the requirements of due process were more easily satisfied in the former.

The Federal district court for Northern Illinois noted that a law enforcement officer is in a peculiar and unusual position of public trust and responsibility, and because of this the public has an important interest in expecting the officer to give frank and honest replies to questions relevant to his fitness to hold public office. The court considered the small maximum penalty the Panel could recommend (less than 31 days suspension) and found neither a denial of right to counsel nor a violation of procedural due process. The court recognized that if every officer who appeared before the Panel were to invoke the full panoply of judicial process, serious impairment of the disciplinary processes of the Chicago Police Department could occur. In other words, the granting of such rights would be impractical to carry out. The court's decision was based additionally on a combination of the following factors:

(2) the importance of the governmental function of maintaining proper discipline among police officers and proper enforcement of the Department's regulations;

(4) the fact that the plaintiffs were informed of the nature of the charges against them and were provided with an administrative hearing wherein they were presented an opportunity to present any statements they desired and (5) the fact that the functions of the Complaint Review Panel are investigatory in nature rather than adjudicatory with its recommendations sent to the Superintendent of Police for final disposition.

[From Labor Litigation, August 1971]

POLICE LIEUTENANT DENIED REINSTATEMENT PARTIALLY BECAUSE OF SUITS AGAINST POLICE CHIEF

A former city police lieutenant, who was dismissed for violation of departmental rules and regulations, sued for reinstatement and was denied. The court stated his dismissal was based, at least in part, on lawsuits the lieutenant had brought against the police chief for libel and slander; these constituted a personal vendetta and a direct challenge to the authority of the chief to manage and supervise his department, the effect of which was to create internal dissension on a grand scale if allowed to continue. However the court rules the plaintiff lieutenant was not denied his constitutional right of access to the courts. (Norton v. City of Santa Ana, 93 Cal. Repr. 37. 1971.)

OPERATION SKYRIVER

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. BEGICH. Mr. Speaker, one of the major problems in Alaska today is lack of adequate communication. Villages throughout the State are separated by hundreds and thousands of miles with no more than a radio phone to be used on an emergency basis only.

Because radio and television are virtually nonexistent in the bush, news, information, and education become scarce—almost nonexistent.

As a State legislator, I pressed for greater educational opportunities and facilities for Alaska citizens. Unfortunately, education facilities are so scarce in certain parts of the State that Native students on the high school level are transferred to schools thousands of miles away. It is not unusual for high school students who live in the bush in Alaska to be sent to Bureau of Indian Affairs schools in Oklahoma.

Despite these hardships, I believe real progress has been made through innovation and funds from the Federal Government. The Sunday, November 28, 1971, editorial in the New York Times reported one such program.

The village of Emmonak near the lower Yukon River is beginning a program to upgrade the political awareness of the villagers. Operation Skyriver, as it is called, if successful, will be a major step in educating Alaskan citizens and putting them well on the road to self-determination. At this time, I include in the RECORD the article that appeared in the New York Times:

AN ESKIMO VILLAGE IN ALASKA USES TELEVISION TO GAGE THE POLITICAL CLIMATE

ANCHORAGE, November 27.—An Eskimo village 500 miles west of here has turned to television to influence the political processes that affect the lives of its 500 residents.

Although no commercial television penetrates the lower Yukon River village of Emmonak, six miles from the Bering Sea, its people are becoming increasingly familiar with film and videotape through a community organizer's program called Skyriver.

Skyriver, funded for the next two years by a \$220,000 grant from the Office of Economic Opportunity, is designed to allow Eskimos to record their culture, feelings and political desires on film and videotape.

After selecting an issue such as schooling, the villagers interview one another, review the rough film clips, edit the film, and then present the final print to the community for a vote. Individuals also have the right to edit films or videotapes of themselves.

If the people decide that the film represents a consensus of the community, it becomes the official position of the village. The films are then circulated to other villages and often become a regional position, representing dozens of bush communities.

"The Children Are Going," a stark 15-minute film that records the exodus to school of several dozen of Emmonak's young, quickly became a regional consensus.

DEPARTING STUDENTS

About 200 children attend grade school in the village, but after completing the seventh grade, they must go elsewhere to continue their education. Last year, more than 50 teen-agers were sent to state-operated

schools or Bureau of Indian Affairs schools as far away as Oklahoma.

In the film, intercut with scenes of children boarding a bush plane for a year at distant schools, William Trader is depicted mending his fish net. He speaks of his daughter Martina, who is leaving for Wrangell, 900 miles southeast:

"She only learned to read, how to talk English and do arithmetic. Before she went out to Wrangell, she never had to be told to do her homework [housework]. When they're out there in other states, they forget completely about their home. We have to tell them to do this and that.

"They should learn Eskimo ways and white ways. If she learned both ways, that would be really good, not just for her, but for everybody."

The village unanimously sided with Mr. Trader's filmed opinion that the only answer was to move schools closer to Emmonak "so the kids could come home for the weekend."

Some observers say the widely circulated film spurred the State Board of Education to adopt a policy for regional high schools, a reversal of its previous plans.

One concrete indication is the recent plan to construct a regional school at Mountain Village, a community of 1,500 that is about 40 miles by snowmobile from Emmonak.

GUIDING GOVERNMENT POLICY

Tim Kennedy, the white organizer who began Skyriver in July, 1970, under the O.E.O.-funded Community Enterprise Development Corporation, believes the people of Emmonak can use "the inherent power of the media" to guide government policy.

He contends that state and Federal programs designed villages sprinkled on 586,412 square miles, often miss the mark. He explained:

"The film and videotapes will provide information that government officials never could get on their own. When an official visits an Eskimo village, he travels on his own terms, brings his own environment with him, the people are intimidated."

Bureaucrats customarily arrive in Emmonak by bush plane, spend a few hours touring and depart for other villages, he said, and continued:

"A chaos of misinformation complicates the problems of rural Alaska considerably. In the past, white government officials held meetings on their terms with people who had Western civilization credentials being regarded as community leaders. That meant they talked to any villager who owned a briefcase."

The brevity of bureaucracy complicates the problems and "incomplete information, rumor and innuendo" make dealings between white officials and Eskimos arduous and laced with mistrust, according to Mr. Kennedy.

"There are all kinds of regulations the people don't understand," he said. "It's a real infringement of their rights."

He believes that film and videotape explicitly document problems without the tangled curtain of contract language and administrative procedures, adding that the peoples' desires and suggestions for solutions focus simply and graphically.

WILLARD EDWARDS BEGINS HIS SECOND 50 YEARS OF REPORTING

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. ASHBROOK. Mr. Speaker, on November 30, 1921, just 50 years ago today, Willard Edwards, whose news stories, feature articles and columns are a byword in the Chicago Tribune, began what

was to be an outstanding career of service both to the public and the journalistic field. On many occasions, by insertions in the CONGRESSIONAL RECORD, I have called to the attention of Congress and the public, issues, cases, and current developments which Willard unearthed through his persistent digging in the complex area of Washington politics. In this respect I am indebted to him and his efforts far more than some other Members of Congress.

It must be remembered that when a journalist lets the chips fall where they may, when he does not hesitate to criticize an administration, be it Democrat or Republican, his sources are likely to dry up. When Washington is his beat, he must rely even more so on his own initiative and ingenuity.

This, in brief, explains, I believe, why Willard Edwards has championed the causes of the underdog, and especially the Federal worker who does battle with the monstrous Federal juggernaut. It also explains why so many of such workers have beaten a path to his door in search of a channel to the public. His concern for the welfare of our Nation far outweighs any prospect of a journalistic coup, the everyday goal of any worthwhile reporter.

As Willard was well underway in his career before I first saw the light of day, I cannot begin to list the contributions he has made in the field of the fourth estate. Suffice it is to say, that I have found his efforts invaluable in the field of national politics where the multiplicity of issues, personalities and developments are overwhelming.

I realize that here is a wealth of superlatives and stock phrases to commend outstanding service, but I think it is best said by offering my sincere congratulations to Mr. Willard Edwards on beginning his second 50 years of reporting.

As an illustration of why many Federal bureaucrats, especially in the State Department, hate to see Willard Edwards commence his second half-century of investigative reporting, I insert at this point in the RECORD Willard's column of today, November 30, in which he updates developments in the case of former Foreign Service Officer John Hemenway, who, I am sure, the State Department hopes will emigrate to New Caledonia "so he would not be dangling our dirty linen in other people's yards."

The article follows:

CAPITOL VIEWS: BUREAUCRATIC NUANCES
PERIL CAREERS

(By Willard Edwards)

WASHINGTON, November 30.—The confidential memo from Donald C. Tice, special assistant to the director general of the foreign service, was entitled "Whether John Hemenway?"

Dated Feb. 11, 1969, and directed to Howard P. Mace, the State Department's personnel director, it dealt with the dismissal a month earlier of Hemenway, a veteran foreign service officer with a brilliant record, in the last days of the Johnson administration.

Hemenway had charged that he was fired on the basis of false and malicious accusations concocted by two superiors with whom he had engaged in policy disputes related to dealings with Communist nations.

How, asked Tice in the memo, could Hemenway be kept quiet? He toyed with the idea of finding some other government posi-

tion for the ousted diplomat "so he would not be dangling our dirty linen in other people's yards." But Hemenway, he speculated, could not be bought off in that manner.

"No matter what we do, we must expect him to raise a stink about it," Tice reported to Mace. "At the worst, he could go to the Hill [Congress] and bring in influence.

"The other danger is that he might get a hearing in the new front office [the new secretary of state, William P. Rogers]. I would assume, however, that we could short-circuit such a move."

The assumption was well-founded. Hemenway never got a hearing from Rogers. Nearly three years later, Hemenway still is battling at hearings before a State Department Grievance Committee to secure removal from the files of the falsehoods he says were placed there to justify his dismissal.

The Time-Mace memo was uncovered at these hearings which are documenting in chilling detail the manner in which bureaucratic holdovers run the government in arrogant disdain of elected and appointed officials in succeeding administrations.

As the memo disclosed, these subordinates can keep a new Cabinet head ignorant of injustices demanding correction.

The testimony of John C. Chester, a former foreign service officer, also revealed how a government official, in disfavor with his superiors, can be destroyed by "subtle nuances" in his annual efficiency report. Chester described the code words in these reports that can bring an outstanding career to a halt.

The report might note, for example that an official's work was, on the surface, outstanding. But it would then remark that he was "prolix" or "imprecise" or had "difficulty in drafting." The phrase "is said to lack objectivity," was particularly damning. "Aggressive" and "abrasive" were adjectives with meaning to the inner circle. All such phrases and words signaled that the individual was refusing to conform to the prevailing ideology, displaying a regrettable independence of judgment.

If any official dared to question such criticism and filed a rebuttal, his career was ended. Chester said that in 13 years in the State Department he never knew a foreign service officer who protested an unfair rating and thereafter received a promotion. Lack of promotion over a specified period automatically means dismissal.

"Subtlety" was discarded, the hearings revealed, when stronger methods of character assassination were deemed necessary. When Hemenway did appeal to Congress, a senator called the State Department for information on his complaint.

"Hemenway has Birchite tendencies, he sees a Communist under every bed," the senator was told. Not for years did Hemenway discover that this entirely untrue and unsupported insinuation had caused the senator to lose interest in his case.

LONGSHOREMEN RETURN TO
WORK

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, today most east and gulf coast ports are expected to be back in full operation as a result of temporary, 10-day back-to-work orders issued by Federal courts on Friday and Saturday in response to Justice Department petitions. In the meantime, the Government will continue to press for a preliminary injunction to be in effect for the full 80-day

cooling-off period specified in the Taft-Hartley Act.

I wish to commend the administration on taking this action to at least temporarily end the 57-day east and gulf coast strikes by some 45,000 longshoremen. As the Government has correctly pointed out, these strikes have had a devastating impact on our domestic economy, and I know this is especially true for farmers in my own State of Illinois who have been denied access to export facilities for their commodities during this crucial postharvest period. I have received a flood of mail from farmers in my district and State who were understandably distressed by the potentially disastrous financial impact a continuation of this strike would have on them. On three occasions I have written to the President, urging him to invoke Taft-Hartley. I am therefore extremely relieved that this action has finally been taken.

HON. THOMAS J. MURRAY

HON. RAY BLANTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 1971

Mr. BLANTON. Mr. Speaker, it saddens me to announce to my colleagues that Thomas Jefferson Murray, a Representative to Congress for 24 years, passed away in his hometown of Jackson, Tenn., Sunday.

Tom Murray served in this body from January 3, 1943, to January 3, 1967. For 12 years he was chairman of the Post Office and Civil Service Committee.

He will be remembered as one of the foremost legislators the State of Tennessee has ever produced.

Tom's life was dedicated to public service. Born in Jackson on August 1, 1894, he launched his public career upon graduating from Cumberland Law College in 1917. He taught school for 2 years and then entered World War I service with the 5th Army Corps as an enlisted man.

After the war he came back to his beloved Jackson to practice law for 2 years. He then reentered public life, this time for 50 years in various capacities.

He became district attorney general for the 12th Judicial Circuit of Tennessee in 1922 at the youthful age of 28 years. He held this post for 11 years, until he joined the Office of the Solicitor of the U.S. Post Office Department in Washington.

Tom served in the legal office of the postal service until 1942, when he decided to return to Tennessee to run for Congress from the Seventh District. He was successful, and took his seat in the 78th Congress as a Democrat. The grateful people of Tennessee reelected him to 11 succeeding Congresses.

Tom quickly established himself as an expert in the field of Government employee legislation, perhaps due to his years with the Post Office Department, but no doubt because he was genuinely interested in people, and in good government. He rose to the ranks of chairman of the Post Office Committee, and for

years was regarded as one of the most powerful men in Washington.

He was an affable Member of Congress, highly respected and popular with his colleagues. His reserved manner, his quiet but firm speech, and his courtly appearance endeared him to the rural constituency he served, and he never forgot those people. He was a virtual one-man chamber of commerce for west Tennessee, and "Mr. Tom" helped our region progress in numerous fields.

We are deeply saddened that he is no longer with us. But we are fully cognizant that we were privileged to have had such a man in the highest legislative body of the land. His living memorial is the memories thousands of Tennesseans hold of him.

I extend my deepest sympathy to his family.

FRANCIS BATOR OFFERS SOME SENSIBLE ADVICE ON INTERNATIONAL MONETARY NEGOTIATIONS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. REUSS. Mr. Speaker, Francis M. Bator, professor of political economy at Harvard University and former Deputy Special Assistant to the President for National Security Affairs—1965 to 1967—offers some sensible advice on how to end the present impasse on currency realignment and to pull back from the brink of a trade war in two articles appearing in the New York Times on November 29 and November 30.

If Mr. Bator's advice is followed, this week's group of ten meeting of finance ministers in Rome could produce a good package agreement including new exchange rates among the dollar and other leading currencies, removal of our surcharge and the "Buy American" provision in our investment tax credit, and agreement in principle on a small increase in the "bookkeeping" price of gold. We can then get on with the pressing business of international monetary reform, trade liberalization, and burden sharing, where "progress will require," as Mr. Bator points out, "a dependable as well as energetic American policy that is sensitive to the problems of others."

I include Mr. Bator's articles and commend them to my colleagues:

MR. CONNALLY'S WAR: I

(By Francis M. Bator)

CAMBRIDGE, MASS.—On Aug. 15, Mr. Nixon declared economic war on the rest of the world. So far it's been a phony war—the U.S. has done all the shooting. But if Secretary of the Treasury John Connally does not change course soon, the other side will start shooting back. Control over events will shift to the war parties in all the capitals, and Aug. 15 will be a turning point in post-war Atlantic and U.S.-Japan history.

To be sure, in economic wars people don't get killed. But jobs and livelihoods are at risk. So are the habits and practices, the rules and institutions that we and our friends have so painstakingly built up to protect the world from jungle economics and its twin, jungle politics.

Judging by what he has said, Mr. Connally

doesn't agree. He seems confident that with the dollar cut loose from gold, and the U.S. market protected by the surcharge and the "buy America" provision of the investment credit, we can afford to wait. The others, after all, have more at stake than we; they dare not retaliate. When they become convinced that the Administration will stick to its guns, they'll come up with a plan that will assure a \$13-billion turnaround in U.S. payments, relieve us of some of the burdens of defense and promise "fairer" treatment of American exports. Or so the Secretary seems to believe. (All this may be a tactful bluff; a formidable politician, he is not in the habit of tipping his hand. But until there is evidence to the contrary, it is safer to assume that he means what he says.)

Mr. Connally may well be right. But are the odds good enough to risk the consequences in case he is wrong? Indeed, would a victory won in such a brutal way be worth the price?

I think not. Our tactics have been recklessly dangerous. What's more, they are unnecessary. There exists a strategy that is both safer and more likely to achieve the President's Aug. 15 international purposes. (A second article will sketch its elements.)

The core of the tactical problem is the surcharge and "buy America," and not, I think, the uncertainty due to floating exchange rates as such. As long as the surcharge is on, the strain on foreign politicians' self-restraint is bound to grow, and the President's freedom of maneuver will shrink. Time, as Wilbur Mills, chairman of the House Ways and Means Committee, and Arthur F. Burns, chairman of the Federal Reserve System, have pointed out, is on no one's side.

In combination with the increase since May in the dollar cost of foreign exchange, in itself a good thing, the surcharge is like addictive dope to many of our most susceptible industries. In a large number of Congressional districts, stopping it cold turkey in an election year will become more painful with each passing week. By next spring, with unemployment still 5.7 to 6 per cent, it may be too painful for any President, no matter how brave.

The surcharge is also contagious. The proposition that—because a trade war will hurt them more than it will hurt us—the others will not fight back is untenable. There exists no measure of relative national pain. One wonders, for instance, how our farmers would reckon it, or our large corporations, with \$25 billion of their assets hostage in Europe. Moreover, for Europeans the question is one of "compared to what?" If they have to choose between calling the U.S. hand, and economic civil war within Europe, even cool calculation might favor the first.

But that is not where the main danger lies. Cool calculation is not the natural response of governments that feel damaged by an outsized friend. As perceived abroad, Washington is using the surcharge as blackmail, demanding the moon and refusing to signal what reasonable terms it might accept. We have baffled our friends. They cannot believe that we really expect them to advocate surrender (tantamount to political suicide, in an environment of recession). Yet in the absence of a quiet American lead, they are unable to move constructively. And we have strengthened those whose stock in trade is anti-American posturing.

The longer we remain on our present course, the greater the chance that others will be forced to take defensive steps: export subsidies, capital controls, multiple exchange rates, import restrictions—a jumble of tit-for-tat that will destroy the rules of the game. Angry rhetoric will drive out statesmanship. No one's politics would be immune, nor would escalation be confined to economics. If things go badly during the next few weeks, the result may be irreversible

damage to the U.S.-Japan and the Atlantic connection.

The question remains: Is there a way out?

MR. CONNALLY'S OPPORTUNITY: II

(By Francis M. Bator)

CAMBRIDGE, MASS.—It is not enough to suggest, as I did in this space yesterday, that Mr. Nixon's Aug. 15 international moves, and especially Mr. Connally's follow-up, have brought us to the brink of economic war. The deficit in U.S. payments, and the dollar hemorrhage triggered by divergent monetary policies here and abroad, confronted Washington with a condition, and one theory too many. Mr. Connally's task has been to treat the condition without taking undue risk. The charge against him is that he has chosen a reckless course, while a safe solution has been ready at hand.

The meeting in Rome of finance ministers this week will be critical. The Secretary should stop demanding more for the surcharge than others can pay, and take a constructive lead. His best move by far would be to announce that the President will immediately lift the surcharge and "buy America" in the investment credit on the assumption that an acceptable bargain on exchange rates will be quickly reached, and that all governments would be prepared to negotiate on more complicated issues: trade, money, burden sharing, investment, during a second stage.

A bold stroke—one that should appeal to a politician with Mr. Connally's flair—it would clear the atmosphere, give our friends in capitals abroad the upper hand and please American exporters. (The surcharge is an indirect tax on them, and they are vulnerable to retaliation.) It would also remove a significant barrier to the further depreciation of the dollar in exchange markets.

The cost of such a unilateral U.S. move would be nil. With the dollar no longer linked to gold, and most of the major currencies afloat and up—the mark has risen almost as much as it should—there is no risk.

Alternatively, if this goes against the grain, Mr. Connally could offer instead to trade the surcharge and "buy America" for firm agreement on dollar exchange rates and a commitment to a Stage II. On exchange rates, there is a virtual consensus among experts: the dollar/yen rate should increase by 14 to 16 per cent above its old parity; the mark, 11 to 12 per cent; the franc, 5 to 6 per cent, etc. New Parities, a legal matter, need not be fixed in any hurry, unless the others care. If they do, the range of fluctuation should be widened to plus or minus 3 per cent.

Both proposals would make moot the price of gold. Unfortunately, the others won't leave it at that. Faced by the blatant American show of force, the Europeans had to produce a common front on something. The gold price issue was a natural, though it matters only to the French.

We should yield gracefully, and negotiate whatever small rise in the nominal gold price would make it easiest to agree on what really counts: exchange rates among currencies. Since Paris will not revalue against gold, and Bonn cannot afford a franc-mark change greater than 6 to — per cent, a 6 per cent rise to \$37.10 should do the job. Foresighted education by Messrs. Javits and Reuss has reduced the danger that Congress would balk.

At the same time, we should make it plain that only the nominal gold price is negotiable. We must not undertake to sell or buy gold at any price, or to sell any other reserve asset, at least until Stage II has produced workable rules covering exchange parities, and solved some other problems as well. The need is for rules that will induce governments to make frequent, small changes in parities, and thus avoid prolonged deficits and surpluses. The rules should have teeth,

and bear as hard on governments in surplus as on those in deficit. But that is for Stage II, as is the full replacement of gold by the new man-made reserve, S.D.R.'s and the phasing out of the dollar as a reserve currency.

The principle behind all this is to disconnect what is urgent and quickly soluble from what is complicated and will take months or years. But the principle won't work for long if governments are not serious about Stage II. The monetary system does require reform. Antiprotectionist rules on trade need strengthening. (On trade, we all live in glass houses; Washington should quit throwing stones.) Other problems abound: e.g., roles and fair shares in defense; national control and the international corporation; more development aid to the poor countries.

Progress will require a dependable as well as energetic American policy that is sensitive to the problems of others. Brow-beating will not do. Nor will moralizing about all we have done for the world in the past. If, as I believe, a benign cooperative Atlantic and U.S.-Japanese politics is a cardinal American interest—a politics that makes problem-solving among interdependent nations possible if not easy—then we must change our recent course, and take a more constructive tack.

TELEVISION

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. SPRINGER. Mr. Speaker, Martin Mayer, who was television critic for Harper's magazine in 1959-60, has written a reportorial study, "About Television," which will be published this spring and from which the following article is excerpted.

The following article has a good analysis of the citation on the "Selling of the Pentagon" which was before the House some months ago. This is the only article I have seen written in detail which analyzes the problem and presents it fairly. The most important thing in the article is that CBS was forced by the citation to change its rules and regulations with reference to documentation so that the errors and mistakes contained in that program cannot occur again. Those of us who were committed to fight on a correction of the system have been successful, and that is far more important than the question of the citation of Frank Stanton as the president of CBS.

I quote from the last paragraph of the article:

Of course the Pentagon did not come to the Congress with clean hands, but the defense of "you're another" is a confession of editorial irresponsibility and a guaranteed long-term disaster. No doubt the CBS lawyers were to blame: the first rule of legal advice, especially in situations where libel suits are a possibility, is "Never admit nuttin." What the television news division must ask themselves is whether they are healthy enough to withstand infection from the adversary system, whether they can afford to let their public reputation for impartiality and probity sink to that of the lawyers.

The article follows:

TELEVISION: FREEDOM OF THE PRESS CAN BE A MATTER OF SELF-INTERESTED DEFINITION

(By Martin Mayer)

Few episodes in the tangled history of news broadcasting have been so generally discred-

itable to so high a proportion of the participants as the fuss attendant on the CBS documentary, *The Selling of the Pentagon*, in the spring of 1971. The subject—the abuse of funds and discretion in the PR programs of the Department of Defense—was moderately daring; and given the Nixon Administration's reaction to Joe McGinniss' book, *The Selling of the President*, the title guaranteed negative reactions at 1600 Pennsylvania Avenue. But most people, even some in the military, would be willing to agree that pushing weaponry and war is an activity scarcely more defensible than pushing drugs. The key scenes in the documentary, the introduction of children and businessmen to the pleasures of putting little fingers on big triggers, were legitimately horrifying, and there were details here and there in the show that were not part of the fund of common knowledge. Still, said Perry Wolff, the CBS News executive producer whose unit was responsible for the program, "This wasn't supposed to be our fast ball for this season. It was just one show in the continuing CBS *News Hour*."

In fact, what appeared on the air was a considerably slower ball than the first cut that had been prepared for viewing by CBS News senior executives. The problem was in part that CBS itself was heavily involved in some of the activities the program criticized. (Wolff, in fact, had been the producer of the CBS series on *Air Power* back in the 1950s.) One of the sillier bursts of anti-Communism in Defense Department promotion films had been uttered by Walter Cronkite as narrator; and the Cronkite film, though dating back to 1962, was the most popular thing in the Pentagon catalogue, with more than a thousand showings at Kiwanis affairs and the like in fiscal 1970. Cronkite is a multi-million-dollar property for CBS, and while he was willing to be criticized, there were limits. Producer Peter G. Davis was angry about the war, the military, and much else, and here and there he had forgotten about limits.

Wolff screened the show first for his immediate superior, Bill Leonard, then for Richard Salant, president of CBS News, vice president Burton Benjamin, and Cronkite, and there followed a snow of memos. The one from Salant included thirty "review points," things in the show that ought to be made to conform to policy. The reediting process stretched out, and the program missed its first air date.

Among the pieces of machinery set in motion when the show did air, on February 23, was the bank of video tape duplicating machines at the Pentagon. CBS estimates that Defense made thirty copies of the show and distributed them about to members of the military who might be able to find demonstrable fault. Within a week, the Pentagon had a brief attacking the show in the hands of every major newspaper, and in print in the *Air Force Journal*. As an attack on the show, the Pentagon effort was easy to brush off, because there really wasn't anything seriously wrong with the show. But in investigating CBS News' procedures, the Defense analysts had come up with several embarrassing errors, two of which should be sufficiently disturbing to trouble people who liked the show and hate the Pentagon.

One was the presentation of excerpts from a speech by Col. John McNeill at a military "seminar" sponsored by a local business group in May 1970 in Peoria, a city much benefited by defense contracts. The episode began with a statement by CBS reporter Roger Mudd: "The Army has a regulation stating, 'Personnel should not speak on the foreign-policy implications of U.S. involvement in Vietnam.'" Colonel McNeill was then shown saying the following six sentences, apparently one right after the other: "Now we're coming to the heart of the problem—Vietnam. Now the Chinese have clearly and repeatedly stated that Thailand is next on

their list after Vietnam. If South Vietnam becomes Communist it will be difficult for Laos to exist. The same goes for Cambodia, and the other countries of Southeast Asia. I think if the Communists were to win in South Vietnam, the record in the North—what happened in Tet of '68—makes it clear there would be a bloodbath in store for a lot of the population in the South. The United States is still going to remain an Asian power."

The first of these sentences was from page 55 of Colonel McNeill's text; the second, from page 36; the third and fourth (quotes from Prince Souvanna Phouma of Laos, though the CBS excerpt did not indicate that), from page 48; the fifth, from page 73; the sixth, from page 38. They were made to appear continuous by a standard film-editing technique, in which shots of the speaker are alternated with shots of the listening crowd.

Now, there is simply no question that this sort of thing is illegitimate. There is also not much question that CBS could have taken a continuous paragraph from the speech that would have served its purpose almost as well. From a public point of view, producer Peter Davis and/or his film editor stand convicted of improving a good story just a little, which deserves a mild rebuke and an injunction to go and sin no more. Even the most sober and responsible reporters (*mea culpa! o mea maxima culpa!*) do this sort of thing every once in a while. From Colonel McNeill's point of view, the situation may be somewhat different, for CBS did show him deliberately and consciously violating a Defense Department directive, while the full text of his speech could be held to leave him at least a loincloth of self-image that he was obeying the rules. He is suing CBS for \$6 million, and presumably a court and jury will decide whether or not CBS violated his rights by stripping him of this self-protecting belief.

The other matter was considerably more serious as a question of reporting practice (though quite trivial in terms of the message of the program). Roger Mudd had interviewed at length Daniel Z. Henkin, Assistant Secretary of Defense for Public Affairs. With his tape recorder rolling in the background (the Defense Department requires officials to make tapes of interviews), Henkin ran down some of the divisions reporting to his department, ending with the "Directorate of Community Relations," which he described as a service that arranged meetings, sent speakers, etc. Mudd then asked, "But aside from your meetings in which you disseminate information, what about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?"

Henkin replied, "Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move or try to move to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that the American youth have an opportunity to learn about the armed forces."

On the air, this sequence appeared as follows:

MUDD: What about your public displays of military equipment at state fairs and shopping centers? What purpose does that serve?

HENKIN: Well, I think it serves the purpose of informing the public about their armed forces. I believe the American public has the right to request information about the armed forces; to have speakers come before them, to ask questions and to understand the need for our armed forces, why we ask for the funds that we ask for, how we spend these funds, what we are doing about such problems as drugs—and we do have a drug problem in the armed forces; what are we doing about the racial prob-

lem—and we do have a racial problem. I think the public has a valid right to ask us these questions.

Henkin's reference to recruiting as a purpose in displaying military equipment at state fairs, a reasonable enough reply, had been deleted; and in its place CBS had inserted, from a subsequent section of the interview, some statements from Henkin's answer to a question Mudd had asked him about "the instant availability of military speakers at Kiwanis and Rotary and so forth." This question was not presented on the program; and the result was to make Henkin seem like a weaseler and a fool.

Mudd's next question, as the show ran, was, "Well, is that sort of information about the drug problem you have and the racial problem you have and the budget problems you have, is that the sort of information that gets passed out at state fairs by sergeants who are standing next to rockets?"

Henkin's actual reply was: "No, I didn't—wouldn't limit that to sergeants standing next to any kind of exhibits. I knew—I thought we were discussing speeches and all."

On the program, Henkin's reply was presented as: "No, I wouldn't limit that to sergeants standing next to any kind of exhibit. Now, there are those who contend that this is propaganda. I do not agree with this."

The second sentence of the reply had been lifted from the context of an answer to an earlier question. And, of course, Henkin looked confused, because he had thought he was answering a question about speakers at meetings; and the look of confusion is not unlike a look of guilt.

This episode shows at least subconscious malice, a desire by the producers of the program that the man in charge of the Pentagon selling apparatus look bad on the home screen. (To the contrary, incidentally, Henkin appears from the record as one of very few heroes in this story. He told the House committee that what had happened to him was unique in his long experience with CBS.)

(Asked whether he thought CBS would "do any violence or damage to the First Amendment" by supplying to the committee its notes and records and film "outtakes" not used on the show, he said, "I do want to be candid with this committee and anyone else who may read its record, sir, and I must say that as a newsman on such a matter as this—I would, of course, first want to consult with my counsel—but my inclinations would be not to provide my notes or source material." This drew from Congressman J. J. Pickle of Texas a mock-sympathetic aside about his understanding of why Henkin might wish to "hedge just a little bit for the 'brothers.'")

Nobody in or out of the news business should condone the manipulation of the filmed interview with Henkin. John Tisdall, chief assistant to the editor for news and current affairs at the BBC, says that "anyone here who was discovered to have presented as the answer to a question an answer that in fact had been given to another question would be deprived of his authority to exercise discretion in the production of programs."

How much of this sort of thing there is on American television nobody really knows. Producers and film editors are disgusted by the whole controversy because, in the overwhelming majority of the cases where they wield their scissors, the purpose is to make some tongue-tied clown sound like a fluent statesman. But some Congressmen, and some others who are regularly interviewed on film for documentary programs, do believe that deception is commonplace. There have been problems, for example, about the technique of "reverses." Where possible, naturally, television news divisions like to send out only one camera, which is trained on the man answering the questions.

After the interview is over, the reporter is separately photographed asking his ques-

tions, so both parties to the conversation can be shown on screen. There undoubtedly have been instances in which reporters have rephrased their questions subsequent to the interview, to give a more favorable impression of their work and perhaps a less favorable impression of their respondents' replies. Other editing devices create an apparent dialogue between two respondents at different interviews. The two are shown contradicting each other's statements, and one side or the other can easily be shown to be "winning" this artificial argument—an especially vicious tactic, because both sides can be said to have had equal time to present their case.

On April 7, 1971, Congressman Harley O. Staggers, chairman of the House Committee on Interstate and Foreign Commerce, and of its Special Subcommittee on Investigation, issued subpoenas to CBS, demanding the record of the production of *The Selling of the Pentagon*, and to NBC, for the record of the production of a conservation-oriented documentary called *Say Goodbye*, which had shown men in a helicopter shooting and apparently killing a mother polar bear.

"At home in a hostile climate," said the show's narrator, "the polar bear for centuries has taken for granted its freedom in the Arctic. But no more . . ." The cubs of the apparently dead polar bear were shown wandering disconsolately on the ice, and the narrator intoned, "Grieve for them . . . and for us." But the men in the helicopter had merely shot an anesthetic into the animal so it could be tagged for research purposes, and in the original film, not shown on the air, the bear had later been seen lurching to its feet and walking off.

NBC had no trouble with the Staggers subpoena, because the program in question had been produced by David Wolper rather than by the network, and had simply been slotted into a time period purchased for the purpose by Quaker Oats. All inquiries were passed on to Wolper, who supplied, without raising any constitutional questions, the material demonstrating the deceptive nature of this relatively brief section of his film.

At CBS, however, the subpoena was big trouble. There were a few men at the Pentagon who had given information on a confidential basis, and the producers had a moral obligation not to reveal their names, which were, of course, part of the documentation in the files. Also in the files were the reams of internal memoranda the show had generated. Some of the comments from senior executives would be ammunition for the enemy.

Other comments would be upsetting to Cronkite, because it had been quite impossible for the memo-writers to avoid having some fun with "Walter's" involvement. And the details of how the show had been softened before airing, while they would certainly protect the network against some of the loonier charges launched by the Radical Right, would be embarrassing both to network executives and to the larger world of journalism. Staggers' subpoena was a little vague in its delimiting of what CBS was required to produce; at its worst, it was a fishing expedition that would yield many brightly colored fish, few of them of any conceivable relevance to the law-making powers of the Congress. On April 20, by appearance of counsel, CBS refused to honor the subpoena.

Some of the internal problems at CBS seem to have come to Staggers' attention, because five weeks later he amended his subpoena to apply only to the film and tape from which the material actually broadcast on the program had been selected. "All we want," said Staggers, a pink cherub with white hair, one of those country-bumpkin Congressmen who are always foxing city slickers, "is the films from which they took something, from which they eliminated. We think the people ought to know. The govern-

ment gives them a license, protects them against anybody else who wants to broadcast on those frequencies. That gives us the right to find out whether they're telling the truth or not; we're elected by the people to find out." And his committee counsel, Daniel Manelli, small, black-haired, much more urban, added, "The truth is not always complicated."

The Selling of the Pentagon was by no means the first CBS program for which Congress had issued subpoenas, and the others had been obeyed. A House Appropriations Committee had investigated charges against *Hunger in America*, and Staggers' own committee had subpoenaed the complete records both of a show on marijuana produced by WBBM-TV, a CBS-owned station in Chicago, and of a projected but never produced show on an abortive invasion of Haiti.

These two had been rather harebrained operations, involving a pot party at Northwestern staged for the cameras, and what amounted to a marginal CBS subsidy to Haitian revolutionaries. In addition, all the networks had made available without subpoena their outtakes (i.e., the portions of film not used on the air) on the riots that accompanied the 1968 Democratic Convention in Chicago.

In response to Staggers' second subpoena, Stanton came to the hearing room himself, and declared that CBS would not provide outtakes and he would not "under compulsory process" answer any questions about *The Selling of the Pentagon*. He distinguished the current case from the pot party and Haitian matters with the explanation that those had involved criminal or possibly criminal activity.

Moreover, there had been no question of investigating editing activities in the Haiti case because nothing had been aired at all. In any event, one cannot waive First Amendment rights; the fact that CBS had yielded to subpoenas before did not mean the network was obliged to do so again. Circumstances had changed: the executive branch had been leaning hard on broadcasting and on the press. In this case the government itself was investigating the probity of a broadcast critical of the government; it was hard to think of anything more likely to have a "chilling effect" on the necessary freedom of the press to criticize government activity.

By then, a large community had rallied round CBS. The network had circularized broadcasters, newspapers, and schools of journalism and secured large numbers of supporting statements, not to mention letters and telephone calls to Congressmen. Breaking their own rules about when programs had to be broadcast to be eligible for certain prizes, several universities and the Emmy committee had given awards to *The Selling of the Pentagon*.

The most serious weakness in the CBS position was the evidence of what had been done in the Henkin interview. When it became clear that Staggers was indeed prepared to force the issue with a contempt citation against Stanton and CBS, the network moved to repair its self-inflicted damage by promulgating new rules to govern editing. To prohibit what had been done in the Henkin incident would confess something CBS was not prepared to confess, so the new rules did not specifically forbid the splicing in of answers to questions other than the one asked on the air.

Instead, they required that should such things occur, "the broadcast will so indicate, either in lead-in narration, bridging narration lines during the interview, or appropriate audio lines." This is in effect, of course, a prohibition; even the most imaginative reader will find it hard to conjure up the image of a television narrator saying, "The interview you are about to hear presents as answers to our reporter's questions answers Mr. X in fact made to other questions."

Unfortunately, the Henkin dilemma went a little deeper than that. Congressmen were disturbed by the possibility that what had happened to Henkin could happen to them, and they would never be able to prove it. CBS in the past had consistently refused to provide anyone with the full transcripts of interviews from which excerpts had been aired, and other interviewees would not have Henkin's resources. The new CBS rules therefore provided that "transcripts of the entire interview will be made available to the interviewee after broadcast, upon request of the interviewee."

Later, during the Congressional debate on the issuance of the Stanton subpoena, letters from several CBS newsmen and news executives would be introduced into the record. "Examination of film outtakes," William J. Small, manager of the CBS News Washington Bureau, wrote, "even by fellow professionals can frequently be a poor judge of the actual editing without much more information." Daniel Schorr wrote that "to try to compare an edited product with the raw material in retrospect without realization of the pressures and needs of the moment is to invite over-simplified and erroneous judgments. To have to live with the constant prospect of such judgments being made would be to live with a form of subtle but real coercion." Burton Benjamin added that "it would, in my view, eliminate the appetite for investigative reporting. Much of the investigation has traditionally involved the government. The proposed system would involve a review by the very people you are investigating."

But by the time these letters were sent, CBS had already given away most of the game. There is, of course, a ponderable difference between automatically giving the government outtakes of interviews with people hostile to government policy and giving only those involving the government's own people. But the opposition expressed by Small, Schorr, and Benjamin to permitting the government to look over the editor's shoulder had already been overridden within CBS.

Assuming that the new rules are for real and not merely part of a tactic to ride out a storm, anyone who feels himself aggrieved by the use made of his filmed or taped interview will have guaranteed access to the transcript, and a free field for second-guessing the editors.

CBS was now ready to challenge Stagers in the forum where he was most likely to be beaten—the House itself. Despite brave words from counsel, CBS News, headed by a lawyer, housed no serious hope that the courts would refuse to enforce Stagers' subpoena if the House voted contempt. Stagers' position was weak on two fronts. The first, and most important to the public, was that *The Selling of the Pentagon* had been, after all, a true and fairly important public service—and among those who would vote for a contempt citation against Stanton were a number who wished to punish CBS not for contempt of Congress but for airing this particular show. Even those who were angry at what had been done to Henkin understood well enough that many of their colleagues strongest in denunciation of CBS would not have been much upset at similar treatment of, say, Bobby Seale.

More important in the House itself, however, was the narrowness of the ultimate subpoena Stanton had refused to honor, and the trivial significance of the information it could produce. Thanks to Henkin's tape recorder and Defense Department investigations, the subcommittee already had nearly everything that CBS had been ordered to produce. To exert the contempt powers of Congress to compel the production of documents that were already known seemed unwise to thirteen members of the parent Commerce Committee (out of thirty-eight who voted on the issuance of the citation).

Despite press reports to the contrary, however, the thirteen who voted against citing Stanton did not line up behind CBS. "Some of the general criticism leveled against broadcast news reporting these days is well-founded," their report said. "Our dissent is not an endorsement of the past conduct of broadcast journalism. In fact, we feel that the physical and technical limitations of the medium and the questionable practices of the past may force Congress at some future date to formulate a more effective national policy in this area to safeguard the public's interest. However, this is not at issue here except that we might lose some of our authority to act properly in the future by acting improperly here." With friends like these, CBS would never be in need of enemies.

In the end, the cogency of the minority report—plus pressure from the broadcast and newspaper fraternity all over the country—convinced the House not to act on the Commerce Committee's request for a contempt citation. On July 13, a motion to recommit the matter was carried by a standing vote of 151 to 147; when Stagers demanded a roll call, the vote became 226 to 181, and the episode was over.

Except that such episodes are never over: their echoes resound. At the Corporation for Public Broadcasting, for example, the new CBS rules for editing speeches and interviews, and for supplying interviewees with full transcripts, have provoked a management crisis. Whatever First Amendment rights CBS may have, CPB has none: its charter from the Congress requires its service to be "fair, objective, and balanced." Clearly, any grants from CPB passed through the Public Broadcasting Service to local non-commercial stations that produce documentaries would have to be conditioned on the use of procedures at least as self-effacing as those now announced by CBS. But many of the producers of documentaries at the non-commercial stations see themselves as crusaders, and the imposition of the new CBS rules seems to them the hand of Big Brother clutching at their throats.

Big Brother is in fact loose, and looking around. In the works at the House is a Truth in News Broadcasting Bill (submitted, incidentally, by a Congressman who voted to recommit the contempt citation), which would write into law a slightly tougher version of the new CBS rules and would hold licensees responsible for its violation, so that each network might have to perform a considerable song and dance for its affiliates before they would clear time for any documentary. The chance that something wrongheaded will be done has been greatly increased by an almost desperate erosion of trust occasioned by the handling of this trivial dispute about the editing of *The Selling of the Pentagon*.

Except for the *Washington Post* and maybe *Time*, none of the major news media even attempted to examine what was troubling some of the better men on the Hill. (The *New York Times Magazine* carried a flip and ignorant denunciation of Stagers in particular and government in general from the "committed" correspondent Robert Sherrill.) Congressmen looking at a record that demonstrated an instance of clear wrongdoing were told by broadcasters and journalists that the Henkin interview had been (in testimony from Stanton) "fairly edited" and (in a letter from Salant) "in accordance with customary journalistic practice." The proposition that these guys are all fundamentally untrustworthy, never far from the surface of a Congressman's mind, gained increasing authority as the dispute wore on. At least a third of the Congressmen who spoke in the House against citing Stanton for contempt also spoke about the news media in terms of irritated distaste.

"The hidden issue here," says Hartford Gunn, president of the Public Broadcasting Service, "is editorial responsibility." In the

end, there is no substitute for a professional, objective job of reporting, editing, and documentary construction. "Equal time" to reply, that favorite slogan of government, court, broadcaster, and critic, is in reality, as Gilbert Selde once wrote, "an empty formula." Selde challenged "the idea that a stranger appearing on a program to answer an attack delivered by the master of that program inherits the program's audience, prestige, and hold on the affections of the audience. Quite the reverse is true: he is psychologically an interruption that may be resented. He is attacking someone who has enjoyed the favor of the audience, and he is depriving them of what they are accustomed to have."

"I am as tired of being Caesar's only wife as you are," NBC News president Reuven Frank told his staff in a memo written in the aftermath of *The Selling of the Pentagon*, reminding everyone of NBC rules against "deceptive practice." But broadcast news and public affairs really must be Caesar's wife, even at the loss of some vivacity. A reply to a documentary, given inevitably by someone personally concerned or committed to one side of an argument, can never answer the statements of a news broadcaster who has built an image of impartiality and public service.

Hope that public opinion can police deceptive news practice is an obvious casualty of the *Pentagon* affair. Far from expressing concern about the distortions in the Henkin interview, the university and intellectual communities presumably most attentive to these matters gave the show every award in the book. A man who agrees passionately with the point of view he believes he finds in a television program is no more likely to examine the technical background of its production than a lover is to inquire into the use of cosmetics by his beloved. David Brinkley observed that nobody ever accuses a news service of bias on his side. Because interest in substance is so much greater than interest in technique, nobody has ever successfully defined "editorial responsibility" or figured out a way to guarantee its presence.

CBS showed great courage in fighting off the Stagers subpoena. If the contempt citation had gone through the House, it is more than possible that the FCC would have felt itself constrained to deny regular three-year license renewals to the CBS-owned stations, because people and organizations convicted of contempt of Congress for actions related to their broadcasting activities are dubious licensees. But a little more courage, properly placed, would have avoided the whole sordid dispute. What CBS News should have done when the Defense Department brief surfaced was to send to Henkin and probably to Colonel McNeil letters of apology from producer Davis, executive producer Wolff, vice president Leonard and president Salant, who were the chain of command on the show. The statement announcing the dispatch of such letters could have stressed the difficulties of editing under time pressure and the obvious unimportance to the show of the matters on which CBS editing had been unfair. What got the best Congressmen angry and what was discreditable to CBS News was not the editing of the Henkin interview—even Caesar's wife can be allowed erasers on the ends of her pencils—but the subsequent defense of something indefensible. If the normal standard of CBS editorial responsibility was indeed demonstrated by the Henkin episode, then there was something horribly wrong about the operations of CBS News.

Of course the *Pentagon* did not come to Congress with clean hands, but the defense of "you're another" is a confession of editorial irresponsibility and a guaranteed long-term disaster. No doubt the CBS lawyers were to blame: the first rule of legal advice, especially in situations where libel suits are a possibility, is, "Never admit nuttin'." What the television news divisions must ask them-

selves is whether they are healthy enough to withstand infection from the adversary system, whether they can afford to let their public reputation for impartiality and probity sink to that of the lawyers.

JOHNSON TELLS HIS STORY

HON. JOHN YOUNG

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. YOUNG of Texas. Mr. Speaker, I am pleased to share with my colleagues the excellent review of President Johnson's books, "The Vantage Point." Kara and Cecil Burney, reviewers of the book, have had a unique opportunity spanning many years to know and appreciate the author and his work. I commend this fine review which appeared in the Corpus Christi Caller Times of November 14, 1971, to the attention of the Members of the House:

JOHNSON TELLS HIS STORY

(By Kara and Cecil Burney)

(EDITOR'S NOTE.—Mr. and Mrs. Cecil Burney are long-time close friends of former President Lyndon B. Johnson. Burney was co-chairman of a volunteer citizens group supporting the president's nomination for a second full term before he announced he would not be a candidate in 1968. Mrs. Burney was advance coordinator for Mrs. Johnson's famed "whistle-stop" campaign tour through the South in 1964. Both have visited in the White House on several occasions.)

The Vantage Point: Perspectives of the Presidency, 1963-1969. By Lyndon Baines Johnson. Holt, Rinehart and Winston, \$15.

Lyndon Baines Johnson has lived to tell his story as he saw it. Readily admitting that others may have seen the events of his presidency in different ways, he explains that this is how it appeared from his particular vantage point. No matter what its critics may say, the good words and the bad ones, The Vantage Point is an important contribution to the history of our time.

This book, then, will become the handbook of the Johnson presidency. However deeply future scholars may delve into those five floors of crimson boxes of the presidential papers at the Lyndon Baines Johnson Library in Austin, always they will come back to this book to see what the man himself chose to say—or not to say—about an event of those times.

Millions of words have been written about Lyndon Johnson. In all of his four decades in public life he was analyzed, scrutinized, dissected; his motives screened, his complex character assailed or praised. Now he has stated his own case. The Vantage Point is the result of three years of painstaking effort.

The former President chronicles well the story of his sojourn in the White House. As one reads the book, one remembers the silence of the presidential mansion. It is quiet, so very quiet, in the family living quarters on the second floor—with only the President talking. Always talking. A friendly call to thank a congressman for his support of the education bill. Next a check with the Situation Room about a world event. Then a telephone visit with the nurse at the bedside of his old comrade, Richard Russell, and you feel he is back in Johnson City leaning over the fence at the home of a sick neighbor, offering a word of encouragement to the family and suggesting that "the kin-folks come over here and stay with us—we've got plenty of room."

Much of what he records here was done with the help of the telephone. President Johnson is Bell's greatest exponent. A small

white telephone is never more than an arm-length away. One instrument is mounted under the table in the family dining room, and you are startled to realize that some casual remark during the meal has given him an idea and that already he is calling an aide to put it into action.

The record of the tragedy of Vietnam—that ghastly war so far away and yet so very much right here—covers nearly 200 pages of the book's 600 pages. It reports but does not measure the effect on Lyndon B. Johnson, the commander-in-chief. One cannot forget the look on his face when he put down the telephone late one evening in early 1965 to announce dejectedly—as if they were his own sons—that "17 of our boys didn't make it back tonight." His agony was constant.

As one reads the story of the enlargement of the war, one remembers the commander-in-chief gently placing toothpicks on the shining surface of the dining-room table to explain in simple but all-encompassing detail the military situation at that moment. On one particularly fateful day, Feb. 28, 1968, you see that group of McNamara, Wheeler, Humphrey, Clifford, Rusk and Taylor in the family sitting room as you pass down the hall and wonder what is being discussed in such serious tones. You learn the secret when you read the account in The Vantage Point.

The happy chapters are those chronicling the good things that were done. In these pages, you live again the passage of the Civil Rights Act of 1964, medical care for the aged, the measures to provide aid to both secondary and higher education, the act insuring the right of all citizens to vote and the War on Poverty. Through him—and the First Lady—the nation learned a new word—ecology—as water and air pollution legislation was adopted and as "environmental beautification" became the policy of the federal government. These and a hundred other things the former President proposed and passed through the Congress, many that had been talked about for a hundred years but which one without his flair for dealing with the Congress could not have accomplished.

The references to people are all favorable. In fact, Johnson says not an unkind word about any person, living or dead. Even Robert F. Kennedy. As he recalls the politics of 1964, the former President does not relate the fears of his friends about the then attorney general's ambitions. But one cannot help but remember the precautions that he ordered when there were rumors of a Kennedy takeover at Atlantic City—how a group of old friends spent six weeks in the convention city gaining firm control over the convention machinery lest the rumors be reality.

This book is practically devoid of humor in sharp contrast to the man himself who can tell a good story better than almost anyone.

There are those who refer to the author as being a "politician" as if that were bad. "Politics," he writes, "is the art and craft of dealing with people. It is the art of making possible what seems impossible." This man who made things happen by virtue of his faith in people, voices his special hope that the Lyndon B. Johnson School of Public Affairs will train men and women for statesmanship, for politics.

MEXICAN-AMERICAN RELATIONS

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. LUJAN. Mr. Speaker, in this era of realignments of balance of power in the world, the United States necessarily

must realize that its own security depends, in large part, on the understanding, friendship, and cooperation that it receives from its two great natural allies, Mexico and Canada.

In the specific case of Mexico, its importance is greater since our border with this country is the mirror in which more than 250 million Latin Americans see themselves. Fortunately for us, the destiny of Mexico is controlled by a statesman, Licenciado Luis Echeverria Alvarez, who is not only committed to a gigantic program of dynamic progress for the Mexican revolution, but also understands the importance of his country's relations with ours.

His points of view of national as well as international affairs for us ought to be of paramount importance inasmuch as they reflect an independent criteria that in his constructive criticisms involve a sentiment for profound hemispherical solidarity that we ought to admire and listen to.

For this reason, I think it should be of interest to all if I introduce in the CONGRESSIONAL RECORD the speech given at the United Nations by one of the greatest leaders of America, Licenciado Luis Echeverria Alvarez:

SPEECH BY LICENCIADO LUIS ECHEVERRIA ALVAREZ

Mr. Secretary-General:
Representatives:

Mr. Chairman, in the name of the people and the Government of Mexico, I wish to express our warmest congratulations for your well-merited election which ensures the impartiality and efficiency necessary to discharge properly the matters to be considered at this session.

Despite the setbacks our Organization has suffered, Mexico's faith in it remains unshaken since it continues to contribute in an even greater measure than is usually acknowledged, to the evolution of the international community, and because it fosters permanent dialogue among the nations of the world at equitable juridic level and despite ideological or economic differences.

Mexico is the product of a broad ethnic and cultural mixture through which we share in a variety of civilizations. Our independent life began 150 years ago during a period characterized by a world realignment of spheres of domination. For more than a century after, we lived through constant threats to our territory, foreign invasions, the loss of large portions of our land and the systematic depletion of our resources.

To a great extent, the history of our republic is a reflection of the Mexican people's unflagging struggle to break with the heritage of colonialism and to prevent outside interference in domestic affairs. Due to our origins and the difficult conditions under which we have developed, we are a country jealous of our freedom and of the freedom of all the peoples of the earth.

This is why the principles that invariably guide our foreign policy are the proscription of the use of force, the peaceful solution of disputes, nonintervention, the juridical equity of states and the free self-determination of peoples.

Our enthusiastic participation in the work of the United Nations from its inception and our strict compliance with the commitments entered into in a spirit of loyal adherence to the ideals upon which the Organization's existence rests, are not a mere coincidence.

My presence at this Assembly reaffirms Mexico's adherence to the principles of the United Nations and expresses its faith in the rapid advent of a true international democracy, both political and economic.

The items on the agenda of this twenty-

sixth session are particularly significant for the present and the future.

Mexico's recollection of its own war of independence causes us deep concern for the fate of millions of human beings in different parts of the world who have not yet won their freedom.

Inasmuch as we have, since 1945, favored our Organization's growing universality, our feeling of satisfaction at the increase of its membership from 51 to 130 nations, with the admittance of Bhutan, Qatar y Bahrein, may well be understood.

A highly important advance toward this principle of universality would be to welcome, during this session, the representatives of a nation inhabited by a fourth of the world's population: The People's Republic of China, and to give it its rightful place in the Security Council.

At the same time, it will be necessary to recognize that the sovereignty and territorial integrity of the Chinese nation are juridically indivisible.

The absolute need to disarm—beginning with nuclear weapons—arises from the concept of peace as paramount among the values of human coexistence.

Mexico has given its decided cooperation to the work for disarmament at all the forums in which it has participated and most particularly at this Assembly and within the specialized committee on this subject.

Furthermore, in the belief that it is well to practice what one preaches, we put forth our most determined efforts to bring the task of banning atomic weapons in Latin America to a successful conclusion. The Tlatelolco Treaty was the culmination of this undertaking. Thanks to this Latin American instrument, there is now a denuclearized area of 7 million square kilometers, encompassing a population of approximately 120 million inhabitants. We wish to express our gratitude to U Thant who in this year's proceedings appealed once again to all the atomic powers, asking them to provide guarantees against the nuclear violation of the area covered by the Treaty of Tlatelolco by signing and ratifying Additional Protocol II of that instrument, a justified request which my country has been making and which I now reiterate most firmly.

The armed struggle that broke out in the Middle East in the spring of 1967 has created a critical situation. Its quick settlement is incumbent not only on the parties directly affected, but on all other members of the international community, since there is a sound basis to believe that this conflict constitutes the most alarming potential threat of confrontation between the so-called "superpowers." We continue to believe that resolution 242, approved unanimously by the Security Council on November 22, 1967, is the proper instrument to end this highly charged conflict.

As regards the serious situation posed by the presence of several million Pakistani refugees in India, Mexico asks that the international community make every effort to find a prompt solution that will allow these defenseless people to return to their homes.

The oceans that separate us geographically should unite us juridically. We should, therefore, strive to formulate a systematic, uniform and equitable code in this field.

Perhaps the two outstanding problems to be settled at the next conference on Maritime Law are the establishment of a regime governing seabeds and an agreement on the extension of territorial waters. The approach to the first of these matters should be guided by the fifteen principles approved by the General Assembly last year, particularly the one that characterizes seabeds as mankind's common property.

We recognize the valid concern of several sister Latin American nations who claim territorial waters beyond the 12-mile limit on the grounds of their legitimate need to

use the resources that are increasingly vital to their subsistence for the benefit of their own people and in order to prevent their exploitation by fishermen from distant lands. The time has come to define the special interest of coastal countries in maintaining the productivity of resources lying off their coasts and as a logical corollary, their sovereign right to establish exclusive or potential fishing zones.

Environmental and development problems cannot be solved by the isolated action of any one country, or even by the joint action of a group of countries. General mobilization is required since in the final analysis, it is a question of protecting man himself, the true protagonist of the drama we are living.

The conference on human environment to be held next year in Stockholm is therefore of transcendental importance. Aside from analyzing the possibility to coordinate efforts, the conference will have to confront the inescapable fact that most of the earth's surface and air space is outside the jurisdiction of nations and their conservation, in consequence, demands international agreements.

The problems involved vary according to region and even from city to city; the solutions, therefore, must always be adapted to specific needs. Industrialization often produces pollution; yet it is evident that the development process cannot be curbed, nor can any measure be accepted that hinders the industrial progress of developing countries.

There has been a radical change in the political structure of the world in the last quarter of a century. The liberation process of many nations living under the yoke of colonialism was accelerated, even under the shadow of armed peace and in a time of uncertainty and fear.

It is my hope that this era of political liberation from colonial rule will be followed by another of economic liberation, in which progress is shared among nations and the problems that concern us all are solved through solidarity and effective action.

The unbalanced stratification of the world community is the result of an historical process in which one group of nations had earlier access to the benefits of modern civilization. The struggle for power among the more developed countries was accomplished by a distribution of the benefits they derived from their positions of strength and the establishment of systems of exploitation that have survived into our times.

In the search for a new balance, we now run the danger that partisan interests of limited vision will prevail over a more far-sighted will for cooperation. The only possible way to prevent this is through reason, and this is its forum; through truth, and this must be its tribune.

United, the poor nations must establish the bases and the limits upon, and not beyond, which they will participate with dignity in the world community; for them, international relations are not a matter of domination but of autonomy and development. They reject anachronistic theories of power and hold that the independence of nations will lead to the repudiation of oligarchical systems and the establishment of an international democratic society.

There will be no peace in the world until there has been a basic readjustment of the economic relations among nations. The menace of increasing inequality between the rich countries and the poor is as serious today as the threat of atomic war.

Notions of time and space have been changed by the communications media and peoples of all races and regions are at last learning the language of universal civilization. Contrasts are thus sharpened, poverty becomes more intolerable, the injustice of wars of aggression and the offenses committed against international cooperation become more evident.

We must reflect upon the negative effects of continued prejudices which hold races and cultures different from those of the powerful nations in contempt. We must give thought to the extent to which the lack of solidarity that negates the patient work of the United Nations, is but a different expression of the same motives that lead to war.

One of the great virtues of the United Nations is that it looks upon many peoples not as they were up to some years ago, but as they may be in the future.

We must fight for the advent of an era of economic, social and political equality and we must break the bonds of serfdom so that all peoples may soon fulfill their creative potential. Just aspirations to freedom, health, food, housing, education and full employment must be guided along peaceful roads.

The demands of the world majority must not go unheeded. Our peoples seek answers and solutions to centuries-old problems and they now want to find them quickly. The nature and trend of the changes taking place over the face of vast continents depend in large measure on the attitude of the powerful nations towards those demands and on the efficacy of the mechanisms of cooperation.

Postwar hostilities are dissolving. But frustration and reaction against unfair treatment must be prevented from provoking a new and racial schism in the world between the affluent nations and those struggling to surmount underdevelopment.

No country or group of countries, powerful as they may be, may take upon themselves the exclusive guidance of world affairs and even less, the guardianship of other nations.

We are today suffering the negative results of systems that were not designed to provide a long-term solution to the true needs of the international community.

The profound crisis now manifest in world economic conditions reflects the shortcomings of the regulatory mechanisms established at the end of World War II, which conciliated the interests of the stronger countries and set up a financial system notoriously favorable to a dominant economy.

General concern with underdevelopment was then far from occupying a position of priority in the organizations responsible for ensuring peace. It was, above all, a matter of rebuilding the economies of the more highly developed countries, reestablishing international relations and defining spheres of political influence.

The ideas of the great majority were absent from the decisions made to create a world tailored to suit the more powerful nations, so much so that the trouble we now experience is the result of a substantial alteration in the relative economic levels among the rich countries.

Fortunately, solidarity among developing nations now constitutes a political force in the formulation of new strategies. We know that each of the principles set forth in the Latin American Consensus of Vina del Mar, the Charter of Tequendama, the Algiers Charter and Resolution 2626 of the General Assembly, has the backing of the millions who make up the bulk of humanity.

Liberalization of world trade took years of arduous negotiation. Adoption of the general system of preferences made us view the future with relative optimism, despite the fact that only tariff barriers were reduced, while the quantitative restrictions contained in import quotas remained unaffected.

The principle by which industrialized nations grant tariff concessions to the poorer ones to enable them to sell their manufacturers under competitive conditions, represents a step forward in offsetting existing imbalance among countries at varying stages of development. On the other hand, developing countries, in fact, grant tariff concessions on the import of products from the industrial-

ized nations since they cannot do without the capital goods, machinery and equipment needed for their progress.

We have recently been subjected to events that tend to nullify the modest, but positive advances made up to now.

It is a source of satisfaction to us that the General Assembly, upon convening the Third World UNCTAD, should have expressed its deep concern with the trend in certain countries toward intensification of protectionism, which damages the vital interests of the less developed nations and hampers fulfillment of the goals set up for the Second United Nations Decade of Development.

I consider it my duty to point out that application of a 10 percent ad valorem surtax on U.S. imports hurts my country's interests and those of all developing nations.

A protectionist race must not come on the heels of an armaments race. We already suffer the effects of inflation exported by the great powers; now they shift onto us the results of their balance of payments deficit and unemployment.

The industrialized countries should bear in mind that temporary or permanent tariff barriers levied against poor countries are not only unjustified and unnecessary, but self-defeating.

Most of the developing countries already had a trade deficit that will now become more acute; their manufacturers were just beginning to enter industrialized country markets and such measures will only force us to reduce our imports.

Furthermore, the developing world has long extended its cooperation to the industrialized nations by permitting them to make investments and obtain high profits, by becoming important customers for their exports and suppliers of raw materials which they then process and sell to other economic powers.

Mexico reaffirms the principles set forth in the "Manifesto of Latin America," which is the unanimous stand adopted by the member nations of the Special Latin American Coordinating Committee vis-a-vis the dilemma posed unilaterally by the United States on August 15.

It also reiterates its support of the theses that constitute the international strategy for the Second United Nations Decade of Development, which contain most of the principles sustained by the countries of the "Group of 77", whose number has grown considerably.

Special heed should be given to the opinions and needs of the developing countries in the reorganization of the international monetary system. The agreement of all is necessary to ensure its effectiveness and the unobstructed abiding by its rules. It should not be conceived as an instrument at the service of the more powerful economies, but rather as a factor for the expansion of economic activity to assure an increasing flow of capital, in optimum terms and interest rates, into countries that need it.

Our country gives special importance to the exchange of scientific and technological know-how. In consequence, we observe the work of the Intergovernmental Group on Technology Transference with close attention. We feel sure that the content of its report will contribute to the formulation of national and international policies to surmount the obstacles in the way of public and multilateral action.

Although spectacular results were not produced by advances in the field of economic cooperation, and these met with the serious obstacles I referred to, there is no doubt that they have wrought a change in the principles upon which international trade theory was based. We trust that the next World Conference, to be held next year in

Chile, will at last crystallize the main points upon which the hopes of the developing world now rest.

If multilateral cooperation can be a factor of progress, the growth of each country will be primarily the outcome of its own effort and responsibility.

Like all the countries of Latin America, Mexico is engaged in a race against time to provide higher standards of general well-being for its people.

Its goals are centered mainly around productivity and modernization of the agricultural economy, reorientation of industrial policy, redistribution of income, training of human resources, reorganization of public finance and educational opportunities for all.

Economic integration is a collective instrument to speed up Latin American progress. Its attainment should be one of the national policy objectives of every country of the region. Integration is an irreversible process since our peoples are aware that they cannot ignore the trend toward the creation of larger economic areas. It is for this reason that Mexico is especially interested in maintaining closer and more dynamic economic relations with all its sister nations.

To this end, it will be necessary to give greater importance to industrial complementation agreements among LAFTA members, to increase existing margins of preference, create truly Latin American multinational companies, seek to supplement our farm commodity shortages with products from the region and improve regional financing mechanisms to facilitate the export of manufactured and semifinished goods to third countries.

Mexico, on this occasion, reaffirms its support of the Latin American integration process and manifests its desire to see it become a broad-scoped reality.

There is nothing at the present time to justify great optimism regarding the immediate future. But we find hope and encouragement in the knowledge that there are men of all races and ideologies who devote their best efforts to establish a just order. One of the most illustrious of these men is our Secretary General, U Thant, who has dedicated his intelligence and determination to the cause of peace, as well as his unlimited capacity to persuade and conciliate.

As he has already announced, this will be the last session of the Assembly at which he will act in his distinguished post. Once again, on behalf of Mexico, I wish to pay homage at this time to U Thant for the incalculable services he has rendered the United Nations over the past decade.

With the brevity the occasion demands, I have reviewed the matters which I believe to be of greatest importance among the many on our program. I offer these reflexions for your consideration. No better repository for them than this forum, representative par excellence of world opinion and of the aspirations of the human race.

In taking my leave of you and expressing my appreciation for your kind willingness to hear me, I would like to conclude by reaffirming my confidence and that of my people in the future of the United Nations. Our Organization is humanity's guide and mirror and our faith in its future runs parallel to our faith in man and his destiny.

The course of history is traced in advances and retreats, victories and defeats but in the final analysis, there is always an irreversible gain. What has been attained at internal level through the establishment of government by law must be achieved in the sphere of the international community we are all pledged to build. Its structure is ideally shaped in our Charter and each of its principles and aims represents a daily challenge to which, day by day, we must respond.

R. F. K. CALLED \$1 CHECKOFF PLAN DANGEROUS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, during 1967 we heard a good deal of strong and persuasive criticism of the \$1-per-person tax checkoff plan for presidential campaigns that had been enacted in the closing days of the 89th Congress. Among the most forceful critics of the \$1 checkoff was Senator Robert F. Kennedy.

In reviewing the several days debate on the Pastore amendment this past week I am disappointed to note that Members of the other body have failed to recall the admonition of Senator Kennedy of New York in early 1967.

For the benefit of my colleagues I include as part of my remarks a news report by David S. Broder, which appeared in the Washington Post, January 19, 1967.

The current \$1 checkoff plan differs somewhat from the one enacted in 1966. The current proposal contains stricter requirements for candidate reporting and payment eligibility, and it requires the Comptroller General to draw up rules and definitions for "qualified campaign expenses." But several features that troubled the late Senator Kennedy still remain in the current plan.

It does not restrict payments to such easily audited expenditures as the purchase of television and advertising time. And it grants to the authorized political committees of the presidential candidates fully as much power as the 1966 legislation had granted to the party national chairmen.

Accordingly, Mr. Speaker, I believe that the strong reservations Senator Robert Kennedy expressed about the Long amendment apply equally to the Pastore amendment that is now before the House and Senate conferees. Today's proposal is an improvement, but it is every bit the temptation that Senator Kennedy perceived.

The article follows:

[From the Washington Post, Jan. 19, 1967]

R. F. K. CALLS \$1-PER-PERSON TAX PLAN FOR POLITICAL CONTRIBUTION DANGEROUS

(By David S. Broder)

Sen. Robert F. Kennedy (D-N.Y.) said last night that the \$1-per-person tax checkoff plan for presidential campaign contributions approved by Congress last year contains an "extremely dangerous" grant of power to the heads of the national political parties.

Kennedy, in an interview with the National Educational Television network, said it was "imperative" that the new law be changed to put "very tight restrictions" on the authority of the party chairmen to use the estimated \$30 million each party will receive from the taxpayers.

Otherwise, Kennedy said, each party chairman "is going to have an immense amount of money freely at his disposal to use all across the United States . . . in any way he sees fit in a manner that I think is very dangerous."

The Kennedy interview was broadcast last

night in New York and will be seen tonight at 8 o'clock on Channel 26 in Washington.

The target of Kennedy's criticism was an amendment sponsored by Sen. Russell B. Long (D-La.) permitting each taxpayer to indicate by a check on his income tax form that he wants \$1 of his income tax used to finance the next presidential campaign. The money would be divided equally between the two major parties, with special provisions for a share to a minor party that received more than five million votes.

Long appended the amendment to the so-called "Christmas tree" bill closing foreign tax loopholes. President Johnson signed it with a statement saying "presidential candidates will no longer have to rely on special interest groups to meet the heavy financial burden of a campaign."

Kennedy told NET interviewer Paul Niven that he, too, favored public financing of presidential campaigns but added that the Long amendment "puts too much money without any restraints in the hands of political organizations."

Kennedy told Niven: "Say you were my friend here in the city of New York and I was head of the Democratic Party, I'd say to you. 'Here's \$500,000, I hope you can work for the candidate in 1968' . . . And if you have a struggle for the nomination, you know that the money is going to go to the head of the national committee . . . He can easily indicate to various parts of the country that they will receive large amounts of money if they vote in a way that meets his wishes."

Kennedy suggested that the law be changed to require public accounting of the fund's use and perhaps to restrict use to easily audited expenditures such as purchase of television time and advertising.

SPEECH BY MR. M. O. LEE, CHAIRMAN OF VF CORP., TO ALABAMA CHAMBER OF COMMERCE, NOVEMBER 18, 1971

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. NICHOLS. Mr. Speaker, on November 18, Mr. M. O. Lee, chairman of the VF Corp., addressed the Alabama Chamber of Commerce meeting in Montgomery. I believe Mr. Lee has a number of very important and thought provoking remarks in his speech and I include it in the RECORD at this point:

SPEECH BY MR. M. O. LEE, CHAIRMAN OF VF CORP., TO ALABAMA CHAMBER OF COMMERCE, NOVEMBER 18, 1971

My sincere thanks for your very kind welcome. Alabamians have set a tradition for gracious treatment of their guests and I am delighted to be a beneficiary of your hospitality.

I would not violate that hospitality by commenting on the Alabama-Auburn football game. The sports writers say the winner will probably play No. 1—Nebraska—in one of the bowl games. I must tell you I was born and grew up in Nebraska. So on behalf of the Cornhuskers from New Jersey, Pennsylvania, and Ohio who have been attracted to Nebraska by the good weather, high educational standards, and other factors of interest to athletes, may I ask you—and particularly the Alabama and the Auburn football squad—to treat our poor little Nebraskans kindly and gently and with real Southern hospitality.

While we share a common interest in foot-

ball and the ball games, more important is the common interest we share for what happens to American business and workers here in Alabama and throughout the nation. I, as a representative of one of the nation's largest apparel manufacturers, you, as a leader of Alabama industry, our destinies are linked and I welcome this chance to discuss the problem . . . and opportunities we share jointly.

Despite the success of Nebraska, Alabama, and Auburn on the football field, 1971 has been a pretty tough year. We can point to a lot of things that happened which we do not approve.

But the truth is: 1971 was not all negative. I believe that in the future it can be said of this year that it was a 12 months when the people of this nation rejected mod rule and the hippy philosophy of something for nothing . . . a period when the leaders of this nation—in Washington, in industry, and in labor—finally said enough to the tidal wave of unrestricted imports that have been engulfing us;

Enough to monumental trade deficits;

Enough to discrimination against American capital good abroad;

And enough to inflation, the silent thief that has been robbing us of our savings and sapping our will to work.

I am very much concerned with the apparent stand of international trade and its repercussion upon our apparel industry. Today I would like to discuss with you the matter of imports that have already destroyed portions of our industry; that has helped raise unemployment in our country to unacceptable levels, that has cut unduly low margins of profit in many companies, and that threatens to turn our nation into a dumping ground for products that we will eventually be unable to pay for.

Alabama is a State vitally dependent upon apparels and textiles. Some 229 apparel plants in your State employ over 41,000 workers. The textile industry in Alabama adds another 43,000 workers operating 129 plants. Twenty-six out of every 100 manufacturing workers here in Alabama depend upon textiles and apparel for a livelihood.

VF Corporation has 16 plants in Southeastern United States and employs 18,000 people of which 8,000 are employed in Alabama.

How can our workers compete with those in Japan who average 39c an hour in the apparel industry; with those in Hong Kong where the average hourly wage for clothing workers is 26c; with Taiwan and its 15c an hour scale; and with Korea which pays its workers an average of 9c an hour. Try to compete with them.

Here in Alabama, your steel industry and your chemical industry and your textile industry have also been undercut by imports from nations whose wage scales are sharply below yours. We would like to compete with foreign producers but would like to do so on equal terms. We are handcuffed by wage scales, tax laws, policies, and regulations that most foreign producers do not have to put up with.

Alabama, then, is a State that knows first hand the effect of unfair competition from abroad.

How did this situation arise? How did we lose our preeminence in international trade?

Five years after World War II ended, we were the undisputed number one industrial power in the world. We still are. But our position is fast slipping. In the past two decades, the growth rate of our gross national product has ranked three from the bottom among the 21 leading nations of the globe.

Two decades ago the American dollar was the world's most respected currency—that standard by which all others were measured. It no longer is. It was a shocking experience

for Americans this past summer to have their dollar rejected by Europeans.

In 1950, mills in Pittsburgh, in Chicago, and in Alabama produced almost one-half of the world's steel production. Today, these mills actually have a mere one-fifth of all steel production.

Two decades ago, Detroit produced 3/4 of all automobiles in the world, and we had a sizeable export trade in automobiles. Today our share of the world's market of automobiles has shrunk to just 1/3. Thirty-five percent of new car registrations in California are foreign.

After World War II, our ship yards were the largest and finest in the world. Last year, they produced only 2% . . . 2% of the world's merchant ships.

Our machine tool industry was once the pride of the world. We have backed into fourth place.

Now the industry with which I am intimately concerned—textiles and apparels—have been short nothing of a disaster area as a consequence of our over-liberal trade policy.

A respected figure in the American footwear industry has estimated that imported footwear has wiped out 76,250 job opportunities in this category alone by 1969. By 1975; the figure could reach 169,200. Four years ago, footwear imports were 22% of the U.S. market. This year they were around 36% and heading for the 42% zone.

Another respected figure, this one in the textile industry, has estimated that to produce the 1969 volume of imported textile and apparel products would have required about 250,000 textile and apparel jobs.

Today, the American Apparel Manufacturing Association estimates, one out of every two women's sweaters sold in this country is imported; one out of three men's dress shirts sold is imported; and 1/3 of all women's blouses consumed in the United States is imported.

If you want to see how fast imports can penetrate a market, one need only look at the panty hose market where imports went from virtually nothing to 10% of domestic production in 18 months.

Textiles, particularly hard hit, have been suffering a trade deficit since 1958. Last year 1.6 billion dollars more textile and apparel products were imported into this country than exported.

The United States practically "invented" the man-made fibers industry. Imports of man-made fibers have risen from less than 1 billion equivalent square yards in 1967 to a current annual rate of nearly 4.4 billion.

This appalling state of affairs has had a direct effect on the American industry. Among textile mill product companies, after tax profits to sales have tumbled from an average of 3.6% to 1.9% in a five year span (1966-1970).

Bankruptcies are as common in the textile and apparel industries as the boll weevil in the cotton field.

My company, the VF Corporation, has campaigned against this general trend. There are several reasons for this. Our emphasis has been on man-made fibers. This is an area in which foreign competitors have only recently zeroed in. In addition, we have stressed quality and fashion and price levels that place us in the competitive battle and I might add Vanity Fair has had the financial resources and commitment that have enabled us to make technological and management advances—not really common in our industry. We are confident we can continue to grow and prosper and that our industry can recover—if people—first, begin to understand the problem, then respond in attitudes, in conviction, in buying practices.

People must recognize that the problem is not caused simply by differences in labor costs between the United States and foreign

countries—not by our inflation, nor by the effects of U.S. business investments abroad—nor by the Viet Nam war and military expenditures. Despite the over-simplified explanation you often hear for our plight, I believe that like everything in human affairs, there is no single factor behind this appalling state of affairs. Nor can we place the blame on external causes for all our economic distress.

Part of the decline in the American prestige, in American influence, our share of the world market was inevitable . . . it was bound to happen in the normal course of events. We could not remain king pin and dominate every single aspect of the world's economic fever . . . as much as some of us would like to, other countries have the same aspirations and drive and high technical skill that we do, although they may not have the same resources.

But, of course, there is no need to deliberately throw away both our preeminence or our market by short-sighted action.

Other countries don't.

Compare the United States with most of the countries of the world which are interested in trade. Compare tax policies. Take a look at the depreciation and incentive system. See who protects domestic producers. Examine the attitude of labor and government. You will begin to understand that world trade and practice by our competitors is neither free or fair. And we go into the battle with one arm tied behind our back!

A comparison of the American and of the Japanese experience over the recent past illustrates the attitude of Japanese labor leaders in fostering Japan's superior growth rate.

Japanese labor took the position that what is best for their nation and for their company is best for them. This attitude is engrained in them. Unions participate in helping the company overcome obstacles, achieve efficiency, meet competition. Japanese labor and management work as a team. Japanese unions often postpone wage increases, realizing that wages can be increased only as the company grows.

Such common labor practices as featherbedding, cooping, limiting production, the closed shops are virtually unknown in Japan and incidentally, this is true in many other foreign countries.

In America, we have some labor leaders—and this has been particularly true in the apparel industry—who I regard as enlightened. They recognize the need for craftsmanship and productivity. They understand the peril of unfair, disorderly competition from abroad but this has not been universally true by a long shot. And too often, labor and management have operated on an antagonism principal—and adversary costly in confrontation. You know the results.

Since the end of World War II, wages have been rising 4.5% each year and two years ago reached a 7.5% annual rate—3½ times the overall gain in productivity.

As a consequence, despite extraordinary refinements in production techniques and widespread adoption of automation in this country, output of the the American workers has only gained 35% in the past decade. Japan's output has soared 189% in the same time.

As a further consequence, the gap between the U.S. and Japanese hourly employment costs widened during the decade from \$2.43 to \$3.23 per hour. Whereas, American manufacturers now pay an average total labor cost of \$4.18 per hour including fringe benefits. Japanese manufacturers pay their laborers an average of 95¢ per hour.

As bad as inflation is, as bad as our labor costs and productivity might be, they are not the only culprits in outpricing ourselves in the world markets. I believe that most of

the blame must be placed on laws that hamper efficiency and productivity, and hamstring modernization and automation.

Fred Borch, Chairman of General Electric Company, put it this way in a recent speech: "What is the real reason for the serious U.S. trade situation? It boils down to the fact that other countries have placed international trade as a top national priority and have adopted structural policies to promote their sales and balance of payments."

What does Mr. Borch mean by structural policies?

It is very basic. We must restructure our laws and policies in order to intensify capital investments in modernization and automation. We must encourage investments in research and development. And industry must be rewarded, not penalized, for doing what is so obviously in the interest of the American public.

The Japanese and West Germany governments understand the necessity for having the most modern machinery and actually foster new construction and modernization. The American government, committed to fantastically high levels of government spending, makes unrealistic and inadequate tax concession for new plants and replacement of equipment.

In the decade just ended, investment in new plants and equipment, Japan reported somewhere around 1/2 of the gross national product. In West Germany, the comparable figure was 25%. Among large countries, the United States stood last in new investments in plants and equipment as a percentage of gross national product . . . only 16%.

Despite recent improvement in depreciation guide-lines and improved first year writeoffs, the United States continues to have the poorest capital recovery system among the world's industrial nations. After 7 years, the average total recovery for capital expenditures by American corporations is still only 76%—or 4 percentage points below the first year writeoffs of U.K. Corporation.

The need for improved depreciation policies has been heightened by our growing ecological concern. I am for fighting pollution and protecting our environment. But I think it is also important to look at the cost. For example, the Industrial Conference Board, a non-profit, fact-finding group, have estimated that by 1975, public and private spending for air and water pollution alone will total \$61.7 billion. This amount of money, if invested in new plants and equipment, would create jobs for 2/3 of the nation's 4.8 million unemployed.

Incidentally, other nations have not yet assumed such responsibilities and accompanying cost burden, nor are there any signs that they will. Hence, American corporations are operating under another large burden.

The handicaps under which American corporations operate are compounded by aggressive policies of foreign government in subsidizing exports direct or indirect, and by restrictions placed on American investments abroad.

In Japan, most industry is closed to majority U.S. participation. And direct investment is restricted largely to new firms when imports, fairly stiff quotas are imposed in 40 categories of goods including coal, computers, oil and shoes and other leather products. Major tariff barriers include duties of up to 40% on value of canned fruits and vegetables, up to 25% on cosmetics, up to 25% on computers. A commodity tax is added to the cost of such items as automobiles, air conditioners, cosmetics, and film. Even where there are no quota restrictions such as with apparel, Japan has found ways to keep out most U.S. apparel products.

Controls on capital investments and quotas are only two of a host of known tariff barriers that are used by many countries to effectively control the flow of imported products. These

barriers have become more important since the Kennedy realm which reduced tariffs by as much as 50% and thus limited the ability of tariffs to regulate trade in many products.

Known tariff barriers take many forms. For example, France and Belgium have very high taxes on large automobiles which fall almost exclusively on U.S. automobiles. Italy virtually excludes imports of Japanese automobiles. This has increased the pressure to market Japanese automobiles in other countries, particularly the United States. In the power generator field which is mostly government controlled in Europe, purchase of generator equipment is usually made domestically or at least within the economic trade block.

In the electronics equipment field, France, West Germany, and the U.K. have a tripartite accord on quality certification which, according to the Department of Commerce, could be detrimental to U.S. products. Basically speaking, these specific items have turnover taxes. These taxes are levied on all imports but rebated on exports. This helps the European manufacturer since it reduces his price. What a contrast to the way American manufacturers are treated—and taxed!!

Let me make one thing clear. I am not an isolationist opposed to world trade.

The VF Corporation is an intimate apparel complex. We have plants now or will have shortly in Spain, Belgium, Scotland, Ireland, Greece, South Africa, Rhodesia, Colombia, and Canada.

But we invest our own money in those countries and take the same risks as everywhere else. We create jobs and compete in every market. If foreign countries want to invest in America on the same basis, I have no objection. I welcome them. Just let them play by the same rules, with the same wage scale, the same taxes, and the same opportunities as we do.

I've suggested, I agree with General Electric and Mr. Borch: We need new structural policies and we need to understand the importance of world trade to our national interest.

We also need some other things—like getting back to basics and working from the premise that "Patriotism" is not a four letter word. We should give preferential treatment to our own citizens, to our own country, by buying goods of American manufacture whenever they are available. By "Buy American" we are giving employment to American citizens, upgrading American skill, reducing unemployment rolls, and contributing to the maintenance of our schools and other civic enterprises, contributing to the strength of our balance of payments, strengthening the American dollar.

A dollar invested in goods of American manufacture, whether it be textile or apparel or automobiles or steel, has a multiplier effect. It goes round and round our economy, benefiting everyone.

I am not saying buy a product of lesser quality just because it is made in America. I am saying the American consumer should at least be given the option of buying products made in the U.S., and many retailers do not even provide that option today.

Somehow we have been blinded by the mystique of foreign labor. We have been taught to believe that if goods are made in France, Turkey, or Hong Kong or Mesopotamia, they are exotic and more desirable. Foreign labels carry a certain snob appeal. Yet, no country on earth produces wares as fine as those made in America. I have been going around the country preaching the gospel of "Buy American" and the response that I have been receiving has just been tremendous. People have been telling me that a "Buy American" movement is long over due so, look for the "made in America" label. You

will be benefiting your neighbor as well as yourself.

"Buy American" is not enough. Even an effective "Buy American" campaign coupled with the existing tariff rate on imports cannot cope with the unrestricted market of foreign products in this country.

What is needed is a program for series of mod multi lateral agreements which would put exports-imports on a rational, orderly basis. One of the goals of such multi-lateral agreements would be to help developing nations market their excess products through the world. Yet, these exports must not be detrimental to the importing countries. It is one thing to share our market. It is quite another to lose it! Nevertheless, I favor working for multi-national arrangement that would also serve as a basis for further negotiations of truly reciprocal trade by eliminating barriers to export trade, particularly the barriers faced by American producers.

Recent agreements negotiated by President Nixon with four countries—Japan, Hong Kong, Korea, Taiwan—on wool and man-made fibers apparel—are a step in the right direction. These should be used as a step to a multi lateralized agreement covering the trade of all textile-apparel products. Within this, a forum could be set up to police the operation of the arrangement and help reduce existing barriers in trade in these products. Multilateral agreements of this type could logically be expanded to the steel, automotive, electronics, and other sectors of our economy suffering from indiscriminate imports.

Coincidental with these agreements, an equitable monetary agreement should be developed so world trade can be resumed in an orderly manner. While these multi lateral agreements are being hammered out, we should work for a lowering of trade restrictions and barriers to investment of American capital abroad.

While we are bargaining for our exports on a quid pro quo basis with foreign nations, we must continue to put our economic house in order. We have suggested not pricing ourselves out of new markets with a prolonged wage-price spiral. The President has announced a temporary halt to this self defeating practice. Now we have gained breathing time to make positive moves toward expanding our export market.

Phase 2 should give us the opportunity to begin to build a more rational, logical economy.

During Phase 2, we should also seek to regain our technological leadership in areas where we have lost it and to extend our leadership where we are ahead.

Outstandingly superior technology may be the one enduring, our prime weapon, in our struggle for economic vitality—against unfair foreign competition. Again here is an instance where tax incentive—national commitments—are required.

My personal hope is that the period of Phase 2 will provide an opportunity for national reexamination.

We need in this country an infusion of pride—pride in ourselves as people, pride in the work we do, the pride we make, the country we are constantly remolding.

Recessions are no fun. But they are educational!

Perhaps out of the recession, we are learning a concern for people here in the United States who need jobs. We are learning that it is in our own interest when American business profits and reinvest and create new jobs. We are learning that retail sales do not come from low priced merchandise, produced abroad. Retail sales come from American workers who have jobs and confidence and money to spend.

You business man here today—what kind of car do you drive? What kind of camera do you use? Where are your clothes manu-

factured? What are you doing to let Congress and the President know how you stand on adding fairness to our out-of-kilter world trade position? What are you doing to explain the importance of this whole issue to your employees and suppliers and friends? None of us have done enough.

Let us all hope for a world where there is a free, fair flow of trade. Let us hope that trade restrictions and barriers can eventually be removed. But until there is fairness, until there is orderliness, until relative stability and equilibrium can be restored and foreign obstacles to free trade be removed, let us do what we must to protect American jobs . . . sustain American industry . . . and stimulate American capacity to do the things required to assure our people a better life.

There is no nation or culture on the face of this earth that has produced more goods for more people in as short a period of time as the United States of America. And I believe it is high time that all of us, the press, radio, TV—stop whipping the United States of America and point with pride to her accomplishments.

PAN AM LOOKS AT THE SPACE SHUTTLE

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. FUQUA. Mr. Speaker, it has been my privilege, over the last few years, to study our national space program, particularly the low-cost transportation system known as the space shuttle.

During the debate on the NASA authorization bill, I said that the development of a low-cost transportation system to space is feasible.

Therefore, it was with great interest that I read a speech delivered by Najeeb E. Halaby, chairman and chief executive officer of Pan American World Airways, titled "A Commercial Airline Looks at the Space Shuttle," delivered at the Society of Experimental Test Pilot's symposium, in Los Angeles.

In my opinion, there are few in the field of aviation today as well qualified to speak on this subject as Mr. Halaby, about whom President John F. Kennedy said, when he appointed him FAA Administrator:

We have looked for the best qualified and professionally competent man. We have found him in "Jeeb" Halaby.

What better team than this man and this company, Pan Am, with its depth of experience and talent in the space field, to evaluate the space shuttle.

In his speech Mr. Halaby said he does not consider it at all inappropriate to discuss today a time not far ahead when men will be going routinely from earth to outer space in a space shuttle.

"Some may question the assumption that a shuttle through space is not far off. But in historic context, it is imminent." He pointed out that progress in man's locomotion has accelerated and telescoped, and in this respect, we cannot consider a space shuttle far away. "We see this progress linked closely to the commercial airline."

Mr. Halaby told how Pan Am began dreaming the dream of space in 1953 when it organized what is now called its Aerospace Services Division to help develop, then to support the Air Force's Eastern Test Range, and what is now known as Cape Kennedy.

He feels airlines should play an integral role in the space shuttle program and indicated that NASA has already shown that it appreciates the contributions the airlines can make to the program, by having airlines participate with space contractors in the development of the space shuttle.

Mr. Halaby explained that Pan Am has been working on the space shuttle for the past 2½ years and is now teamed with McDonnell Douglas and Aerojet General on this project, with its specific, if not exactly precise role, to make the eventual space shuttle work more like a standard airliner than a quarterly experiment.

The key to practical application of the space shuttle is basically the same as the key to developing commercial aircraft: reduction of the cost per pound of payload. Since it takes much less energy to put an object in earth orbit than to fly the same object across the United States, there is no reason why the cost of space shuttle operations should not become as low as or lower than that of jets. The main costs, however, are the same for the space shuttle as they are for commercial airliners: it is not the energy, but rather the vehicle, operating personnel, and the logistic support, that eat up the budget. Here the airline has a great value. Commercial airlines have great depth in operations and logistic support with that other reusable space vehicle, the airplane.

Mr. Halaby explained that as presently visualized, between 1980 and 2000 a space shuttle will evolve from a reusable vehicle that will put a 60,000-pound payload into a 250-mile earth orbit at a cost of about \$100 a pound, into one that could carry a payload of up to 150,000 pounds into higher orbits at costs of \$10 a pound, and with lower G-forces on take-off.

He said the present forecast is that the space shuttle will be used to support space stations by transporting crews and supplies, to launch and service satellites, and to serve as a rescue and emergency vehicle.

As costs come down, though, applications may multiply. Some scientists predict that manufacturing in space will become a commercial venture worth hundreds of billions of dollars by the end of this century.

They say this is because the unique environment in space could make possible new and vastly improved manufacturing techniques for many valuable products. Satellites could become the sentinels that will alert us of dangerous storms, of rotting but remote forests, of drought and rain in farming areas, of invisibly deteriorating crops, of river and ocean pollution, of earth faults, of geological properties like mineral and fuel resources. They will revolutionize even further communication and navigation. They will become the sensors—the eyes and ears of all those concerned with environment, ecology, and earth resources.

Mr. Halaby stated that these and other activities will call for a fleet of space shuttles, transferring and supplying crews on space stations, servicing navigation, communications, and earth

resources satellites, supporting this entire elaborate space community.

A commercial airline, with its depth of experience and talent in the field, could be the most efficient and economical agency to operate, under contract to the Government, a Space Shuttle airline between earth and space.

Just as Pan Am teams at Cape Kennedy have maintained the spaceport, launched vehicles, manned the weather and communications operations, he visualizes commercial airline teams operating the space shuttleport.

And since the shuttle, unlike today's unique space vehicles, will be working vehicles, he sees no reason why the men at the controls should not be commercial captains, taking off somewhat more steeply perhaps, but then navigating and maneuvering to their destinations in space much as they do in the air, then reentering the atmosphere, and landing the vehicle like an airplane.

In discussing Pan Am's most glamorous vision, Mr. Halaby said:

The "Impossible Dream" we insist on dreaming is that of the Space Shuttle as an air transport, carrying passengers from New York to Tokyo—in 45 minutes, or from Los Angeles to Rome in 40.

He can visualize a rocket-powered vehicle with 100 passengers—not counting stewardesses—launched vertically in a suborbital trajectory at the precise azimuth for its intended destination, reentering the atmosphere without excess g-forces, gliding unpowered to an altitude where its conventional jet engines will be started, then landing on a runway like a conventional airliner. Obviously this dream is a long way down the line, and many inventions remain to be invented before it occurs.

In conclusion, he pointed out that in the past the fact that technology was capable of building a better vehicle was generally sufficient to justify going ahead and producing it, however, we learned that this is not enough any more.

The public by and large has assumed a new set of values, and these values have to do not with speed and scientific accomplishment, but rather with tranquility, fresh air, and value-received-for-cost-paid.

And we have learned—or we had better have learned—that from here on out, our future will depend not on a few leaders, but on a concerned and aroused public at large. So our design criteria for a space shuttle are not related simply to its efficiency, its speed, its fuel consumption, its payload, and all those other traditional concerns. Superimposed on these already-difficult specifications is the requirement that the Space Shuttle fulfill a real need of people; that it operate at a cost the public can afford; and that it operate within parameters of social acceptability.

H.R. 6834

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. WALDIE. Mr. Speaker, I am most appreciative of the opportunity to speak on behalf of H.R. 6834, to provide

Federal financial assistance for the reconstruction or repair of private non-profit medical care facilities damaged or destroyed by disaster.

I am sure we are all aware of the millions of dollars damage done to such installations by the earthquake which occurred in Southern California earlier this year.

Mr. Speaker, that earthquake was only of medium intensity. There are a number of communities built on little known earthquake fault lines in California which may sometime feel the effects of another quake of the dimensions of the one cited above. We may, although I most assuredly hope not, sustain a quake of major proportions in the future. I would be more confident of our ability to rebuild vital medical installations if H.R. 6834 were passed into law.

Again, Mr. Speaker, thank you for the opportunity to present my views on this legislation.

THE SUBURBS HAVE TO OPEN THEIR GATES

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 1971

Mr. REID of New York. Mr. Speaker, I direct the attention of my colleagues to the thoughtful article which I am inserting today in the RECORD. The article, entitled "The Suburbs Have To Open Their Gates," is authored by the distinguished and able urban planners Paul Davidoff, Linda Davidoff, and Neil Gold who are working to open up housing, and thereby other opportunities including education and public services, to minorities in the suburbs. Mr. and Mrs. Davidoff and Mr. Gold work with the Suburban Action Institute located in White Plains, N.Y.

As this article points out, the issues of substandard housing, exclusionary zoning laws and other problems that we consider "urban problems" are far from that. They are urban and suburban and above all they are national and should be recognized as such. This article merits our attention and our study, and I commend it to the attention of the Members.

The article follows:

THE SUBURBS HAVE TO OPEN THEIR GATES
(By Linda and Paul Davidoff and Neil N. Gold)

A few years ago, socially conscious residents of the New York suburbs joined in a project that occupied several spring weekends; they chose blocks in the East Harlem and Bedford-Stuyvesant ghettos and traveled to them in teams, equipped with paint, brushes, buckets and mops, for cooperative clean-up, fix-up sessions with the residents. This was a way for middleclass people to experience and, at the same time, try to help solve the neighborhood problems of the ghettos.

A few weekends and some paint had little effect on the crumbling structures and festering economic and social problems of the ghetto neighborhoods. But these efforts, worthy enough in themselves, skirted the reality: that it is the exclusionary practices

of the suburbs themselves that help create the poverty and ugliness of the slums, and that well-motivated suburbanites could do more for poor and working-class people trapped in the inner cities by opening up their land, job markets and tax resources to them.

The 1970 Census revealed what had begun to dawn on urbanists in the nineteen-sixties: that the suburbs contain the largest share of America's population. In 1970, 36 per cent of the people lived in suburban parts of metropolitan regions, 30 per cent in the central cities and 34 per cent in rural areas. Some time in the current decade, more people will be employed in the suburbs than in either the cities or rural areas. And according to all predictions, the suburbs will continue to have the largest number of Americans for a long time.

Although the suburbs have provided housing and jobs for millions of new families since 1950, many suburban communities have maintained controls over the kinds of families who can live in them. Suburban values have been formed by reaction against crowded, harassed city life and fear of threatening, alien city people. As the population, the taxable income and the jobs have left the cities for the suburbs, the "urban crisis" of substandard housing, declining levels of education and public services, and dried-up employment opportunities has been created. The crisis is not urban at all, but national, and in part a product of the walls that have been built by the suburbs to discourage outward movement by the poor and blacks in the cities.

Opening the suburbs will not only reduce race and class tensions in our society but bring economic gains to all our people—through better use of the resources these communities have to offer: land for housing (and with it the opportunity for a decent public education), jobs and tax revenues. To bring this about, we need action to convince the communities—as well as Federal and state courts and legislators—that change must come, plus imaginative planning for an era of housing construction that will meet the needs of an expanding suburban population.

LAND

The new ecological consciousness in America and the cityward movement of our population have led to a widespread belief that we are exhausting our most precious resource: the land. Nothing could be further from the truth. America is land rich. "Megalopolis," the concentration of population along the Eastern seaboard from Boston south to Washington, consists largely of unbroken expanses of open space. Settlements along the Boston-Washington corridor are mostly thin strips along major roads and railroads; off the beaten path, woods and farms predominate. Outside the great metropolitan complexes, the land is open and unused, and places that once were farm land or villages are losing their populations and returning to the wilds. Out of 3,000 counties in the U.S., 1,000 have had a net loss in population during the last 30 years; the move from country to city, and the mechanization of agricultural production, are leaving larger and larger portions of the continent's land to open space.

Within metropolitan areas, population growth has exhausted the supply of developable open land only within the older inner cities. Vacant land is plentiful within 20 to 30 miles of the centers of every major city in the nation. Without restrictive laws, it would be possible to develop commercial and industrial properties at relatively low land costs in the outer suburbs of metropolitan regions. Moreover, only restrictive zoning, building codes and other antidevelopment legislation prevent the construction of

a large number of housing units in these same areas.

The zoning laws cover a large proportion of vacant developable land in the suburbs. In the New region, 90 per cent of all such land is zoned for single-family residential use; in eight counties of New Jersey, 82 per cent of it is zoned for lots of a half-acre or more; in the portion of Connecticut closest to New York City, three-fourths of the open residential land is zoned for an acre or more. While many older suburban towns either have no significant tracts of vacant land or already have a large population of working-class and minority families, the communities that control the bulk of the vacant land have enacted exclusionary laws.

If housing could be built in an open-market situation in the suburbs, the structure of the housing market in metropolitan America would change sharply. It would be possible to build many more houses on quarter- and half-acre lots, the accepted pattern of construction in the nation since World War II. And it would be possible to build row houses and garden apartments, the least expensive form of housing for families of moderate means.

The land supply in metropolitan areas is being kept off the market not by private acts, but by public enactment. In creating private preserves for the wealthy, law has become the instrument of those who want to keep out moderate- and low-income families. This leads to a paradox that has been called "Ivy League Socialism": excessive government intervention, on behalf of not the poor but the rich. The protected property owners are precisely those most able to protect themselves from undesired neighbors by their own wealth. They can buy large tracts of land, build high fences around them and put their houses in the middle of their estates at the end of long driveways. They do not need the help of the law.

The exclusionary laws are not completely explicit: there are no zoning maps divided into racially or economically restricted areas, so labeled. But there are thousands of zoning maps which say, in effect: "Upper Income Here"; "Middle-to-Upper Income Here"; "No Lower-Income Permitted Except as Household Employees"; "No Blacks Permitted." The practical effect of the maps and codes is to prohibit all but the most costly forms of housing development.

Why do we call the result de jure segregation? Because the racial consequences have been understood for a decade or more by anyone familiar with patterns of population movement. It is a certainty that the planners and public officials who draft and enact zoning ordinances restricting land development to single-family, detached structures on plots of an acre or more do so in full awareness that, as a consequence, almost all blacks will be excluded from such zones.

In many areas, acreage zoning is the preferred exclusionary device. The bulk of the land in a municipality is held off the market except for purchasers who are able to afford a house on a tract of one, two, three or more acres of land. Since a single-family home on an acre or more of land cannot be constructed in most suburban areas for less than \$35,000, including the lot, families with incomes under \$17,000 cannot afford to buy a house built on this land (under the generally accepted rule of thumb that a family can afford to buy a house that costs twice the annual household income). Thus the housing market in the community is effectively closed to the 80 per cent of the population which earns under \$17,000—and to 90 per cent of the blacks.

In other areas—and in some communities that also have acreage-zoning regulations—housing-construction codes have been devised which require extremely expensive

forms of residential development: wide lot frontages, costly materials and equipment, square-footage requirements for house interiors—all beyond what is needed for health and safety.

In almost all suburban municipalities tax laws undergird the structure of land-use controls and provide a rationale for exclusion. The real-property tax pays the bulk of local costs for public education, the biggest item in the budget and a major factor in maintaining the status of the community. If a dozen houses are built at costs within the reach of low-income or moderate-income families, the entire community suffers because the taxes realized from the new houses will tend to be below the additional expense to the school system of educating the children from the new families.

(In New Castle, a Northern Westchester community, a 1968 League of Women Voters study showed that local school costs were so high that a new house would have to cost \$58,500 in order to yield enough taxes to educate the average number of children per household—\$1,688 in taxes for 1.6 children.)

As expenses for education have become the last straw on the suburban taxpayer's back, the impetus toward ever-higher barriers to moderate-cost housing construction has been almost irresistible. Even if motivated by the best and most democratic public instincts, a community must finance its schools; and the easiest way to make the burden bearable is to keep the community costly and exclusive.

What would happen if the exclusionary land-use controls were eliminated? In the private market, the effect would be to dramatically increase the supply of building lots, both for single-family homes and for garden apartments and row houses. The increase in supply would lower the price per lot; the result would be a sharp reduction in the cost of a new home and an increase in the number of families that could afford one. The construction industry would boom, and lower-cost housing could be produced as the market demands.

Putting aside for the moment the moral questions raised by suburban exclusion, another argument against the regulations adopted over the past decade or more by suburban communities is that they have stifled the natural development of the homebuilding industry. Today, most of the vacant residential land around New York and in other metropolitan areas is zoned for homes on lots 5 to 10 times larger than Levittown's. Zoning has operated to slow down and spread out development. In a nation that has highly valued growth, it is strange to find growth disdained as a matter of policy. Particularly at a time of recession, the multiplier effect of a sustained form of new community development—which would require large capital investment—cannot be ignored. A reinvigorated residential building industry would not only create jobs for unemployed construction workers but lead to enlarged investment in all industries required to serve new suburban developments—and to other urgently needed jobs.

Even if a construction boom produced mostly middle-class or luxury housing, it would help to ease the pressures throughout the housing market that keep moderate-income housing consumers bottled up in city neighborhoods. This is because the "filtering" process—lower-income consumers moving into housing left behind by more affluent consumers moving into bigger and better homes—could begin to operate again. The result would be some improvement in the housing situation for low-income families. The favorite argument of real-estate operators against Government housing subsidies to the poor used to be that "filtering" would satisfy this group's needs. In fact, filtering alone will never provide enough used housing to meet the needs of the lowest-income families. But the current virtual halt

in the construction of new, moderately priced housing in suburbia has made the absence of a normal used-house, or "filtered," market acutely noticeable to moderate-income families who would normally be able to afford such homes.

When, in the late nineteen-forties and fifties, it was possible for a family earning a moderate income to buy a new small house in Levittown or its equivalent, the houses and apartments these families vacated went on the market at reduced prices to families earning below the median level. Now that no Levittowns are being built, mobility in the housing market has been sharply reduced and families that should have been able to move are staying put. Obsolescent housing that should have been torn down decades ago is still in use, often at exorbitant prices; city neighborhoods that should have been torn down for urban renewal are still desperately needed for families that have nowhere else to go. It is as true as it ever was that the private market in housing, whether in new or used units, cannot provide housing for the families at the bottom of the income ladder. Subsidies, either in the form of cash to families or Government outlays for housing construction, must be provided. But the costs of such programs has become exorbitant because the private construction market for new housing has been closed off in the suburbs by artificial means.

Since the Industrial Revolution began dumping rural families into big-city slums, housing planners have recognized that public subsidy is needed to enable working-class families to live decently. Every industrial nation provides some form of subsidy for workers' housing; the United States has been in the housing business on a large scale since the thirties.

The 19th-century English garden-city movement laid down the principle that the cheapest—and most wholesome—form of housing for working-class families was the attached cottage, or row house, built so that each unit would have access to common open space. But in America, housing built for low-income and moderate-income families has generally been "projects" in the central cities: massive apartment towers built on the sites of destroyed ghettos, on land that is close to the city's hub and therefore so expensive that building at lower densities is not possible. In the nineteen-thirties the housing pioneers Henry Wright and Lewis Mumford decried the trend to housing for the poor in the inner cities; they pointed out that cheap housing at livable densities requires cheap land, and they urged public-housing authorities to build at the city's fringes. Urban-Renewal experts in the Federal Government and city authorities ignored the experts. Suburban land was locked up, and housing for the poor built at choking densities on the sites of the old ghettos.

Opening up suburban land would mean that Federal money, rather than being used to build absurdly expensive high-rise structures in inner cities, could be spread to a far larger number of units. In New York City, it costs more than \$30,000 per unit in Federal and local funds to build public housing. Row houses and garden apartments could be built in the suburbs for well under \$20,000 per dwelling unit, if the land costs were reasonable and if lot-size and square-footage requirements were not excessive. Not the least of the savings in time and money would come from working through the manageable governments of the towns, instead of the tangled and near-paralyzed bureaucracies of the cities.

JOBS

If the growth of the suburbs in sheer numbers of people has not yet been fully recognized as a fact of national life, suburban dominance of the metropolitan—and national—job markets has been barely noticed.

Yet in "bedroom" suburbs like Westchester County in New York, as many workers now commute into the county each day as travel to the city in the customary pattern.

The service sectors of the job market—the shopping centers and colleges, for instance—have followed the roads and the population. One example is the Cherry Hill Mall shopping center in Philadelphia, which employs 2,000 workers and occupies 80 acres of land about eight miles from the center of the city (accessible via three major highway bridges).

The demand for cheaper land for single-floor assembly-line and warehousing operations has brought more companies—and jobs—to the suburbs. The long, low building requires land; parking lots for employees' cars and for truck storage require land; and land that is far from the streets of the central city costs less. In Mahwah, N.J., for example, the Ford Motor Company purchased about 200 acres just off a New York State Thruway interchange, about 25 miles from the center of New York City and about the same distance from downtown Newark, for a plant which now employs 4,200 workers.

Traditionally, companies that are prestige-conscious or need a communications network near their headquarters have occupied space in downtown skyscrapers. Increasingly, however, they have been able to enhance their prestige and satisfy the residential preferences of their executives by moves to long, low buildings in parklike settings in far-out suburbia. For instance, PepsiCo, Inc., has just completed a corporate headquarters in Purchase, N.Y., which employs 1,250 people on a 112-acre site.

The decentralization of the metropolitan job market means that the working population must be permitted to decentralize too, if workers are to be matched with jobs. The unemployment rate in this recession period may be hovering around 6 per cent for the society at large, but inside the urban ghettos it has been at the Depression level of 12 per cent for years. To end the acute problem of unemployment and underemployment, ghetto workers must be permitted to follow the blue-collar jobs out of the central cities.

The remoteness of the job market for relatively low-skilled workers from the ghetto areas aggravates the employment problem. So does the lack of coordination between job-finding agencies in the cities and the suburbs, which makes it difficult for the low-skilled worker living in the ghettos to find out about and apply for low-skilled but decently paid jobs in suburban manufacturing plants. The United States Employment Service and other job-finding agencies must be reorganized along metropolitan lines, so that information about openings can be transmitted to the unemployed in the ghettos. But this will not be enough. Workers must be able to travel to the jobs, which means in the case of blue-collar jobs that they must be permitted to find homes near enough to the jobs so that commuting does not take an excessive bite out of their incomes.

If the ghettos are viewed as underdeveloped areas—an approach that became fashionable in the sixties—the need for movement of workers to jobs in suburbia is even more sharply evident. Economists who were once captivated by the notion of pouring capital investment into depressed regions in order to create new factory jobs are now beginning to recognize that by far the cheapest solution to the problem is to give unemployed workers information about jobs in thriving industrial areas, help them to learn about the unfamiliar customs and housing patterns of the new area, pay them resettlement allowances and get them moved. Only in rare cases does it pay to invest heavily in declining areas rather than help families left behind by changing patterns of industrialization to move into the economic mainstream.

TAXES

Of the 4,200 workers employed at the Ford plant in Mahwah, many live in Newark and New York, and only 88, or 2 per cent, in the town where they work. Despite the important role that this factory plays in the metropolitan economy, the local property taxes paid by Ford benefit only Mahwah residents. Taxes on industrial and commercial property that are paid to suburban communities are another example of a metropolitan resource that could be—but is not—used to help solve inner-city problems.

The tax rate on business property reflects the needs only of the suburban jurisdiction that levies it. If the suburb has a relatively small public-school enrollment, and few low- and moderate-income families, its local tax rate will be much lower than the rate that would be necessary if the business property were situated in a poverty-ridden central city. The tax rate is further reduced when, as in the case of Mahwah, the suburb uses its zoning powers to keep out children and to exclude low- and moderate-income households, including those whose breadwinners work in the plant.

Mahwah's successful effort to lure new companies and to exclude the companies' employes has resulted in a 1970 tax rate on industrial and commercial property of 1.55 per cent of full value. By comparison, the city of Newark, which houses and educates nearly 1,000 of Ford's black workers and their families, is compelled to tax business property at the rate of 7.14 per cent of full value.

Mahwah's tax base included \$104,000,000 of business property and yielded \$1,612,000 in revenues. If this \$104,000,000 were taxed at the rate levied on similar property in Newark, it would bring \$7,426,000 in added funds to the city. The comparison, of course, is a rough one, since a bigger tax base in Newark might permit the city to lower its rate somewhat. But it does demonstrate the fiscal gains that induce corporations to relocate from poverty-ridden central cities to restrictively zoned suburbs.

Suburban towns and cities use the taxes generated by the coming of large new business properties to reduce residential property taxes or to increase the quality of public services, or both. On the other side of the coin, the movement of industry to the suburbs weakens the tax bases of central cities, requires an increase in their tax rate and cripples their capacity to respond to the social and educational needs of the disadvantaged groups, many of whose members are forced to commute at great cost in money and time to the very suburban plants which are no longer on the city's tax rolls.

ACTION

The movement to open the suburbs has begun. The thorny legal, financial and moral questions will be settled not only by debate but by legislative and court action and by economic pressure.

The first step may well be the establishment of a clear connection, in the public mind and in public law, between jobs and housing for workers. The decentralization of the job market is, as we have noted, one of the least appreciated phenomena of metropolitan life; it is time that voters and public officials became aware of it and acted accordingly. Rather than assuming that a corporation moving its plant or offices from the central city to the suburbs is a tax bonanza for the lucky municipality that succeeds in attracting it, we must require that the company have a clear policy of relating jobs to workers' housing and commuting patterns. The rule must therefore be: no corporation hiring a significant number of workers can move to a location in a suburban community where the housing market is closed to families earning what the workers in the plant will earn.

In effect, this will mean that the tax benefits to a town which welcomes new industry will be balanced by the costs to that community of educating the workers' children, policing their neighborhoods, providing them with municipal services. If a community has all its vacant land zoned for single-family houses on five acres of land, then if it permits a zoning variance for the construction of Jones Corporation's new international headquarters, it must also rezone land for sufficient new garden apartments to house Jones's 300 janitorial, service and lower-level clerical workers; create sufficient quarter-acre plots so that Jones's 250 executive secretaries and junior managerial personnel have a chance of buying homes, and make sure that land and construction costs do not make housing prohibitively expensive in the five-acre zones for its 100 middle-management people.

Both state and Federal action will be needed to promote the rule. In Washington, Senator Abraham Ribicoff is working for just such an approach by reintroducing the proposed Government Facilities Location Act of 1970, which provides that no Federal installation may move to a community which refuses to provide land for workers' housing. Though it does not cover private industry, the bill would have significant impact on communities bidding for Federal largess in the form of shipyards, research facilities and other economic jackpots. (The bill did not emerge from committee last year; this year hearings are scheduled for late fall.)

If a community enforces zoning laws which in effect keep out blacks, can the Federal Government continue to provide water and sewer grants, open-space acquisition loans and other forms of aid to them? Does not such aid violate the antidiscrimination guidelines imposed by the Civil Rights Act of 1964? The clamor against suburban exclusion has led to sharp questioning of the President on this point, and a now-famous statement issued by the Administration last June was meant to answer the questions by establishing a distinction between economic and racial discrimination. A community cannot be punished, in the Administration's view, for keeping out the poor, only for overtly keeping out the black. This distinction is, to say the least, far from firmly established; and lawsuits will soon be brought to challenge the point. The suits will argue that the racial discrimination in the suburbs is the direct and calculated result of zoning laws.

In New York State, Assemblyman Franz Leichter has introduced a package of anti-exclusionary bills which include a prohibition against establishing state facilities in exclusionary communities. Such a prohibition would affect the location plans of state university branches, hospitals, state schools and other major service installations, as well as—under some interpretations of the bill—state-assisted elementary and secondary schools (meaning all schools, now that the barriers to state aid to parochial schools have largely fallen).

Massachusetts enacted in 1969 its "anti-snob zoning law," which provided that at least 0.3 per cent of every community's vacant land must be made available for the construction of low- and moderate-cost housing in each of five years. Other states, including New York, New Jersey and Connecticut, are considering similar legislation to exempt at least a portion of suburban land from the exclusionary regulations.

Our own organization, Suburban Action Institute, is seeking to induce Federal regulatory agencies to act against corporations planning moves to exclusionary suburbs. We have filed complaints with three agencies—the Federal Equal Employment Opportunity Commission, the Federal Communications Commission and the Office of Federal Contract Compliance—against

R.C.A., American Telephone and Telegraph and General Electric, for taking steps to relocate to the acreage-zoned communities of New Canaan, Conn., Bernards Township, N.J., and Fairfield, Conn.

By moving to communities within which their minority-group employees cannot find housing, we charge, these corporations are creating conditions of employment discrimination. We believe that they are not simply acquiescing in a discriminatory situation, but affirmatively aiding the creation of segregated employment. (Because of the complaint against RCA before the Equal Employment Opportunity Commission, the company has temporarily withdrawn its proposal to build offices in New Canaan for 1,000 people.)

Making laws to restrict corporations from moving jobs to exclusionary communities will not remove the basic incentive for such moves: the tax laws. As long as the costs of educating suburban children are borne by the local real property tax, a community will try to enhance its tax base by luring industry, and will try to keep out housing developments that attract families with children. A radical restructuring of the tax system for financing education is needed, both to end exclusion and to assure every child, whether born in a rich or a poor community, equal educational opportunity.

A statewide income tax for education is the remedy now advocated by the Regional Plan Association of New York, by the Lindsay administration, and even by suburban taxpayers who can no longer pay educational costs in newly developing communities. Gov. William G. Milliken of Michigan, a Republican, has moved to establish a statewide tax for education. New York State's Fleischman Commission is about to conclude a study of school financing by calling for "full state assumption" of the cost of educating children. Political pressure to relieve local property owners of the burden of school costs is building up around the country as record numbers of local school budgets are defeated.

A recent decision in the California Supreme Court may signal the beginning of the end of the present system of financing local schools. In *Serrano v. Priest*, the court said that the local property tax "invidiously discriminates against the poor because it makes the quality of a child's education a function of the wealth of his parents and neighbors. Recognizing, as we must, that the right to an education in our public schools is a fundamental interest which cannot be conditioned on wealth, we can discern no compelling state purpose necessitating the present method of financing."

The Supreme Court has not ruled on the fundamental issues raised by zoning since 1926 when, in the case of *Euclid v. Ambler*, it declared that comprehensive zoning ordinances are a reasonable and constitutional method of controlling land use. But the lower courts have begun to rule on the contention that the zoning frequently denies racial minorities the equal protection of the law guaranteed by the 14th Amendment. In one recent Pennsylvania Supreme Court case, the justices declared:

"We fully realize that the over-all solution to [housing and growth] problems lies with greater regional planning; but until the time comes that we have such a system, we must confront the situation as it is. The power currently resides in the hands of each local governing unit, and we will not tolerate their abusing that power in attempting to zone out growth at the expense of neighboring communities."

The Justice Department and the American Civil Liberties Union have raised questions of suburban-exclusion with their suit against Black Jack, Mo., on behalf of a group of black residents in St. Louis who wanted to build

housing in the town. The group charged that Black Jack incorporated itself into a municipality for the purpose of denying the needed zoning change.

Court cases challenging exclusionary laws are in preparation against a number of suburban communities around the nation and the biggest initial victory has just been won in New Jersey. Judge David Furman of the Middlesex County Supreme Court 10 days ago declared invalid an ordinance in Madison Township, N.J., that called for one- and two-acre lots, required a minimum floor-area that was excessive and placed limitations on multifamily dwellings. The ordinance, the judge said, had the effect of preventing 90 per cent of the people in the area from living in the township, and directly contributed to the ghettoization of neighboring cities. (The suit was brought in behalf of a group of black and Spanish-speaking residents of Elizabeth, Plainfield and New Brunswick.)

The judge did not reach the constitutional questions, basing his ruling instead on the state zoning law, which says that localities must zone for the public welfare. Under this law, he said, a community when it passes land-use regulations must in the future take into account not only its own needs but those of the region.

The direction the U.S. Supreme Court may take has been hinted at in recent rulings on the need for school busing to achieve integration. Despite the negative decision in the recent *Valtierra* case in California, which dealt with a referendum that was designed to prevent construction of housing for an economic minority, the record of the court on matters relating to racial discrimination has been quite uncompromising. It is fair to expect that proof of the racially discriminatory effects of exclusionary zoning will carry great weight with the court.

PLANNING

The massive spurt in suburban housing construction which followed World War II occurred at a time when new young families were desperate for homes—in a full-employment economy and following the end of war-related restraints on building. The decade of the seventies has brought the beginnings of another market of this kind (as those born in the postwar baby boom come into their own child-rearing years), but without the economic conditions which made the housing surge possible after the war.

Housing construction is now at a low ebb. Even if the vise of exclusionary zoning is removed, government subsidies and controls will be required to see to it that the combined public-private housing market actually produces the needed housing. The Kaiser Commission has called for the construction of 600,000 units of Federally-assisted housing each year for the next decade, at a cost of \$2.8-billion per year. Aid to the housing market of this magnitude, combined with the opening up of vast acreages of suburban land, can insure the construction of the housing that is needed to eliminate the slums and ghettos of the central cities and to permit rebuilding on their land at decent densities.

If suburban land resources do become available, new residential development can be of a far higher quality than that of the nineteen-fifties, which gave rise to fears about "urban sprawl," Levittowns and endless identical rows of shoddily built bungalows. Critics of America's suburbs have led us to fear the terrible sterility of look-alike suburbs. But the suburbs have offered a very satisfactory form of life to those who live in developments that do look alike in many respects. Suburbanites in Levittown and Scarsdale have found that despite the similarities of dwellings and ways of life in their communities, they still like to live there. Of

course, suburbs have many problems; what form of human community does not?

We should not prohibit development because it may have some undesirable aspects, unless we develop alternatives that provide suitable housing for all classes of the population.

The garden-city movement and the new towns of Europe as well as the best examples of new development in this country—Columbia, Md., and Reston, Va.—have demonstrated that amenable communities open to all classes can be constructed at far higher standards than those of today's expensive suburban developments, in which each house sits on a plot of one, two or more acres. Present acreage development saves no open space for the public. It calls for cookie-cutter development writ large. It demands that every inch of space be devoted to a private lot—even land not suitable for development.

But if new housing in the suburbs need not follow the pattern of Levittown, it also need not conform entirely to the rules of the garden-city movement in Europe and America. Housing can be built in small developments in existing towns, or in new towns, or in larger developments around highway interchanges and commercial projects. Towns, moreover, can assure the preservation of large amounts of open space through such devices as "cluster zoning" and "planned-unit development," which permit higher densities on portions of a tract if a certain amount of acreage is set aside for public recreational use. Nor would elimination of suburban exclusion prevent those who wish to own large amounts of land from doing so—a privilege guaranteed them by our economic system.

As the prospect of intensified development of the suburbs comes closer, private groups, sniffing profits, are investing in land for eventual massive building. One hopes that these developers will be guided by the principles of balancing industrial and commercial growth with new housing, and of a wide mixture of housing types and costs in open neighborhoods.

Nonprofit groups and public agencies should also be preparing for the future by negotiating for tracts of suburban land, on the theory that when the exclusionary laws are struck down, they had better be ready with plans for construction of low- and moderate-cost housing, or they will risk leaving the whole ball game to the private developers.

AMENDMENT TO BE OFFERED BY MR. MIKVA TO H.R. 11932, DISTRICT OF COLUMBIA APPROPRIATIONS BILL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 1971

Mr. MIKVA. Mr. Speaker, during the consideration of H.R. 11932, appropriating funds for the District of Columbia, at the appropriate time I plan to offer the following amendment:

On page 4, at line 22, strike out "\$169,167,000" and insert in lieu thereof "\$171,884,600".

On page 2 beginning on line 3, strike out "\$162,000,000" and insert in lieu thereof "\$164,717,600."

This amendment would restore \$2.7 million which the committee proposes to cut from the operating budget of the Department of Corrections.

These funds are urgently needed. The jails and prisons of the District of Columbia are so badly overcrowded at present that there is little chance for rehabilitative programs to succeed. Youthful offenders are incarcerated with hard-

ened adult criminals, due to lack of space in the Youth Center.

The District of Columbia is being squeezed through the fiscal wringer just like every other city in America. Funds are scarce and the needs are immense. But the place to scrimp and save is not on prisons. There is little point in expending massive energy and resources catching and convicting criminals, if all

we are able to do is warehouse them for a short while in finishing schools for crime. It costs money to provide the kind of individualized supervision and treatment which is required to help an inmate and to insure that he will not return to a life of crime after being released. I hope my colleagues will join this effort to restore the needed funds to the Department of Corrections.