EXTENSIONS OF REMARKS

RACINE YOUTH REACH OUT TO PRISONS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ASPIN. Mr. Speaker, it is my privilege to call to the attention of my colleagues in the House the following article that appeared in the Racine Sunday Bulletin on October 24. The article has a lot to say about the very positive contribution the youth of our country can make in comprehensive programs of prisoner rehabilitation.

I am personally gratified that I have these outstanding young people residing in my district who are willing to use some of their talents to try and reach people who now find themselves on the outside of society.

The article follows:

STUPH! ENTERTAINS AT WISCONSIN STATE PRISONS

(By Alice Anne Conner)

The 12 Racine young people forming the traveling acting group, STUPH!, are all recent ex-residents of the Wisconsin School for Girls—even the guys.

And while they were there, they say they had "the time of our lives."

In the interest of clarity, honest reporting, and the hearts of the young actors' parents, note that the group was at the detention school as part of a "prison tour" they've been doing since August, and their stay—overnight—was the result of the weather's behavior, not their own.

"The state police warned us that power lines were down and that it was really bad out," said STUPH! member Bill Barke. "And you should have seen the treatment we got! We had a whole floor to ourselves. They treated us like royalty."

OUR BEST AUDIENCES

That's been the attitude of every prison or correctional institution the group has played, according to the four members who stopped in the Journal-Times office for an interview recently.

"Prison audiences are our best audiences," said John Tradewell. "They appreciate what we do. They aren't afraid to participate in our skits, and they don't hestiate to tell us how much they like us."

After the performances, if the prison officials permit, the actors fraternize with the prisoners.

"We didn't really ever talk about why they were in prison," said one of the players. "They mostly just asked us questions about ourselves—how we got started, how we liked it—and we answered them. They mostly want someone to listen to them."

MORE SHOWS SLATED

The group's tour has included Thompson's State Camp for Men, Oregon State Camp for Men, Wisconsin School for Girls, Kettle Moraine School for Boys, Walworth Correctional Center, Green Bay State Reformatory—their first maximum security prison—and Fox Lake, which they've been to three times, and others.

They have tentatively scheduled trips to the Milwaukee House of Correction for a Christmas show, the Wisconsin Home for Women in Taycheedah (a maximum security prison), and Wisconsin State Prison at Waupun.

"They finally granted us permission to go to Waupun," said Barkee. "It took us a long time to get them to come around, but the prisoners at the other places told us to keep trying—that the men at Waupun needed to see our show worse than they did."

SUBJECT MATTER

A lot of STUPH!'s material has to do with crimes, Barke explained. "But we don't side with anyone. We get the guards and we get the prisoners."

"We got the prisons to do a show," said Cindy Strathman. "We don't talk about social conditions. We're there to provide them with a relief from prison life."

The group has been asked not to refer to Attica in any of their sketches, they said.

LEARNING EXPERIENCES

Barke said the prison tours have been a learning experience for all of them. "The biggest thing that happens," he said, "is that the first time you do a show it smashes your stereotype idea of what prisons are and what prisoners are like. You can't help but come away with the attitude of being for prison reform."

Tradewell said that everyone he had talked to was mostly looking forward to getting out. He thinks their attitudes, for the most part, were good.

"This one guy at Fox Lake helped us out as stage manager the last time we were there," he said. "He had seen us all three times we'd been there. When we told him we'd see him next time, he said 'No you won't. I get out in two weeks.' He was in good spirits."

THE MONEY SITUATION

STUPH! isn't a non-profit making organization, but neither are they profit-making, they say. "We're in a sort of financial limbo," Miss Strathman commented.

They have received help from charitable groups, like the Sisters of St. Dominic who gave them $100, and they are hoping to receive money from other organizations.

"We mostly just need to meet expenses," Barke said. "And that's not always easy."

THE 18-YEAR-OLD VOTE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ANDERSON of Illinois. Mr. Speaker, there has been a great deal of speculation about the potential impact of the 18-year-old vote. Some have even gone so far as to suggest that it will cause a major turnover in the Congress and radical alteration of our society. This in turn has given rise to a lot of chop-licking and hand-wringing, depending on how one views such a prospect. But it seems to me that such speculation is predicated on the mistaken assumption that young people are of one mind, are considerably to the left of their elders as a whole, and will have a better turnout rate at the polls than any other age group. Thus far, I have seen no evidence to support any of these assumptions. If anything, I think it is an insult to the intelligence of these young people that they are treated by some as an amorphous mass that can somehow be magically captured by a leftist Pied Piper playing the proper platitudes on his flute.

What we do know for a fact is that these young people tend to be more politically independent than their elders, and this certainly does present a new challenge to both parties. But at this point it is a bit presumptuous to predict how this group might divide when confronted with a choice. Two observers who do not think the youth factor will radically alter electoral politics are Stephen Hess, chairman of the White House Youth Conference, and John Roche, columnist, professor and former chairman of the ADA. At this point in the RECORD I include their analyses as they appeared in the November 29th issue of New York Times, and November 30th issue of Washington Post, respectively.

[From the New York Times, Monday, Nov. 29, 1971]

CORRECTIONS PLEASE, ON THE YOUTH VOTE

(By Stephen Hess)

WASHINGTON.—A front page headline proclaims, "Young Voters May Change Make-Up of Congress in '72." A more accurate, if somewhat more cumbersome, headline would be, "Young Voters Probably Will Make Little Difference in the Make-Up of Congress in '72."

The substance of Times reporter Warren Weaver's story is that young voters next year have the potential to defeat 31 of 33 Senators up for reelection and 70 per cent of the members of the House of Representatives for whom figures are available. He reaches this conclusion by determining that in these districts "the number of newly eligible voters exceeds the margin by which the incumbent was elected the last time he ran. . . ."

Fortunately for these legislators (if not necessarily the nation), The Times article—and a good deal of the conventional wisdom about the youth vote—is hugely misleading.

With only a modest refinement of the figures, it is possible to contend that the onslaught of youth ballots is more likely to defeat two (not 31) Senators and fourteen members of the House of Representatives (not 280).

The only new factor in the 1972 election equation is the vote of those enfranchised by the Constitution's 26th Amendment. Next year the number of eighteen-, nineteen- and twenty-year-olds will be slightly in excess of eleven million out of a voting population of 139,563,000, or 8 per cent of the electorate.

Voting participation in our society seems like fine wine to ripen with age. Historically, younger people simply have not gone to the polls as frequently as their elders. For example, in a Maryland Congressional election last May to fill the seat vacated by Rogers Morton, the eighteen- to twenty-year-olds made up 2.5 per cent of the total vote cast, while comprising 8.6 per cent of the district's voters

Nevertheless, given the novelty of voting for the first time and given the special efforts that will be made to get youth registered, it is reasonable to assume that there will be a 50 per cent turnout among young voters in 1972.

Public opinion surveys consistently show a two-to-one Democratic preference among the young, although the links to both parties are weak. Ideologically youth also splits two to one liberal over conservative.

Thus, postulating a 50 percent turnout and two-to-one Democratic split, what is youth's likely impact on next year's Congressional races?

In Senate elections the application of this

formula would produce the defeat of two Republican incumbents, Oregon's Mark Hatfield and John Tower of Texas.

Yet here we see the difficulty of trying to fit the youth vote into a statistical mold. Hatfield is a liberal. (Are young people liberals first and then Democrats?) Tower is a Southerner. (Are Southern youth as liberal as their Northern counterparts?)

Moreover, neither Hatfield at 49 nor Tower at 46 is a senatorial fuddy-duddy. And there is plenty of evidence that style may be more important than ideology or party label to young people. Take the considerable attraction to youth of conservatives William Brock of Tennessee and James Buckley of New York.

Excluding the House races in New York, where Census Bureau figures have not yet been compiled by age group, what is noteworthy about the fourteen Republican Congressmen who might be expected to fall victims to the youth vote is that twelve of them are first-, second- or third-termers. The only veterans to be threatened by the 26th Amendment are Alvin O'Konski of Wisconsin (second-ranking Republican on the Armed Services Committee) and Hastings Keith of Massachusetts (fourth-ranking Republican on the Interstate and Foreign Commerce Committee).

Allotting a two-thirds "liberal" youth vote in the South to the Republicans would likewise make virtually no difference on the make-up of the 93d Congress, although it could unseat James Haley of Florida, rated the most conservative Democrat in the House by Americans for Constitutional Action.

The right to vote assumes the self-protective obligation on the part of politicians to take youth seriously. They now become a force not only on Election Day but in the choice of candidates and issues. Yet the most apparent conclusion from the data at hand is that the youth vote, rather than being a "ballot bomb" as Kingman Brewster, president of Yale, has predicted, will have no explosive effect on the Capitol Hill power structure.

[From the Washington Post, Nov. 30, 1971]

AND SUDDENLY "YOUTH" ENDS

(By John P. Roche)

With an estimated 25 million new, young voters eligible to participate in the 1972 Presidential election, there has understandably been a great deal of interest, amounting in some instances of semi-hysteria, in the behavior of this huge bloc of votes. On one hand, it has been predicted that they will lead America to the promised land, rejecting the "old politics" in favor of a radical "reordering of national priorities." On the other, it has been argued that in overall political terms this new segment of the electorate will divide in roughly the same fashion as its elders, only with a significantly lower level of participation.

Obviously what is involved here is a conflict between two definitions of the average young American. One assumes that he or she possesses a high degree of ideological independence. Or, to use the catch word, "alienation" from the values of the older generations. The other believes that young Americans share their parents' values, that a certain amount of generational revolt is par for the course but does not add up to a radical rejection of traditional political patterns. The 1971 elections were subjected to intense scrutiny by partisans of both positions, but unfortunately they revealed absolutely nothing except what we already knew: that the younger the voter, the less likely he is to vote.

In the absence of solid evidence, everyone is free to speculate. For what it may be worth, I would like to suggest that those who think of American youth as "radical" are confusing activism with ideology. There has always been a tendency to equate youthfulness with liberalism, a tendency from which John Kennedy and the New Frontiersmen profited enormously.

For reasons that hardly need exploration, the young are more vital, more dynamic than their parents and grandparents. For other reasons, which out of respect for my generation will be passed over in silence, the young are encouraged to think that they invented sex, sensuality, and sin. Despite rumors that my generation was bursting with patriots volunteering to be riflemen, I suggest they are even wrong in thinking themselves to be the first young Americans who objected to being drafted.

The young then are traditionally vital and egocentric. Life is a ball until suddenly that first child is born and you face the moment of truth, you are now responsible for somebody else. It is at this point that "youth" ends; not at an arbitrary age. Some people, notably the very rich, never make it and drift through life as aging Peter Pans. Others, particularly among the 8,000,000 in the 18-to-21 category who do not go to college, leave "youth" behind well before their 21st birthday. A number of my childhood friends are grandparents several times over.

What this adds up to in practical terms is that there are two sub-groups within the abstraction called the "youth vote" which are politically strongly motivated. First, the handful of college ideologues (perhaps 3 per cent of 6,000,000), and, second, those who have in the old sense a strong stake in society; that is, those who are married, working, perhaps expecting a baby, and worried about paying bills. In between is the politically inert mass, whose political responses are somewhat wacky because they have neither an ideological compass nor a "ball and chain."

Fascinating evidence of this ambivalence can be found in Angus Campbell's superb study, "White Attitudes Toward Black People" (Institute for Social Research, Ann Arbor), which shows on the basis of careful statistically analysis that (1) young white males are far more sympathetic to black protest than their elders; and (2) they are far more favorable to white counter-riots! They are, in short, fond of action and will join whatever game happens to be in town. Perhaps it is just as well that they do not actively participate in politics.

A TRIBUTE TO THE MAYORS OF NEBRASKA'S SECOND DISTRICT

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. McCOLLISTER. Mr. Speaker, in Nebraska's Second Congressional District, we have the good fortune to have a group of mayors who work particularly well together. These men represent about 30 towns throughout the district's five counties. Although the mayors have had a good relationship for a number of years, they last year made their informal contact official and formed an association called the East Central Nebraska Conference of Mayors.

This group meets at least quarterly for the purpose of discussing mutual problems and solutions and to keep informed on what is going on within the towns which are their neighbors. I generally meet with the mayors group to explain legislation and answer what questions I can about how Federal Government works.

Mr. Speaker, the group is composed of an exceptional group of men who give their time and energies to their towns often at personal sacrifice. It is a group of men exceptionally dedicated to their jobs, and this in itself deserves mention.

But today I want to call particular attention to four of the men who this year have retired from service as mayors. They are Renos G. Knuz of Eagle; Sam Wright of Kennard; Henry Gottsch of Springfield, and Harry P. Andersen of what was formerly Millard and what has now been annexed into Omaha.

It is men like these four, doing all the various jobs and troubleshooting that can affect a town, who are responsible for contributing a solidarity to our Nation today. In times when small towns are being told they are in trouble, it is men like these who will provide the leadership that will prove to be a town's greatest natural resource.

Today I pay tribute to these four men and the others throughout our country who have given and continue to give unselfishly to insure our small towns of strength and opportunity. Mayors Emeriti Kunz, Wright, Gottsch, and Andersen, we thank you.

HEALTH BILL OF RIGHTS

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. MITCHELL. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statement before the House Ways and Means Committee:

HEALTH BILL OF RIGHTS

Mr. Chairman, I appreciate this opportunity to bring to the attention of this Committee a matter of grave concern regarding the delivery of health care in America. First, however, I wish to commend the Chairman and all Members of this Committee for moving forward with an analysis of health care in order to devise a workable, fair system of national health insurance for every man, woman, and child in America.

During the past several years, many proposals for a system of national health insurance, or universal health entitlement, have been discussed and outlined. Last year, 13 plans were placed in the Congressional hopper. During this Session of Congress, even more suggestions have been made, although the outlines of major plans seem to be getting clearer and clearer.

May I say, Mr. Chairman, that the Congress and the people of this Nation will owe this Committee a great debt, as its deliberations serve to clarify even further the issues at stake, the directions we must pursue, and the ultimate commitment this country will have to make.

This Committee already has before it the stark figures on the need for a bold revision of health care delivery in America. I will not, therefore, belabor the obvious. Nor do I come before this Committee as an advocate for any particular plan or plans proposed by my distinguished colleagues in the House of Representatives. Rather, I would draw your attention to a basic, fundamental, and all-important element that must be included in whatever plan the Congress ultimately approves.

Briefly stated, this element is the assurance that all health care will provide for the primary benefit of those in need and not for the benefit of those who provide health service. National health insurance must be a system that works best for patients, not merely a better reimbursement system for doctors and hospitals.

If that is to be the case—and I submit that it must be the case, if the people of America are to be well served—then it follows that all individuals who may need health care must be guaranteed certain rights. These guarantees, in addition, ought to be expressed by the Congress within the very legislation that will establish universal health care entitlement. In my review of the many health plans submitted by my colleagues thus far, I have been distressed to see no statement that recognized the rights of patients. I believe such a statement is essential at this time.

Mr. Chairman, I place this proposition before you not as mere rhetoric. We have had enough of that. But I am sure this Committee is aware as I am of the sense of distrust, the cynicism, that is growing among our fellow citizens towards the institutions and services of their own government.

Local public services, long regarded with respect or fear or wonder, are now under constant attack by our citizens. And in every case we can see, to a greater or lesser degree, a legitimate cause for complaint or distrust or cynicism.

Just three weeks ago, in community after community, voters turned down more money and power for local schools. They are demanding greater accountability and greater respect for the rights of students and taxpayers.

Civilian review boards are another growing issue in the area of public safety. The police themselves are having to re-examine their role in the community as the demands mount up for a greater concern for civil liberties and civil rights.

I need not tell this Committee of the chaos in our social services, particularly in welfare. Here, again, the reform of service delivery is closely tied in not just with fiscal reform but with the reform of professional conduct toward welfare recipients—a respect for human rights while a public service is rendered.

Now, Mr. Chairman, the Congress of the United States is about to embark on a broad-scale revision of public health service. This is a massive undertaking of fiscal reform. It will be a massive undertaking of the reallocation of resources. But it will also be a major re-statement, in terms of a particular public service, of the promise made by this country's Founding Fathers: that every person is entitled to Life, Liberty, and to Pursuit of Happiness and it is the job of government to protect that universal entitlement.

Therefore; whether we speak in terms of *1776* or of *1976*, the issue I raise with you today is the same: any law establishing a system of national health insurance must carry a clear statement of the rights and protections such a system will provide for all citizens in America.

Let me add that national health insurance is not only a boon to every American; it is a grave responsibility to be shared by every provider of health service—doctor, nurse, hospital administrator, technician, researcher, medical school faculty, nursing home proprietor, everybody in the health industry. It is imperative that all of them know what is expected of them under national health insurance, just as it is imperative for all citizens to know what kinds of service they are entitled to. For we have seen during these past five years of Medicare and Medicaid the shuttling of patients from private hospitals to overcrowded public facilities. We have seen conditions in nursing homes reach a point beyond human imagination; these condtions have been accurately and painfully described in the CONGRESSIONAL RECORD by our distinguished colleague from Arkansas, Rep. David Pryor. Surely, the Congress never intended that Medicare become an instrument of abuse for any needy, sick person.

But we know it has happened. We know that simple safeguards of human dignity and justice were left out of the Medicare legislation. Frankly, no one in 1965 would have thought it necessary to write such safeguards into the law.

Mr. Chairman, I know well the historic role played by you and the distinguished Members of this Committee in drafting and helping to pass H.R. 6675, the Medicare Amendments to the Social Security Act. I also know of the great struggles to resolve differences between the two Houses of Congress and among the many groups representing doctors, hospitals, insurance companies, and labor unions. But the differences *were* resolved and America took a great step forward in caring for its citizens.

Now we are all aware of an issue not discussed and never resolved in 1965—an issue that haunts Medicare to this day: the issue of the rights of patients, the beneficiaries of that great legislative achievement.

Several months ago, I was introduced to a "Health Bill of Rights," drawn up by the American Patients Association, a national organization representing consumers of health service and headquartered here in Washington, D.C. Since then, many individual doctors and hospitals administrators have indicated their support for such a statement. In addition, the National Dental Association and the Physicians Forum have come to me with expressions of support in principle for a "Health Bill of Rights" and have urged that such a "Bill" become part of national health insurance legislation.

They feel as I do: Unless the people of America—rich, poor, male, female, white, red, black, brown, or yellow—unless they all feel that this program is in effect for them, that it respects their rights, that it seeks to preserve their health and human dignity—unless this idea is put across, the great dream of national health insurance will be viewed with skepticism, cynicism, and distrust. Let me emphasize that without the trust of those it is intended to serve, a national health insurance system cannot possibly work.

At this time, Mr. Chairman, I would like to present to this Committee the 10 brief points in the proposed "Health Bill of Rights" that I introduced on November 1st. It is known as H. Res. 679.

1. Every resident of the United States has a right to the best health care available without regard to his or her race, religion, color, national origin, or ability to pay.

This is a categorical statement wholly consistent with the Civil Rights Act of 1964, with the decisions of the U.S. Supreme Court in desegregation and welfare cases, and would be covered by the "due process" and "equal protection" clauses of the Fifth and Fourteenth Amendments to the U.S. Constitution.

I might note, Mr. Chairman, that President Nixon himself has said he thinks health is a right—one of the few times we both seem to agree. I would assume that the "strict constructionists" he has nominated to the High Court would keep this in mind as health rights cases come their way in the years ahead.

II. Neither a patient's age nor sex shall be used for discriminatory purposes in the provision of care, nor shall certain age or sex groups be used for experimentation without full medical justification and informed consent.

For years we have exploited the aged, the mentally retarded, Blacks and other minorities, the poor, and those in dentention centers for experimentation. Puerto Rican, Chicano, and Black women on welfare were the first guinea pigs for oral contraceptives 10 and 15 years ago. Only last year, the U.S. Food and Drug Administration had to put out new, stronger regulations to insure the getting of informed consent from patients being used by drug companies for a variety of dangerous tests.

Now, with the aged getting increased attention, a whole new frontier of drugs and devices for old people is opening up. We must make sure that such research and experimentation is carried out with the patients' rights fully protected rather than circumvented under a loose national health insurance system.

III. Health care, including medical assistance, shall in no way violate the constitutional guaranty of privacy and of protection against self-incrimination; these rights shall prevail during examination, diagnosis, and treatment and shall govern the maintenance of all health records, verbal or recorded.

Privacy is as important to a poor child from a welfare family as it is to a wealthy youngster. If they are to be poked and probed by a doctor, let it be done with the curtains drawn. Unfortunately, this simple courtesy—which can be translated into a human right—is less available to the poor and the middle-class and most available to the rich.

But I must call your attention to a more basic issue. If everyone is to be entitled to health care, then theoretically there can be a health record on every citizen—his heartbeat, drinking habits, sex life, blood type, rate of metabolism, and so forth. We must make plain to everyone that this is *private, privileged information that belongs to the patient.*

A system of national health insurance that does not have safeguards against invasions of privacy and self-incrimination will be considereded yet another hoax by the people of America. That must never happen. And let Congress say so.

IV. Except under emergency circumstances, each patient must be informed of the treatment he is to receive, of the persons who will provide that treatment, of the nature of the treatment (whether it is generally accepted procedure or experimental), and the anticipated risks and benefits of such treatment to the extent they are known. The patient has the right to give or to withhold consent to treatment.

On the one hand, this is a re-statement of what our Nation already agreed to at Nuremburg and Helsinki following World War II. We vowed, along with all other civilized States in the world, that the horrors of Nazi "experimental medicine" would never again take place. A sick person must have the right to know what is going to happen to him—and who will be responsible for it—and he must retain the right to say "No".

But I am not proposing this particular section because I think American doctors handle patients the way Nazi doctors handled concentration camp internees. What this statement recognizes is that, under national health insurance, everyone benefits, everyone pays, and everyone participates.

In America today, the average person has better than a high school education. That means our citizens—even under the stress of illness—can understand many details of sickness and treatment that might have been beyond the imagination of our fathers and mothers. So I think it is worth stating that patients—those who receive health care—have a right to participate as fully as possible in the delivery of that care. I offer this not as a dim ideal but as a practical, immediate reality.

V. Where an individual patient cannot give informed consent to recommended treatment because of medical disability, language barrier, or condition of confinement, such consent must be sought from next of

kin, guardians, or others who would assume responsibility for the patient's legal and moral rights.

Universal entitlement means the gathering in of everyone and the government being responsible for everyone. We know that such a proposition is almost impossible to realize. However, it is not impossible—in fact, it is quite necessary—that government at least indicate to all citizens that their rights will be protected, regardless of the circumstances.

Such a statement, promulgated by the U.S. Congress, would be the signal to the ultimate administering agency of national health insurance to get its machinery moving on responsibility. We must affirm that no man is an island, nor will any man become an island as a result of a national health insurance plan.

I would remind this Committee that no fewer than one of every 10 Americans speaks, Spanish, Italian, Jewish, or a variety of Indian languages as a mother tongue. Yet all of them, along with the English-speaking Americans, would have a right to health care. Let's make sure—as we did not with Medicare and Medicaid—that neither language nor illness nor locality nor anything else will prevent a patient from maintaining his right to information.

VI. The relationship between the patient and the provider of care shall be free of any representatives of enforcement, investigative, financial, religious, or social agencies, except as specifically requested or approved by the informed patient and without duress.

If we are concerned with the health of the individual citizen and intend to cover his every health need, then we had better make sure these needs are not interfered with by persons who have other business in mind. We must let doctors and hospitals know that their primary duty under national health insurance would be to take care of the health problems of our citizens. And we must get police, insurance investigators, private detectives, shakedown artists, collection agencies, and the welfare department out of the way unless or until the patient himself allows them in.

VII. No person in need of medical assistance may be turned away or otherwise abandoned by any individual or organization, public or private, capable of providing such assistance. This shall not be construed to be in conflict with the principle of informed consent.

Here we would try to set the record straight for both the patient and the doctor. To the patient we say: "Look here, universal health insurance means just that: wherever you may be, in whatever condition, someone with medical knowledge will take care of you. You will receive whatever care is possible and needed, within the context of all your rights." And to the doctor we say: "Don't shrink from exercising your best medical judgment whenever it's needed. Do your job as best you can as a real professional and don't worry about 'getting involved.' We *want* you involved."

This provision would extend the so-called "Good Samaritan" law and free doctors and hospitals from the threat of suits where no such law now exists.

We cannot have a contradictory standard: national health coverage along with an abandonment loophole. Today, even under Medicare and Medicaid, no aged or poor person is guaranteed health service; a doctor or hospital may opt out of the plan and all their patients left to drift. I would hope this never happens under national health insurance.

VIII. All persons have the right to advocate and work for change in the provision of health care: such activity shall not be used to deny any person access to care at any time of need or the protections of all rights and guarantees.

This Committee knows far better than I the degree to which health is becoming a vast, complicated, growing industry. As such, it is suffering all the growing pains of a full-fledged industry: labor organizing, consumer pressures, nurses' strikes, intern protests, community action, and so on. And that's the way it's going to be for a long time to come, whether we like it or not. With the advent of national health insurance, the pressures for change will grow faster and stronger.

Today as in the past, hospitals can shut out union organizers, militant nurses and young doctors, community activists, poverty lawyers and others. I am told that some hospitals will refuse to treat or provide any care for such "troublemakers."

Maybe that sort of thing can exist when public health service is divided between public and private institutions. But with the advent of national health insurance, our health system will be *national and public*. Everyone will have a stake in it and—being Americans—some people may turn to militance. But they—even these "troublemakers"—must still be given the right of access to health care. They *cannot* and *must not* be abandoned by the health industry.

IX. Every person has a right to all information of a public nature which indicates the adequacy, efficacy, and economy of health care provided directly or through third parties by local, county, and state, regional, and national agencies.

Earlier in my testimony, Mr. Chairman, I noted that the people of this country are asking all public servants to be more accountable for their actions. The principle of "open books" is strongly rooted in America. I believe we must reaffirm this principle at the very time we enunciate a system of national health coverage.

For the past two years, committees of the Congress have heard witnesses from insurance companies, hospitals, and medical associations try to cover up their lack of information, indicate they just didn't know the facts about important aspects of health care and costs, and confess to not knowing things they promised the Congress they *would* know.

The disease of misinformation and noinformation has infected the Social Security Administration and most State health agencies as well. With your permission, Mr. Chairman, I would like to submit for the record an article from the Washington Post written by a medical reporter, Mr. Mal Schechter, and his experience with the secrecy of the Social Security Administration.

We cannot tolerate this sort of thing with present government health plans. Think how much worse off we will be if citizens do not have access to public information telling them how well—or how badly—the national health insurance plan is working. And think how much worse off the Congress will be if this ninth provision in our "Health Bill of Rights" is omitted from the overall legislation.

X. Health care in the United States is and shall be organized to benefit the general public; all policy-making bodies of institutions, organizations, or agencies devoted to health care and which draw support in any form from public revenues shall have a majority representation from the general public.

This may be the most controversial of the ten provisions and, hence, has been kept to the last. However, as this Committee knows, the Congress and the Executive Branch have already acceded to the principle of majority representation for consumers on health planning boards set up under the so-called "Partnership for Health" Act, Public Law 89-749. Neighborhood health centers set up by the Office of Economic Opportunity and continued under HEW have also had majority policy control by consumers. So the idea is not new. However, what would be new is the universal application of that idea to all agencies in a national health insurance system.

I think it is unnecessary now to go into particulars as to how this would be done. There are many models in the fields of education, urban planning, agricultural cooperatives, and housing to help the responsible agency work out details applicable to national health insurance. But now is the time for Congress to again enunciate the principle of public control of health delivery.

Mr. Chairman, these ten provisions of a proposed "Health Bill of Rights" were brought to my attention by their sponsor, the American Patients Association. However, I would like to add that responsible organizations representing organized medicine have also seen the need to lay out the rights of the patient.

With your permission, Mr. Chairman, I would submit for the record a very fine statement issued by the Joint Commission on Accreditation of Hospitals. The JCAH is composed of members representing the American Medical Association, the American Hospital Association, the American College of Physicians, the American College of Surgeons, the American Association of Homes for the Aging, and the American Nursing Home Association.

While this is an excellent statement, the JCAH can apply it to only about half the hospitals of the U.S.; the remainder are not JCAH-accredited. Further, the JCAH has no enforcement mechanism to make sure the ideas in this preamble are actually carried forward by accredited hospitals.

Therefore, Mr. Chairman, it is up to the Congress to come forward with a clear statement of patient rights at the very time we build a national health insurance system. Such a statement would not protect any one special group—the poor, the rich, doctors, or hospitals. A "Health Bill of Rights" is needed by *all* Americans, wherever they appear in the health delivery system. It is a basic statement of trust and justice, a recognition of the dignity of the individual regardless of the misfortune he may endure in illness. It will let every American know that his government is as concerned about human rights as about medical bills. Above all, it is a clear statement of shared responsibility, shared commitment, and shared trust between patient and provider.

Mr. Chairman, I again wish to thank you and this Committee for the chance to introduce the concept and language of a "Health Bill of Rights" into your deliberations on National Health Insurance.

MEDICARE'S SECRET DATA

Mr. Speaker, Mal Schechter, the Washington editor of Hospital Practice magazine, has recently brought to the public's attention the serious question of the prohibition of disclosure of medicare survey and inspection reports.

As one who has always believed that the ultimate safeguard in a democratic republic is the people's right to be fully informed and to make decisions based upon that information, I think that Members of the House should be concerned that older Americans are barred from information which is essential to them.

I am, therefore, including in the CONGRESSIONAL RECORD the article "Medicare's Secret Data," which appeared in the Washington Post on September 26, 1971.

The article follows:

MEDICARE'S SECRET DATA

(By Mal Schechter)

In 1939, the fledgling Social Security System warned Congress of a problem vitiating its objective of humane aid to the poor. Political candidates in some states acquired,

legally, the names of Old-Age Assistance recipients and deluged them with campaign propaganda, promises and warnings. Tradesmen also used the lists. A few states actually required publication of the names to deter the poor from seeking relief.

Social security Board Chairman Arthur Altmeyer asked Congress for authority to require confidentiality of records. Not only to protect assistance recipients but also individuals in the payroll tax program of old age and survivors insurance, Congress agreed.

Section 1106 of the Social Security Act to this day ranks as one of the most sweeping secrecy provisions in any federal program. It forbids disclosing "any file, record, or other paper or any information" obtained by the system or provided for official use, except as the Social Security commissioner expressly allows.

A quarter century after Altmeyer's plea, Medicare began.

There lies the rub. For Section 1106, implemented by Regulation No. 1, covers relationships hardly imagined in 1939.

Medicare deals with hospitals, nursing homes, clinical laboratories, physicians, health departments, and insurance companies. What Congress intended as protection of payroll taxpayers and benficiaries has been extended to Medicare's corporate servants. The "authority to refuse to disclose"—as Regulation No. 1 puts it—has mushroomed, and this restricts the public's right to know about the quality of care it receives and the quality of Medicare's administration.

Much information on specific facilities is not open to the public, such as reports on Medicare-financed inspections of nursing homes and hospitals. These surveys contain information bearing on patient health and safety which could be important to families trying to place a relative. Or to newsmen, students of health care and public administration, or anyone who wants to know how good or bad a community is served by the health establishment.

But nobody can get these reports from Social Security.

In New York State, on the other hand, information on institutional deficiencies gathered by the state is, by law, public information.

Social Security Commissioner Robert Ball says he realizes that deficiency disclosure could help the public and patients, but he emphasizes "undesirable effects." He insists Medicare doesn't certify a facility endangering the patient's health or safety. Therefore, public disclosure of lesser deficiencies in certified institutions "might create unwarranted concern" or an "adverse public reaction (that) could severely hamper an institution's efforts to maintain patient loads while effectuating needed improvements."

SHORTCOMINGS SHIELDED

That serious deficiencies exist under Medicare is hardly hallucination. Federal auditors repeatedly have found Medicare homes lacking complete fire protection programs, required nursing attention, required physician attention, necessary emergency electrical service, and complete nurses' call systems.

Which ones? Don't ask the Social Security Administration.

Medicare certification is hardly an infallible guide to quality. Of some 4,500 Medicare nursing homes mentioned in a Senate Finance Committee report, nearly 3,300 had significant deficiencies, some tolerated for years in the category of "substantial compliance" with standards. The public never is told which homes are in "full" and which in "substantial" compliance. The Finance Committee says administrative legerdemain permits disregard of many standards.

The nation has the word not only of auditors but also of President Nixon that something is seriously wrong with federally subsidized care in nursing homes. Much of the President's recently announced effort to tighten up federal supervision of nursing homes appears directed at officially tolerated abuses—perhaps in good measure tolerated behind a screen of nondisclosure.

Although Social Security has some good words for disclosure, it has backed off from an innovative proposal by the Finance Committee. Last year, the committee proposed that Medicare publish information on deficiencies if an institution fails to correct them within 90 days. The proposal is still pending. Social Security has come up with many reservations to the plan without acknowledging the public's right to information. Ball has argued that "widespread and indiscriminate dissemination of information about deficiencies" may have some undesirable effects.

The public's right to know may be forever in conflict with such official paternalism, whether altruistic or self-serving. Often considered one of the better bureaucracies, Social Security has a record on Medicare nondisclosure that goes beyond nursing homes. It was reluctant to name insurance companies that it found to be poor Medicare fiscal agents, including District of Columbia Blue Shield. It declined to disclose results of a Medicare survey of Boston City Hospital after disaccreditation by the Joint Commission on Accreditation of Hospitals; nondisclosure prevented an attempt to compare certification systems. Social Security is silent on revealing the names of Medicare nursing homes that have highly inflammable carpeting. It has stopped a state agency from describing the administrative process that permitted a leading clinical laboratory to be certified for four years without meeting key standards.

Even reimbursement information has been played close to the vest. When first asked for specific payments to hospitals, the agency said nothing doing: Regulation No. 1. Fortunately, Ball relented because "there is not the same validity in withholding information concerning the payment of public funds to institutional providers of Medicare services as there is in the case of information on Social Security payments to individuals."

Ball made the data available and amended Regulation No. 1—but only to disclose institutional payments, not deficiency data. Alas, the hospital payment data turned out to be inadequate for comparing institutions on costs related to patient load. This raised questions about Medicare's capacity to analyze costs and influence development of cost controls amid medical-hospital inflation. A promise that good comparative data would be punished regularly remains unkept.

Given specific hospital payment data, the extent to which Medicare financed certain racially discriminating Southern hospitals was assessed by Hospital Practice. The report led to tightening up of a Medicare loophole. There was no difficulty obtaining specific civil rights data from the Office for Civil Rights of the Department of Health, Education, and Welfare; that office said the records were public information.

SOOTHING THE INDUSTRY

The application of Regulation No. 1 to Medicare may be a historical result of the health industry's opposition to enactment of the program—and especially to its chief spokesman, Wilbur Cohen, then HEW under secretary. After enactment, Cohen, prodded by the White House, emphasized consultation and conciliation. Consumer representatives, including organized labor, followed Cohen. Much of the regulatory work was confidential from the very start. In this atmosphere, Regulation No. 1 was handy.

The bureaucrats who moved over from the cash-payments and disability payments programs had matured at the knee of Regulation No. 1. A history of early Social Security days points to the founding policy of shunning political controversy at almost all costs. This meant a tight lip on information that might stir things up even more for a young social program in the hostile 1930s. The system had to be above reproach and suffer its pains quietly.

These themes may have figured in the application of Regulation No. 1 to Medicare. The commissioner could have excluded the new relationships from nondisclosure. Psychologically, 1966 may have been 1936 all over again in the bureaucracy. Whatever the reason, frankness with the public has not been a Medicare hallmark where controversy portended—neither under the Democrats nor under the Republicans, who, the bureaucrats are aware, have special ties to protect in the health establishment, especially insurance companies.

Some officials argue that it is enough that congressional committees get information. Still, information on deficiencies does little practical good to the man in the street when deposited on the Hill under a "confidential" stamp. Nor, one might argue, should congressional oversight delimit the public's right to information. Medicare records probably are a mine of information for communities on the quality of medical-hospital care. Disclosure might generate healthy corrective pressures in localities.

The dangers of secrecy, some officials argue, are outweighted by the dangers of disclosing undigested technical information. Raw data might do the public little practical good. The proper rejoinder may be that government must provide the context to give data meaning, with other sources free to comment on the facts. The HEW Audit Agency has such a pattern so readers can judge for themselves.

THE CHANGES NEEDED

A few steps could give the public access to Medicare information. First, Section 1106 should be replaced by a simple statement limiting confidentiality to taxpayer-beneficiary-patient records. All other information should be subject to the 1967 Freedom of Information law.

This statute assumes that all information in federal hands belongs to the people and is disclosable, with certain exceptions—such as internal policy memoranda, trade secrets and patient records. Unfortunately, the 1967 law exempts any antedating statutory authority for secrecy, such as Section 1106. Also lamentably, the law has been laced with bureaucratic interpretations that have created or widened loopholes.

The information law should be amended to narrow the loopholes, especially to make clear that factual material must be disclosed on request in timely fashion. Where doubt exists about "confidentiality," the matter should be examined by a board including non-bureaucrats. For example, the President might name such a board from newsmen, public representatives and bureaucrats. Among other things, they might have power to release the substance of documents after "sanitizing" to preserve necessary patient-beneficiary confidentiality. The board should work rapidly. Its decisions should be subjected to immediate court review.

Further, in the current debate over national health insurance all proposals should carry an explicit requirement for freedom of information, avoiding secrecy from the start. The debate over forms of health insurance, quality of care, economics and efficiency of services, and governmental-versus-private roles might be better informed today if the people had the facts.

Finally, the Senate Finance provision on releasing deficiency information should be enacted without delay. Anyone seeking to learn about the quality of a facility should be able to look it up at a district Social Security office. The same information on institutions in Medicaid and other government programs should be public, as should results of hospital accreditation inspections which form the basis for joining government programs.

Thomas Jefferson once said, "Give the people the facts and they will know what to do."

Medicare should do no less.

JCAH PREAMBLE

"Equitable and humane treatment at all times and under all circumstances is such a right (of patients). This principle entails an obligation on the part of all those involved in the care of the patient to recognize and to respect his individuality and his dignity.

"This means creating and fostering relationships founded on mutual acceptance and trust. In practical terms, it means that no person should be denied impartial access to treatment or accommodation which are available and medically indicated, on the basis of such considerations as race, color, creed, national origin or the nature of the source of payment for his care."

The preamble of the JCAH goes on to consider the rights to privacy: "Every individual who enters a hospital or other health facility for treatment retains certain rights to privacy, which should be protected by the hospital without respect to the patient's economic status or the source of payment for his care. Thus, representatives of agencies not connected with the hospital, and who are not directly or indirectly involved in the patient's care, should not be permitted access to the patient for the purpose of interviewing, interrogating or observing him, without his express consent given on each occasion when such access is sought. This protection should be provided in the emergency department and outpatient facilities as well as on the floors of the hospital. The hospital, like the church of old, must impart at least some sense of sanctuary.

"The individual's dignity is reflected in the respect accorded by others to his need to maintain the privacy of his body. To the extent possible, given the inescapable exposure entailed in the provision of needed care, the patient should be aided in maintaining this privacy."

I would like to quote from two more areas that are covered by the preamble of the Joint Commission on Accreditation of Hospitals. The first deals with confidentiality.

"Another important aspect of the patient's right to privacy relates to the preservation of the confidentiality of his disclosures. The setting in which the patient's history is taken, for example, should be such that he can communicate with the physician in confidence. This is true of emergency departments as well as other parts of the hospital."

Then the preamble covers consent. I quote:

"In many teaching hospitals, and particularly in those which are closely affiliated with medical schools, all patients, regardless of their economic status, may be expected to participate to some extent in clinical training programs or in the gathering of data for research purposes. For all patients, regardless of the source of payment for their care, this should be a voluntary matter. The level of the patient's participation in such activities should in no way be related to the nature of payment for his care."

It becomes apparent that the health field including the American Medical Association, the American Nursing Association, and the American Hospital Association share the feeling that patients rights must be guaranteed.

LETTING SAM PAY FOR IT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. DUNCAN. Mr. Speaker, the Knoxville, Tenn., News-Sentinel had an excellent statement in its November 27 issue on the campaign tax checkoff. I would like to share this with my colleagues by placing it in today's RECORD:

LETTING SAM PAY FOR IT

Congress is making another stab at finding a way to get taxpayer assistance in financing election campaigns.

In 1966, a plan which could have provided up to $30 million to each of the major presidential candidates was cleared through Congress. But the Senate later changed its mind and the law was nullified in 1967.

Now the Senate has changed its mind again and approved a new campaign finance bill which could provide as much as $20.4 million each to the Republican and Democratic nominees for president and up to $6.3 million to a third-party candidate like George C. Wallace.

Each taxpayer, if he wished, would check a box on his income tax return and divert $1 of his tax payment to his favorite political party—or he could earmark the dollar for a general fund for use by either party.

The plan has a good deal of superficial appeal. It could set a financial base for all candidates—rich or poor. It could lessen the influence of big givers. It would enable small donors to support the party of their choice.

The Democrats, $9 million in the hole since the 1968 campaign, hope this scheme would bail them out of debt and help match President Nixon's apparent resources for 1972.

So the campaign financing plan has been attached to the President's tax-relief bill—a bill he counts on to stimulate the economy and might hesitate to veto.

But the checkoff proposal has so many flaws and inconsistencies it creates as many problems as it might eliminate. For example, it would:

1. Weaken the two-party system by encouraging splinter candidates to run for the presidency with the promise of help from Uncle Sam.

2. Put the Government in the business of financing private political parties and induce citizens to state their political preferences on tax returns.

3. Take money away from legitimate Goverment functions by skimming off millions of tax dollars for political campaigns.

There is nothing in the bill to control spending in primary elections, or to prevent spending by independent political committees on a candidate's behalf.

That is why Congress would be wiser to pass a law limiting campaign spending and requiring full disclosure of political giving in all Federal elections.

An argument could be made for allowing a taxpayer to make personal contributions to candidates—and then claim a modest deduction on his tax return, just as he does for gifts to churches or charities.

But the bill passed by the Senate goes far beyond that—and should be vetoed by the President if it comes to him in its present form.

PROTECTION FOR FARMERS AND CONSUMERS DURING WORK STOPPAGES

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. McMILLAN. Mr. Speaker, in South Carolina, we exported $57 million worth of tobacco in fiscal year 1971. We exported $22.7 million worth of soybeans; $10.4 million of cotton. We even sold to overseas buyers over $2 million worth each of wheat and feed grains.

This gives the farmers in South Carolina a pretty big stake in the current controversy over dock strikes.

Mr. Speaker, we do not like them.

South Carolina farmers have long known they must compete. They have done their share to make the United States the world's largest exporter of farm products. And as you know last year agricultural exports from the U.S. reached a new high of $7.8 billion. South Carolina's share of that was $122.2 million.

Now we are looking at the prospects for farm income from agricultural exports in fiscal year 1972. And what we are seeing does not look good.

What we are seeing is dock strikes and work stoppages. What we are seeing is workers going back on the job only when the court orders them to go—and not always then. During July and August an estimated $215 million worth of farm products which would have moved through west coast ports could not be delivered. East and gulf port stoppages during October affected farm exports that normally would amount to $70 million a week.

Taft-Hartley has been used both in the west and for east and gulf ports. At best, this is a stopgap measure. What is needed is effective legislation that will come to grips with the problem. We need legislation that will deal effectively with labor-management disputes in such a way that farmers and consumers are protected while the negotiations are underway.

Mr. Speaker, I urge the immediate consideration of H.R. 3596, or similar legislation, to accomplish this purpose.

SHORTAGES

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BROWN of Ohio. Mr. Speaker, export markets are essential to the continued prosperity of Ohio farmers. My State ranks seventh in export value of soybeans, protein meal and soybean oil. It also ranks seventh in export value of dairy products, eighth in the value of feed grain exports, and Ohio farmers, while unranked, exported $28.9 million worth of wheat and flour in fiscal 1971. So when it becomes apparent that this year we are likely to fall way short of our U.S. farm export record of $7.8 billion achieved in fiscal year 1971, Ohio farmers are concerned. And I share their concern.

Dock strikes are the big villain. Farmers lost well over $200 million in the first 2 months of the dock strike on the West Coast. And they have been losing nearly $100 million a week due directly to East and Gulf Coast strikes.

Ohio corn and soybean farmers have seen their prices reduced by as much as 25 cents a bushel on beans and about a dime a bushel on corn.

The time is overdue for the Congress to take effective action.

H.R. 3596. The Emergency Public In-

terest Protection Act, or similar legislation, is needed to deal with labor-management disputes in a way that will protect the rights of negotiators, but will also safeguard the rights, aspirations and incomes of American agriculture.

I would like to point out, Mr. Speaker, for those of my colleagues who may have lost track, that this legislation to deal effectively with national emergency transportation stoppages, was proposed by the President more than 2 years ago. Neither it, nor similar legislation, has yet been reported from Committee for action by the Congress. It is time this Congress faces this issue head on and produces legislation that can bring about a long-range solution to nationally destructive transportation stoppages.

CAMPAIGN SPENDING REFORM

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HORTON. Mr. Speaker, the campaign spending reform measure which passed the House this week with my full support represents a significant step forward in reopening Federal elective office to the ordinary American who has neither a great deal of wealth nor access to it. After more than two decades of inaction and unenforcement, the 92d Congress has set the stage for a top-to-bottom overhaul of Federal campaign financing rules.

Those of us involved in the political process know full well the tremendous costs of running for public office. The expense has become so out of hand that if you are not wealthy, your chances of being elected are seriously handicapped. These sad realities of political life have eroded public trust in the integrity and credibility of our electoral process.

Many of us in Congress have fought for years to restore faith in our system of government through campaign financing reform. I have introduced numerous campaign reform measures including provisions for a ceiling on total spending for basic campaign items and a limit on contributions by individuals and committees. To facilitate House action on these measures, I joined a bipartisan steering committee to provide the focus and organization needed to insure legislative success in time for the 1972 elections.

Though the bill passed by the House is an imperfect one, it is a tremendous step in the right direction. The legislation would set limits on major items of campaign expenditures, including radio and television, newspapers and magazines, billboards, computerized mail, and telephone campaigns. If the bill is enacted, a candidate could spend up to 10 cents per eligible voter for these items and not more than 6 cents per eligible voter for these items and not more than 6 cents per eligible voter on radio and TV, putting an end to the extravagant media blitz.

The bill also sets limits on the use of union and corporate funds to influence the general public during political campaigns and contains a provision designed to halt the abuse of credit privileges offered to candidates by Government-regulated industries such as the airlines and telephones. It also strengthens disclosure requirements so that the voting public will be better equipped to assess financial contributions.

The one glaring defect of the bill is its failure to set limits on a candidate's receipts from an individual contributor. Until we limit the amount individuals can contribute directly or indirectly to candidates and committees, money will remain an all-too-powerful element in our political process.

Despite this and other weaknesses, the bill approved by the House will go a long way toward reducing the dependence of candidates on wealth and encouraging broader citizen participation in our electoral process. If we succeed in gaining enactment of a House-Senate compromise bill, we will have accomplished one of the most meaningful and urgently needed reforms in our democratic system.

THE BLACK AGENDA OF THE SEVENTIES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. CLAY. Mr. Speaker, the Congressional Black Caucus recently held a 2-day conference in Washington of black elected officials from around the country. I had the opportunity to serve as moderator of one of its panels dealing with black political power in the 1970's. There is a developing black political power and it will be operative in the 1970's. We met to devise a plan of single purpose to obtain through the exercise of black political power, the reality of economic equality, social justice, and political manhood.

Those of us participating in this panel had the benefit of hearing from Lerone Bennett, senior editor of Ebony magazine. In addressing the panel, Mr. Bennett explored some of the major challenges facing blacks in this decade and the need for developing long-range comprehensive plans not just for 1972 but for the years which lie ahead.

The major challenges discussed by Bennett were: the question of survival including such problems as employment, welfare, education, prison reform, and health; solidifying existing power in the cultural, political and economic fields and the fulfillment of the potential power of black people on the local, State, and Federal levels; renewing the structures, energies, and values of the black community; the need for massive mobilization of all the resources of the black community including, among other things, the registration of the unregistered voters and the political education of those both registered and unregistered and; finally, the transformation of American institutions which threaten or prevent fulfillment of any of the aforementioned.

I wish to share with my colleagues the enlightening remarks presented by Lerone Bennett. His statement follows:

THE BLACK AGENDA OF THE SEVENTIES

(Remarks of Lerone Bennett, Jr., Congressional Black Caucus, Black Elected Officials Conference, Washington, D.C., Nov. 20, 1971)

Let me say, first of all, that I am deeply honored by this opportunity to participate in this historical occasion. And it is an historical occasion. It may take you a little while to recognize it, but you are making history here, and you are making it the way all history is made—in the midst of controversy, passion, and alarms.

Let me say, secondly, that I am in total agreement with Congressman William Clay's famous statement, "We have no permanent friends in this country, and no permanent enemies—only permanent interests." And based on that statement I would like to say that at this hour one of the permanent interests of black people is the Congressional Black Caucus. And it seems to me that black people are obliged to say at this moment that nothing, *absolutely nothing*, should be permitted to break the bonds of this union which required so many years of mistakes, sacrifices, and blood to create.

For more than one hundred years, the barber shops and bars, in cotton fields and factories, black men and women have dreamed of this time. For more than one hundred years, black men and women have dreamed of the mystical hour when black leadership would link hands on the basis of common aspirations and common graves.

You honor these men and women by coming together in such black splendor, despite obvious difficulties—you honor Martin Luther King, Jr., and Whitney Young and Malcolm X, you honor Marcus Garvey and W. E. B. DuBois, you honor that long line of men and women, the slaves, the maids, the laborers, and the cottonpickers, all those who never ceased to live in combat in this land and who never cease to believe that a green time would come when black leaders would forget ego and petty pretensions and white parties and bind themselves to each other, brother to brother, brother to sister, and sister to sister.

You are to be congratulated for showing black America the way and for reminding us that no one will prepare himself for the battle if the trumpet of leadership gives an uncertain sound.

To be sure, the black millennium is not at hand. There are still problems, and there will be additional problems in the days ahead. The black millennium is not at hand. But we know now, largely because of your work, that this is the road, the only road, to that millennium.

We know now that words alone will not save us. We know now that only power can speak to power, that only a fact can contradict a fact, that only an institution can answer an institution.

This occasion is important, because it marks a fateful turning point in the institutionalization of the black experience.

It is important also because it embodies that spirit of self-determination of the pioneer blacks who knew that nothing is given to men in that world and that God, Allah, and all the prophets help those who help themselves.

Because of the creativity of the Congressional Black Caucus, because of the insight of the men and women who have gathered here in the name of black solidarity, we can at long last see some black light at the end of the white tunnel. And in the light of that black light, I want to spend a few moments tonight exploring some of the major challenges of the Black Agenda of The Seventies.

It will be my argument here that we can no longer avoid the challenge of creating and disseminating a common black agenda. And by a common black agenda I mean a list of priorities and black national goals based on a master plan for the social, political, and cultural development of the black community and the transformation of this society.

What I am concerned to emphasized here, at the very beginning, is the imperative need for analysis and long-range planning. It is imperative, it is a matter of life and death, for us to develop a series of comprehensive plans identifying the black interest and the black position in every field. We must plan now not only for the 1972 election but also for the 1976 election and the 1980 election. We must plan now not only for the Nixons and Agnews of today but also for the Nixons and Agnews and Rehnquists of tomorrow.

As so many speakers have said this weekend, there are at least five major items on the black agenda of the seventies.

First of all and most importantly of all is the question of survival. In order to plan for tomorrow, we must live today. And in order to live today, we must conceive and project emergency plans for employment, welfare, education, prison reform, and health.

A second major item on the black agenda, also identified by many speakers this weekend, is empowerment, the solidification of existing power in the cultural, political, and economic fields, and the fulfillment of the potential power of black people on the local, state, and federal levels. A complementary need is for development plans which increase the human capital and skills of the black community and which guarantee blacks a proportionate share of the gross national product. It goes without saying that this item includes black control of the resources and institutions of the black community and of all bureaucracies which vitally affect the lives of black people.

A third agenda item is black renewal. And by that I mean a renewal of the structures, energies and values of the black community.

There is a need, fourthly, for a massive mobilization of all the resources of the black community. Black labor, black capital, the black intellect, and the black ballot must be organized within and without existing structures within the perspective of the values and interests of the black community. There is also a desperate need for machinery to tap the rage and energy of black youth and the skills and resources of the black middle class. There are hundreds, even thousands, of black middle class people who can give from one hundred to five hundred dollars to support black politicians and black institutions. It is one of the crucial tasks of the seventies to reach these individuals and to make them realize that "freedom ain't free." For the first item on the black agenda of the seventies must be a resolve on the part of black people to support and defend their own institutions, interests, and needs. It is time, it is past time, for us to create national machinery for a United Black Appeal.

An additional and perhaps even more important task is the registration of the unregistered and the political education of the registered and the unregistered.

As so many people have said here, our only salvation is the precinct-by-precinct mobilization of the black community. But I hope that you will forgive me for adding that our only hope of salvation is the precinct-by-precinct mobilization of black people within a new political perspective. The traditional American idea of organizing people to trade their votes for garbage collection and petty patronage jobs is not only not power—it is the precise opposite of power. Political power is not garbage collection or petty patronage in a rotten political system but the ability to transform political structures so that people will not have to beg aliens and adversaries for resources and services that governments should provide routinely.

The fifth and final general area of importance on the black agenda of the seventies is the transformation of the institutions of American society which threaten or prevent the fulfillment of items one, two, three, and four.

Now, flowing with and out of these general strategic considerations are two or three tactical items which I would like to discuss in some detail.

The first tactical item, of course, is black unity, which is a precondition for the creation of a common black agenda. The creation of unity is our most immediate and urgent task because the basis of our weakness is disunity. The white man is strong not only because he has his own strength but also because he has our strength, and because we refuse to use our strength. And if disunity is the basis of our weakness, then unity is our only hope of salvation. If we pooled all our resources and energies, if we correlated all our forces and created one black superpower, we could end this thing, or this country, in a few weeks or a few months. A united black community, speaking with one voice and acting with one will on issues of politics, welfare, education, and housing, could turn this country upside down. And the question of the seventies is how can we turn ourselves upside down and face each other and our truth.

This is a question of primary importance, because we can no longer afford the false and artificial distinctions fostered by white America. It is very important now for us to transcend white divisions: Catholic vs. Protestant, Baptist vs. Methodist, professional vs. nonprofessional, Democrat vs. Republican. These divisions were inherited from white people. And it is necessary now for us to disengage ourselves from white people's arguments and redefine all concepts and associations in terms of the fundamental interests of black people. We are *one* people, and we shall survive as one people, or we shall go, one by one, Baptist, Methodist, Catholic, Protestant, Republican, Democrat, to that white doom this society is preparing for all black people.

It is necessary at the outset, however, for us to banish the idea of that "great getting-up morning" when all black people will suddenly say and think the same thing. That's not going to happen, certainly not immediately. And people who project that idea are confusing ideal unity, which has never existed anywhere, with operational unity, a unity that will make it possible for all forces in the community to agree on minimum goals and strategies and to act together in the interest of the common good.

The most pressing need of the seventies—to repeat—is operational unity.

A corollary of operational unity is integration and nonviolence *in* the black community. If we are serious about making a revolution together, we must begin the serious work of discipling ourselves together and respecting our brothers and our sisters.

The Congressional Black Caucus has broken new ground in this area. And one solution to our dilemma is the creation of black coalitions and black caucuses, similar to the Black Caucus, in every major city and every major region in this country.

A second item, under this general heading, is the development and dissemination of a black analysis. The forward motion of the Black Rebellion has created new problems which cannot be resolved until we clarify and define our tasks and rise to new levels of awareness and organization. And since no black person can fulfill himself if this movement goes astray, it is incumbent upon all black people to participate actively in the development of a radically relevant black analysis embracing a long-range strategy and a definition of goals, instruments, and agencies.

In this connection, it is crucially important for us to replace the illusion of instant revolution with the concept of long-range strategy. We must not think, we dare not think, that the wolves of the world will lie down and die when we stage a demonstration or put down a bad rap. The wolves of the world are wiser and stronger than that, and the ramparts they hold must be struck again and again and again in an infinite succession of blows.

The Revolution is not going to come Monday morning or the next Monday or the Monday after that. We are engaged in a long-range process involving phases and characteristics which cannot be foreseen at this time. And it is necessary to prepare for a struggle of five, ten, and even fifteen years.

A serious black analysis would deal with that question, and it would remind us that the black struggle is a house of many levels and rooms. We are fighting a desperate battle against desperate odds. Every weapon that bigotry can command is arrayed against us. Fighting against such odds, we cannot confine ourselves to any one weapon. We are going to have to work inside and outside, beneath and above. We are going to have to fight with sticks, pencils, computers, ballots, bullets, bibles, and anything else we can put our hands on.

A black analysis would clarify that problem and the related problem of levels of involvement. In my opinion, it is not necessary for everybody to do the same thing. But it is absolutely necessary for everybody to do something. It is equally important for the black community to judge individuals on the basis of their contributions. Some men can write, some men can fix cars, some men can cook, some men can raise hell: all—the writer, the mechanic, the cook, the hell-raiser—are valuable because their skills are complementary and not contradictory.

A major task of the seventies is to incorporate this insight into a strategy of concious and antagonistic participation. By this, I mean a strategy of working inside institutions with the express purpose of pushing them leftwards and blackwards. In general terms, this means using the legitimacy of the system to de-legitimize the system. It means working everyday in the midst of white society with the intention of transforming it.

It means using the system in order to destroy the system. To be more precise, and to speak specifically of politics, it means using the whole arsenal of parliamentary tricks to slow down, disrupt and stop proceedings which adversely affect the interests of black people. For one hundred years, white politicians have used the whole range of parliamentary weapons to deny black people human rights. It is time now for us to use the whole range of parliamentary weapons in a systematic campaign within the political process for human rights.

A black analysis would deal with that option, and it would warn us against the very white and the very artificial distinction men make between politics, culture, and economics. As we all know, politics, culture, and economics are complementary facets of the same reality. And a major task of the seventies is the development of a total perspective which stresses *development* which is "the correlative and complementary totality of matter and spirit, of the economic and the social, of the body and the soul."

This brings us to the third major tactical area, the development of mini-max plans not only in the areas of health, education, and welfare, but also in the areas of foreign policy and fiscal policy.

Some people will deride this suggestion that black people should concern themselves with foreign policy. But a large national group has a foreign policy, whether it knows it or not. A large national group has either a declared or a *de facto* foreign policy. When

a black man dies in Vietnam, we experience the foreign policy of black people who say they have no foreign policy. When a black man is maimed on foreign soil, when a black soldier is crippled or blinded, when black women and black children wither because of malnutrition and poor housing and poor schools, while this nation spends billions on foreign adventures, we experience in the flesh the foreign policy of black people who are scandalized by the idea of a black viewpoint on foreign policy.

A large national group has either a declared or a *de facto* foreign policy. And it will be one of our tasks in the seventies to orient black people around foreign policies which meet their peculiar needs and interests.

At this very moment, we are being committed by default to the disastrous foreign policy of that man in the White House who has just violated a treaty and the decent opinions of mankind by signing a bill authorizing the importation of chrome from Southern Rhodesia. Nothing indicates clearer the need for a black viewpoint on foreign policy. And it is not necessary really for us to wait until 1980 to develop it. In the wake of the unconscionable action of Nixon and the lovers of the fascist and racist regime of Southern Rhodesia, black people ought to declare an immediate and total boycott of every American firm which buys chrome from Southern Rhodesia.

It would help enormously in this connection if this organization and others would create task forces of black academicians and activists to draw up long-range development plans in the fields of foreign policy, health, education, employment, and fiscal management. The Congressional Black Caucus has already initiated programs in this area, and it is our task now to support this effort and to deepen it.

We are suffering at the moment from the disease of ad hocism, the disease of constant improvisation, the disease of constantly reacting to the initiatives and plans of our adversaries. I don't need to tell you that people who play the game of politics that way always lose. I don't need to tell you that the way to win in this game, as in any other game, is to devise your own plan and to force your adversary to react to you.

In the seventies, we must develop machinery for projecting our own comprehensive plans. We must become sophisticated enough in this decade to create master plans for the development of our own areas and resources. Not only that: We must rise to the level of creating plans for the development of whole cities and the whole country.

At the same time, we must come to grips with the dominant American mythologies, including the mythologies of private and public investment and the question of the redistribution of income and resources.

It is important also for us to deal with the structural problems of the economy. Somebody said once that Americans are great at small things. Americans are great mechanics and they love to tinker with the system. But the evil I see is deeper than mechanics. The evil I see is inherent in the system and can only be dealt with by transcending the system.

The white problem in America cannot be solved without a profound structural modification of American society, without real changes in the tax structure and the relation between the private and public sectors, without a redefinition of values, a redefinition of work, leisure, and private property, and a redistribution of income.

If we are serious about creating a new politics in this land, we are going to have to deal with the system.

The problem is not the poor; the problem is the powerful. The problem is not the distribution of contraceptives; the problem is the distribution of income. The problem is not the ghetto; the problem is the white system which created the ghetto and which perpetuates it. And if you meet a man who says he wants to deal with the problem without dealing with the system, *call the police*, for he is either a charlatan who needs arresting or an innocent who needs protection from himself.

Another crucial item, on the tactical level, is the development of counterplans to meet the subtle and not-so-subtle devices for minimizing black power by manipulating metropolitan government structures and voting districts. Time after time after time, the white man has changed the rules in the middle of the game when the rules contradicted his interests. Time after time after time, he has refused to pay the black winners of the political sweepstakes. Well, black people are about to win again by the old rules, and we need a common agenda and an unyielding determination to make sure the house pays off this time by the rules which were in force when the cards were cut.

Let me say in conclusion that the development of this agenda would be a service not only to black Americans but also to white Americans. For black people embody the most advanced social and economic interests of this society. And action on their behalf is action on behalf of the real interests of most Americans.

Black people are so situated in time and space that their vital interests cannot be satisfied by current political, economic, and educational arrangements. The black man must force change or go to the wall. He must burst the bonds of this society or perish. This means that the black man represents a different principle of social, educational, and political organization. And any man or organization which represents him truly inherits a mission of transformation and transvaluation.

There is no need really for anyone to apologize for his color or his aspirations or his interests. There is no need really for black intellectuals or black politicians to waste their time apologizing for their blackness. For it is precisely as black men, it is precisely as the carriers of certain tendencies and interests, that they are valauble to themselves and to the world. The fact that they are black and different is the most important thing about them. If they are not different, if they are not fundamentally different, from the men who created the Chicagos and the Atlantas and the Washingtons, then there is no hope here for black people or white people.

The white man errs today when he speaks in the name of the whole. It is the black man and not the white man who represents today the real interests of the commonwealth.

For this reason and others, it is very important for us to make no small plans. As John Hope said, "We have sat on the river bank and caught catfish with pin hooks. The time has come to harpoon a whale."

This, in sum, is not the time of the catfish—this is the time of the white whale. This is the time to go for broke, the time to redefine the mainstream from our stream, the time for black people to possess this land.

We must stop demanding partial reforms.

We must not content ourselves with sporadic opposition to the plans of others.

We must begin to exercise hegemony over this nation.

We must recognize and validate our role as the real protagonists of white American history.

In this spirit, with this determination, with this agenda, we can fulfill the dreams of our fathers and pave the way for the great day when the black living and the black dead and the black unborn will join hands to rebuild the destroyed shrines to the souls of black folk.

MEDICAL SCHOOL AT UNIVERSITY OF MISSOURI IN KANSAS CITY DEVELOPS NEW MEDICAL EDUCATION PROGRAMS

HON. W. R. HULL, JR.

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HULL. Mr. Speaker, the innovative medical school at the University of Missouri in Kansas City was the subject of a recent article in American Medical News. At this time when means are being sought to increase the availability of medical services and expedite the training of skilled medical personnel, the Kansas City school merits recognition as offering an interesting alternative to existing educational programs.

Mr. Speaker, at this time I include an article which appeared in the November 15, 1971, issue of American Medical News in the RECORD.

Two highly successful businessmen and civic leaders—Nathan J. Stark and Homer C. Wadsworth—have helped develop one of the nation's most innovative medical schools—the U. of Missouri School of Medicine in Kansas City.

Stark is senior vice president of Hallmark Cards, Inc., chairman of the board of the Kansas City General Hospital, and a member of the American Medical Association's Advisory Committee on Undergraduate Medical Education and of the Liaison Committee on Medical Education.

Wadsworth, who established the Greater Kansas City Mental Health Foundation in 1950, is president of the Kansas City Assn. of Trusts and Foundations.

"If anyone tried to build the kind of medical school that is being built here in an established medical school area, it couldn't be done," Wadsworth said.

"That's right," agreed Stark. "This is the only school I know of in the country that is innovative throughout, And why? Because there are no traditional barriers to break down. I think our timing was right in putting up this medical school. But it's only a part of the program . . . an important part to be sure . . . but our idea is a total community health care program."

Wadsworth says the concept of the medical school is to "develop a physician who has a feeling for people and is not just aware of the anatomical aspects of people."

Situated in the heart of Kansas City, some 10 blocks from the downtown area, the medical school is in a region known as Hospital Hill. Stark said there are approximately 135 acres of land on which educational and health institutions, and housing facilities will be developed.

Both Stark and Wadsworth emphasize there is a commitment "not to locate everything on Hospital Hill but to tie in all of these facilities with other community institutions."

The registry of those who are active in the Kansas City health care program includes more than civic and business leaders. Said Stark:

"We deliberately avoided politicians and blue stocking members. Our board members represent all economic and ethnic levels. There are a few affluent on it but they aren't necessarily the giants of Kansas City."

Wadsworth said the theory was "to create a board that is representative of the people." He contended having a board composed of "well established figures" would not create an atmosphere conducive to bringing about change.

"We need," he said, "the kind of people

who are for the first time active in community affairs. For the most part," Wadsworth asserted, "the American city is bankrupt for leadership in community affairs but I believe there's a large untapped pool of such leadership in every community."

The medical profession jumped headlong into the cooperative program. It is estimated that more than 200 physicians participated in the various task force committees which functioned in the formative stages of the new medical school.

Guiding the destines of the new school are E. Grey Dimond, MD, provost for health sciences, and Richardson K. Noback, MD, dean. About them, David Kleier, MD, assistant to the dean, says:

"It's amazing the things Dr. Dimond and Dr. Noback have done in the short time this school has been opened."

"Early in the game," said Dr. Noback, "we decided to establish an open medical school so that we could draw upon the total resources of our community and at the same time contribute to them."

Because of this open school philosophy, Dr. Noback says UMKC now has a faculty numbering around 350 and is affiliated with 10 hospitals. "The years of cooperative efforts," he suggested, "have given this new school an ability to move out with understanding, support, and clinical affiliations that are rather unique."

UMKC, according to Dr. Noback, "recognized that students come into medical education with different backgrounds, abilities, and practice plans. For that reason we decided we needed to have a program adaptable to the individual student needs. To help accomplish this we organized a medical school without departments. Instead we organized around functions and, as a result, have councils—on curriculum, on student and faculty selection, on evaluation, and on docents."

Edward Cross, MD, vice provost for health sciences, had been in the U.S. Public Health Service for 21 years and "thinking of retirement" when Dr. Dimond offered him his present post. "It was the type of community commitment and involvement that attracted me," Dr. Cross declared.

"I'm confident this will work; otherwise I wouldn't have invested a portion of my life into it," he said. "I don't think anyone has been on this route before. It will be difficult but I have no doubt it will succeed."

Acting as sort of a combination administrator-overseer for the UMKC operations is the school's office of medical education, under the direction of Michael Burgess, Ph. D. The office, supported by a federal grant from the Bureau of Health Manpower is responsible for evaluating the academic and clinical performance of the school, as well as providing support to the school's councils.

"The goal of our school," said Dr. Burgess, "is to produce and graduate a different kind of physician who is an expert clinician but who is also aware of the psychological and social needs of the patients.

"All too frequently," Dr. Burgess emphasized, "medical schools take the attitude that they have achieved their goals once a student earns his MD. That's not the case here. We want to see how our graduates are doing. We want to know if the patients are profiting from the services of our MD-graduates. That's the ultimate test. If the patients are profiting, then we have achieved our goal."

Assistant deans are chairmen of three of the school's councils. Charles Wilkinson, MD, heads the Council on Curriculum; Andrew McCanse, MD, is in charge of the Council on Selection; Ned Smull, MD, is chairman of the Council on Evaluation.

"Our council," said Dr. Wilkinson, "establishes the core curriculum for the medical school. All of the basic sciences," he said, "are taught in conjunction with the patient, beginning in the very first year."

Dr. Wilkinson points out that the emphasis in UMKC curricula "is on the fact that most students finish with a core of knowledge. But we hope that their education will be integrated so that when they finish here they will be aware not only of their limitations but at least have begun the process of problem solving.

"Our goals," Dr. Wilkinson concluded, "may not be too much different from most other schools. We just hope we can meet them."

Dr. McCanse says his selection council had to study 400 applications before filling the 76 year-one through year-five positions that were available this past fall. A total of 128 of the applicants were year-one candidates, he said.

Assisting the council in the selection of year-one students, Dr. McCanse said, was the Metropolitan Area Talent Search Agency. The MAT, according to Dr. McCanse, is a private agency headed by a high school counsellor whose duties are to search out persons of disadvantaged backgrounds with good academic potential. Five of the 40 year-one students were MAT students, according to Dr. McCanse.

As for the future, Dr. McCanse sees "the biggest problem we will face will be dealing with a large number of applicants. We've already faced this but we expect applications for next year will total well over 1,000. This will be a tremendous logistical problem."

Another problem, says Dr. McCanse, is "in the area of dealing with minority groups. We will need to provide ways for these people to get a medical education . . . to provide the necessary academic and financial support to such applicants."

Dr. Smull, who calls the UMKC program "a valid experimental design for the educational process," contends "it is important from the beginning that appropriate evaluatory procedures are put in place. We have a deep commitment," he said, "to be able to compare not only what is said is being done but what is in fact being done."

Dr. Smull says he and his council have "no magic answers," but that "our most basic assumption is a goal to graduate a safe, competent clinician with a commitment to continuing education."

Dr. Smull believes "we are going to be scrutinized by many skeptics who feel there is no way this program will work. So, I feel it is important that we have outside sources evaluate us, too."

According to present plans, students will be evaluated four times a year, with other evaluation procedures instituted as needed. "There's much baseline data to be obtained and accumulated," said Dr. Smull. "It will take several years to learn the things we need to know and our valuation program will be a continuing thing."

The docent program, another innovative feature of the new school, starts in the third year. The Council of Docents currently is composed of MDs Robert Mosser, an internist, and the husband-wife team of William and Marjorie Sirridge. The former is an endocrinologist; his wife a hematologist.

"I've been amazed at what these students have learned to date," said Dr. Kleier. "If I were in a position to choose the type of school I would like to attend, I would want to have an opportunity to choose an educational situation just like this."

Dr. Kleier says the first-year UMKC students, "more so than anywhere else I've seen, have an unbridled enthusiasm in what they are doing. Their learning process does not seem to be a burden to them. They want to study."

Ralph Hall, MD, coordinator for year-one and year-two students, said that "like many others I came into this program a bit skeptical but with considerable enthusiasm. Now I can say this is the practical way to teach and to conduct a medical education. The reaction of all the students to this has been one of excitement."

Dr. Hall says the program "teaches from the patient point of view and I like that." He points out, too, that while the program is six years in duration "we have not shortened the course at all. These students spend as much time in six years here as I did in a traditional eight-year school."

Nonetheless, Dr. Hall believes the program "will better equip our students to care for patients" because he believes the students will "know more, have a broader idea of medicine, and the docents will find the weak spots and be able to fill in the gaps."

That student enthusiasm Drs. Kleier and Hall spoke of is reflected in responses from four of the 18-year-old first-year students interviewed by *American Medical News*.

Says Alan Holmes of Lee's Summit, Mo.: "I think the program is terrific. We're not being swamped but we don't have to wait until we enter our third year to see whether or not we like medicine. We get a shot at it right away. And instead of the instructors taking the attitude—'O.K. you're in here and we're going to rip the hide off of you'—their attitude is —'O.K. you're in here, we believe in you, and we'll make you doctors.' "

Jackie Stotts of Sarcoxie, Mo., said she "didn't have the background for this that some others have. But they [the instructors] have reached all of us. I like it, too, because there are quite a few girls [10] in the program."

Michael Weaver of Kansas City said the thing that impressed him the most was "starting right in with medical education. It's not something that you have to wait two years for, before you get a chance to do it. We get to see patients right away. The program is exciting, not boring, and the people here really make you feel welcome and make you feel like you want to do more."

David John, also of Kansas City, said the program "helps you to see how things, such as chemistry, apply. If we didn't have classes in medicine we wouldn't be able to see firsthand how those things that we've read about and heard about in lectures apply to what we might have to do in practice. Seeing things—right now—is very important."

"We claimed," said Dr. Dimond, "that we were going to create an open medical school. And here it is, just a few weeks into the semester, and I think we've lived up to that claim in the sense that we have more than 300 physicians from the Jackson County (Kansas City) Medical Society on our faculty; our students are in 10 hospitals in town; our students range from the high school to Ph. D. level; and they come from all of the various social backgrounds."

Dr. Dimond said he believes the program is "doing the job that we hoped it would do up to now"; that it is in "remarkably good shape"; that the program is "being kept within the budget"; and that there is "no evidence, so far, that our students are having any problems but that rather they have only enthusiasm for what they are doing."

Dr. Dimond said he has "certain limited ambitions" for the program. These include having 400 students in the school by 1976 and occupying new medical building quarters by 1973. "We have launched the school," he said, "in old, modest facilities and we have convinced ourselves that the spirit is more than adequate to compensate for our physical plant."

Calling the program, at the moment, "an experiment," Dr. Dimond said he is certain that "one way or another it will prove very useful.

"If we are right," he concluded, "we may have proved that you can create people who want to practice medicine in a shorter time and at less cost. But our highest intent—our primary goal—is to develop a person who wants to practice medicine."

INTERSTATE COMMERCE COMMISSION JOINS THE NONSMOKERS RELIEF CAMPAIGN

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. YOUNG of Florida. The Interstate Commerce Commission is the latest organization to join the growing chorus of voices in support of my campaign to provide relief to the nonsmoker while traveling on public transportation. On November 17 the ICC issued a new regulation which states that all buses traveling interstate must provide separate seating arrangements for smoking and non-smoking passengers. This resolution falls in line with the spirit of my Non-Smokers Relief Act, H.R. 4776, which would provide separate areas for nonsmokers while traveling on planes, trains, and buses. Since the introduction of this bill on February 22, overwhelming responses have come to my office from the industries affected as well as from thousands of concerned nonsmokers. American Airlines, TWA, United Airlines, and the Long Island Railroad are among those who have voluntarily complied with these regulations.

The ICC resolution will be effective January 6, 1972, and will require the operators of all 23,000 interstate buses to set aside "no more than 20 percent" of the seats in the rear of each bus for passengers who wish to smoke. The average bus carries 50 passengers, which would mean 10 seats would be available for smokers. Smoking will not be permitted in the remaining portion of the vehicle.

After a thorough study of the problem, the ICC found that:

> Affirmative action is required with respect to limiting smoking on interstate buses. In general, we find that such action is necessary in order to provide for a totally adequate interstate passenger service free from irritants and nuisances which adversely affect the riding public.

The Commission states that the evidence presented to them:

> Overtly demonstrates that second-hand smoke is an extreme irritant to humans (particularly with respect to its effect upon eyes and breathing) within its range, and that therefore, smoking on passenger-carrying motor vehicles must be found to be a serious nuisance, capable of disrupting the orderly enjoyment of public transportation and adversely affecting the adequacy and availability of the service provided by passenger carriers operating in interstate commerce.

Those persons accepting the use of public transportation have no choice of their fellow passengers and their habits, and should not, where it can be avoided, be subjected to irritating annoying, and possibly dangerous habits of fellow passengers. However, neither my bill nor this resolution restricts smokers from smoking in public places or conveyances; that is, as it should be, an individual decision.

The fact that the many industries involved are aware of this problem and are willing to comply with the provisions of the Nonsmokers Relief Act, should be a mandate for action in and of itself. The ICC's report refers to my bill, which was subsequently introduced in the Senate by Senators GURNEY, BROCK, MOSS, and THURMOND, as an encouraging action.

The need for relief has been proven. We should act promptly on this bill to provide relief for millions of American travelers.

THE CITIZENS LEAGUE OF GREATER CLEVELAND: 75 YEARS OF DOING GOOD

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. MINSHALL. Mr. Speaker, on Tuesday, December 7, members of the Citizens League of Greater Cleveland celebrate three-quarters of a century of civic service. For 75 years the men and women of this public-spirited organization have done more than talk about good government, they have banded together to do all in their power to bring it about.

They are "Do Gooders" in all the finest sense of the expression. I would like to share with all readers of the CONGRESSIONAL RECORD the following historical sketch of the League's accomplishments:

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 commissioners 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".

DANGLING STATE DEPARTMENT DIRTY LINEN IN OTHER PEOPLE'S YARDS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ASHBROOK. Mr. Speaker, in the November 30 column of Willard Edwards, the Chicago Tribune's highly regarded reporter, reference was made to the State Department's dirty linen in an in-house memo between two State officials, Howard P. Mace, Director of Personnel, and his subordinate, Donald C. Tice. Mr. Mace, of course, is now being considered for the ambassadorship to Sierra Leone, and his case has been the subject of stories in several local Washington papers, Time magazine, the New York Times, the Des Moines Register, and perhaps others. What usually is regarded as a pro forma hearing before the Senate Foreign Relations Committee in the case of ambassadorial confirmations developed into a serious examination of the pros and cons of the Mace selection, supplemented by various letters to Senator FULBRIGHT, with copies to my office, which correspondence I have inserted into the CONGRESSIONAL RECORD.

One witness before Senator FULBRIGHT's committee who has played a major part in opposing the Mace confirmation is John D. Hemenway who was "retired" from State as a Foreign Service officer because he did not receive a promotion in a specified period of time which is grounds for retirement under State regulations. Mr. Hemenway is now near to completing his appeal for reinstatement before a State grievance panel, which proved to be the vehicle that brought the Tice-to-Mace "dirty linen" memo to light.

The Tice-Mace memo is of special interest to me for I introduced legislation in the last Congress and again in the present session to institute a fair appeals procedure for Foreign Service officers who are selected out, with the final determination being made by people outside of the Department. Bear in mind when reading the Tice-Mace memo that had an outside panel been in existence to review Hemenway's appeal, an honest resolution of his case would have been both pragmatic and mandatory.

Had such an objective panel existed in 1969 Mr. Hemenway would have been guaranteed due process and this sordid chapter in the maladministration of State Department personnel might have been avoided.

I insert at this point the covering letter to Senator FULLBRIGHT from Mr. Hemenway, a copy of which I received. In addition to the Tice-Mace memo enclosure, other material forwarded included a memo from Mr. Tice to Ambassador Steeves then Director General of the Foreign Service, a memo from Ambassador Steeves to Secretary Dean Rusk, the new regulations on promotion reform and finally, a letter from Mr. Hemenway to the Washington Post which paper never saw fit to share with its readers. The letter and enclosures follow:

JOHN D. HEMENWAY,

Washington, D.C., November 21, 1971.

Re: Mace Confirmation.

DEAR SENATOR FULBRIGHT: Reference is made to my earlier correspondence with you concerning hearings on September 30 and October 4 before the Senate Foreign Relations Committee on the nomination of Howard P. Mace to be ambassador to Sierra Leone. In this correspondence and in testimoney before your Committee I have submitted portions of transcripts of my Grievance Hearing before the Department of State, which still is in progress.

I have just learned that a petition was circulated in behalf of Mr. Mace on November 19 within the Department of State. I believe that your Committee should know that these signatures were prompted in part by comments during "Foreign Service Day" celebrations by Deputy Under Secretary Macomber and others. The petition was designed to be presented to your Committee in due course. It will be forwarded as a spontaneous gesture, but it is, in fact, merely a further attempt to pressure the Senate Foreign Relations Committee to report the nomination of Howard Mace out of Committee. During "Foreign Service Day", speeches in the Department of State by official participants described the handling of Mace's confirmation by your Committee as "outrageous". Deputy Under Secretary Macomber, in the context of discussing new Department grievance matters, reportedly asserted that "a small group of embittered individuals" had appeared to oppose the Mace nomination.

Three documents I enclose with this letter have come into my hands only recently, through official channels, and I will not be able to submit them into the record of my own Hearing until 7 Dec., the next session of the Hearing. I send you this material to supplement the testimony I have already provided your Committee; these documents clearly establish Mr. Mace's personal duplicity in denying me due process within the Department of State. My own case is merely illustrative; I speak of it, because I know of these things of my own personal knowledge—one could find many other such illegal acts.

I respectfully ask your Committee to consider the formal communication of Ambassador Steeves, Director General of the Foreign Service to Secretary Rusk in which he writes, "The [Hemenway] record is a very favorable one" (Oct. 25, 1968) and again, "I find it somewhat puzzling that he [Hemenway] has not been promoted" (December 31, 1968). I then ask your Committee to pay special attention to the memorandum of Mr. Mace's own Special Assistant (i.e., to Mace himself) dated February 11, 1969, which states on page 1: "The other danger is that he [Hemenway] might get a hearing in the new [Rogers] front office. I would assume, however, that we could short-circuit such a move."

Your Committee may wish to question Mr. Mace on this evidence which suggests: (1) that Mace denied me due process; (2) that Mace attempted to seal off avenues of appeal to higher authority; (3) that Mace combined in a conspiratorial fashion to deprive me of my rights; and (4) that Mace acted to take reprisal action against me for turning to the Secretary of State.

On this latter point, Congressman John J. Flynt, Jr., of Georgia testified at my Hearing on 4 November 1971 that he had looked into the matter of reprisal. His personal inquiry established that ". . . the severance period in Mr. Hemenway's [termination] notice was by far the shortest . . ." of that given to the last 100 persons terminated from the Foreign Service for any reason prior to the date he specified be checked (Hemenway Hearing transcript, November 4, 1971, page 51). Mr. Mace was one of three persons who hand-delivered the material that provided the basis of this statistic to Mr. Flynt's office. Could Mr. Mace have forgotten? Further, Congressman Flynt testified that he looked on the manner of Hemenway's termination "as harassment bordering onto real persecution" (page 53, Hemenway Hearing transcript of 4 November, 1971.)

Please note the memorandum of December 31, 1968 to Ambassador Steeves, Director General of the Foreign Service. It argues, in effect, that justice be denied Hemenway because such justice would have to be extended to other officers equally able (point no. 5 of Tice memo to Steeves of December 31, 1968)! Further, the memorandum of February 11, 1969 from Mace's Special Assistant Tice (who served both Steeves and Mace), considers and then rejects the expediency of changing rules to meet the obvious injustice in my case. This memorandum does not even note that reductions in time-in-class rules were the only stated cause of my selection out (page two, memorandum of February 11, 1969). I call to the attention of your Committee that, two and one-half (2½) years after my selection out, in July 1971, the Department of State personnel system, under that same Director, Howard Mace, promulgated new rules for time-in-class for officer classes 5 through 3. I enclose a copy of the Department's announcement for your ready reference. The effect of the adoption of these rules in July 1971 is to allow a total time of 20 years for an officer to progress through the grades 5, 4, and 3 without reference to a maximum time in any of these grades.

Thus, Foreign Service Officers no longer are to be dismissed as were Hemenway and the late Charles Thomas without pensions after more than 20 years of service. But what of the fact that Hemenway and Thomas were expelled on the basis of *ex post facto* changes in the regulations? (Evidently the Director of

Personnel is unable to admit having made an error in judgment or in law.) In fact, a precedent based on Hemenway's complaint to Howard Mace in 1969 would have spared the family of Charles Thomas the grief they have endured because of his suicide. It also would have saved Charles Thomas to work for the country he loved and served. In fact, under the "newest" new rules, Hemenway would be in the Foreign Service, even without promotion, guaranteed tenure until 1979 and Charles Thomas would be alive and in the service of his country until 1978. Neither Hemenway nor Thomas ever were rated in the low portion of their officer class, but officers were retained who were in the bottom of their class in the year Thomas and Hemenway were expelled.

I have marked portions of these memoranda I think you may find interesting. Your Committee should have all the facts, not merely exhortative petitions. Also enclosed is a copy of a letter I wrote to the Washington Post on 14 November, 1971, provided earlier to your assistant Mr. Kuhl.

Sincerely yours,

JOHN D. HEMENWAY.

FEBRUARY 11, 1969.

To: Mr. Mace.
From: Don Tice.
Subject: John D. Hemenway—Whither now.

It may be useful to sum up where we stand now with Hemenway and review our options and their potential consequences.

On the basis of Friday's conversation, it appears that Hemenway has two basic objectives:

1. To remain in the Department of State by staying in government employment until October of 1970; and

2. To eventually work in the private sector.

In the above framework, Hemenway has two collateral objectives:

1. To remain in the Department of State and, if possible, in his present job in GER; and

2. To do so in a higher salary status.

As was stated in the memorandum of your latest conversation with him, I would put Hemenway's desires, in descending order of acceptability, as follows:

FSR–3—EUR/GER; FSR–3—Other "meaningful" job in Department; FSR–3—Other Agency Detail; FSR–4—EUR/GER; FSR–4—Other "meaningful" job in Department; FSR–4—Other Agency Detail.

To be realistic, I believe we must eliminate the first four of the above alternatives. We would be setting a precedent we couldn't live with comfortably if Hemenway were to be given an FSR–3, and EUR will not have him. The choice really comes down, therefore, to whether he is assigned elsewhere in the Department or sent to another agency.

In effect, this means we will be meeting neither of Hemenway's collateral objectives, and I think we must expect him to raise a stink about it. I doubt, however, that the back-lash won't be something we can't live with. At the worst, he could go to the Hill and bring in influence. I doubt, however, that any of his Senators or Congressmen will back him to the hilt once they are briefed on the lengths to which we are prepared to go to help Hemenway, and the reasons we cannot go further. The other danger is that he might get a hearing in the new front office. I would assume, however, that we could short-circuit such a move.

Both of the remaining alternatives have advantages and disadvantages.

OTHER JOB IN THE DEPARTMENT

One of the primary advantages of keeping Hemenway in the Department would be that we would not be dangling our dirty linen in other people's yards.

A second advantage would be that, presuming a position could be found which took some advantage of Hemenway's background, his usefulness to the USG would continue.

A big disadvantage would be that Hemenway would probably continue to make a nuisance of himself.

A second disadvantage would be that, over the period of time, it would become widely known that we had temporarily "saved" a person selected out. This disadvantage could be minimized, however, were we to adopt as policy (either formally or informally) that persons within two years of qualifying for Civil Service retirement would, as in the case of persons within two years of meeting the 50–20 requirement, be extended. (I will check to see if PE has the figures which indicate the dimensions and implications of such a policy).

OTHER AGENCY DETAIL

The big plus to this would be that Hemenway would be out of the Department and out of our hair.

To Hemenway (if he would so view it) there would be the advantage that he would be accepted as a regular Foreign Service detailee by persons who were not aware of his having been bounced in State.

The big disadvantage of this solution would be the dirty linen aspect. Experience to date with Hemenway indicates beyond a reasonable doubt that he would be constitutionally unable to refrain from discussing his treatment in State, no matter where detailed. Since he has no desire to remain in Government, there would not be the incentive to keep his mouth shut for purposes of his own credibility. Regardless of how appropriate the job in another Agency, I'm afraid he would end up being a pain in someone's bippie. Frank Wile has expressed considerable concern about this, because he is afraid it could taint our exchange relationship with the Agency involved.

Recommended Action

1. CMA seek to identify an appropriate position in the Department, other than in EUR. INR might be the most appropriate place, but it would be doubtful that they would buy him, except perhaps as a freebie. We might have to try to absorb on an over-complement basis in PER. Maybe Jack Drew could find something for him to do.

2. Assuming a roosting place is found, Hemenway be told:

a. That he cannot be given a higher grade or salary.

b. That he cannot remain in EUR/GER.

c. That the job being offered him is the only one available.

d. That if he declines the offer, the Department will have no alternative to his termination at the expiration of the six months following his TIC date.

3. That the above course of action be discussed with Mr. Rimestad and, possibly, with Ambassador Johnson so that we close off in advance the most likely avenues of appeal (this assumes Johnson would be consulted if Hemenway gets his nose into the front office).

If we follow the above course I think we can expect an adverse reaction from Hemenway, even if he accepts the offered assignment. This may take the form of Hill pressure, and also may involve his going to court.

I don't know that this can be avoided anyway, so we might as well go ahead and take the plunge.

DECEMBER 31, 1968.

To: Ambassador Steeves.
From: Don Tice.
Subject: Notes for Your Briefing of the Secretary re John D. Hemenway.

BACKGROUND

Mr. Hemenway will be received by the Secretary the afternoon of Thursday, January 2, or on Friday, January 3. Following my conversation with Mr. Slauderman, an appointment was made for you to brief the Secretary at 10:00 a.m. today (January 2).

TALKING POINTS

1. Mr. Hemenway was not recommended for promotion by the most recent Selection Boards, and he therefore will be retired involuntarily for Time-In-Class (eight years in this case) in the first half of this year.

2. Based on a thorough review of his performance and development appraisal files, I find it somewhat puzzling that he has not been promoted. Each Selection Board which has considered Mr. Hemenway in Class FSO–4 has placed him in the mid area. He shows consistently good performance, rarely outstanding but with few notations of significant shortcomings. His most recent reports strongly recommend his promotion so that he would be retained in the Service.

3. I received Mr. Hemenway on December 19 at his request. Based on our conversation I believe I can see the element which may have entered into his failure to be promoted. Mr. Hemenway is confident to the point of being arrogant, and aggressive in a manner that approaches rudeness. While these qualities are only faintly hinted at in the written record, it is possible that they may have been known personally to a member or members of the boards which considered him during his crucial years in class, and may have had some influence on the boards.

4. At this juncture, Mr. Hemenway is challenging his retirement on two points: first, that it is not retirement in fact because he is not eligible for an immediate annuity; and second, that the time-in-class period has been shortened since he entered the Service. In our discussion he said that he intended to mount a legal challenge to the action, and implied that Congressional pressure would continue.

5. I see no reasonable alternative to allowing Mr. Hemenway's retirement to stand. Were he to be promoted without having been recommended by the Selection Boards, we would have set a precedent which would haunt us in the future. Were he to be simply extended, i.e., granted more time in his present class, there would be no guarantee that a future board would promote him, and this would involve an injustice to other equally able officers who were subjected to involuntary retirement on the same basis.

MEMORANDUM

October 25, 1968.

To: The Secretary.
Thru: S/S.
From: O/DG—John M. Steeves.
Subject: John D. Hemenway.

We have reviewed the file of John D. Hemenway. The record is a very favorable one. He has stood rather high in the evaluations over the years, but like many other good officers has unfortunately not stood high enough to get in the promotion zone in the very highly competitive system.

There are indications of personality problems, but certainly none of an exaggerated nature. I do not know how he will stand in this year's Board, but it will undoubtedly be high. It is of course his last chance before his 8 years expire. In going over the file I have noted that there are several prominent citizens interested in him, and their high opinion is reflected in the records left by his Foreign Service supervisors and inspectors. This brief review may not be of any great help in responding to the inquiry, but it at least indicates that he has not been in the problem area. We'll just hope for the best.

PROMOTION REFORM: THRESHOLD REVIEW AND MID-CAREER TENURE

The Secretary has approved promotion reform proposals recommended by the Board of the Foreign Service which significantly extends the time mid-career officers may remain in any one class without promotion. Also approved, was the concept of a "threshold review" for promoting class 6 Foreign Service officers to class 5.

These changes represent the consensus of the Task Forces and of a special promotion

policy working group that studied how best to apply the reform proposals. Since December 1970, when it was convened, the working group has sought the views of the employee associations and of many individual officers of all classes.

NEW TIME-IN-CLASS PROVISIONS FOR MID-CAREER OFFICERS

With immediate effect, the total cumulative time that officers, now on active duty, may remain in any combination of classes 5, 4, and 3 shall be 20 years, with not more than 15 years in any one of the three classes. Thus, unless they fail to maintain an acceptable standard of performance, middle-level officers are essentially assured of a 20-year tenure after promotion into class 5. Officers now in those classes who are within the previous time-in-class limits, but who have been in the mid-career classes for 20 years or more, will not be penalized by the new provision.

This change is the initial response to the conclusion of the Task Forces that the highly competitive promotion system tends to make caution a virtue, inhibits such qualities as initiative, persistence, and creativity, and discourages officers from accepting training, assignments to other agencies, or other types of unusual "broadening" assignments needed for the development of senior executives. These initial changes are designed to reduce these pressures during mid-career.

THRESHOLD REVIEW

The concept of threshold review is related to the liberalization of time-in-class requirements; it helps insure that officers promoted to mid-career rank have the ability, aptitude, and temperament to serve usefully for at least 20 years more.

Class 6 officers will now participate in a threshold review before promotion to class 5. They shall be eligible for the review when they have served as an officer for at least 3 years and have received performance ratings for at least two different work assignments.

The review will give the Service an opportunity to assess an officer's career prospects before his "selection-in" to mid-career. For the candidates themselves, the review is a chance to reappraise their own career prospects and interests and to reconsider their initial choice of a functional speciality. (In the case of officers appointed by "lateral entry" into class 6, the BEX entry examination will also serve as the Threshold Review.)

PROCEDURES

Eligible class 6 officers will be interviewed by a Threshold Review Panel, consisting of two FSO's on assignment to the Board of Examiners and one other FSO from a bureau primarily concerned with the officer's professional interests and background. The Panel will also consider the full performance file and a summary report of his most recent career counseling interview.

A seven-member "Threshold Review Board," which will meet monthly, will review the Panel's findings and the officer's performance file and decide whether to recommend class 6 candidates for promotion. The Board, chaired by a senior FSO and comprising officers of the Department, of other agencies, and a public member, will also establish the officers' competitive positions on a threshold rank-order list.

About four times a year the Director General will propose promotions from these rank-order listings on the basis of the need for particular functional specialities at the mid-career level. Promotions will be offered within specific functional fields.

Every eligible class 6 officer will be reviewed at least annually by the Board.

NEW TIME-IN-CLASS REQUIREMENTS FOR JUNIOR OFFICERS

Under new time-in-class requirements, officers who enter at class 8 must now be nominated for promotion to class 5 within 7½ years.

Officers who enter at class 7 must be nominated for promotion to class 5 within 5 years.

Officers initially appointed by "lateral entry" to class 6 must be nominated for promotion to class 5 within 5 years.

The maximum time officers of classes 7 and 8 may remain in class remains unchanged at 4 years for each grade.

OTHER CHANGES PLANNED

Just as there is a threshold review from class 6 to class 5, there will be an executive-level threshold review for promotion from class 3 to class 2. This change is still being developed and will be discussed in future announcements.

This Bulletin provides for the implementation of Action Program Items Nos. 37, 39, and 45.

AN AMERICAN DREYFUS CASE?

JOHN D. HEMENWAY,

Washington, D.C., 14 November 1971.

DEAR WASHINGTON POST: On November 6, Post readers were provided with generalized summaries of several quite specific and serious charges against ambassador-designate Howard P. Mace. Until August of this year, Mace had been Director of Personnel in the Department of State, where he has held high personnel posts for years. The Post summarized testimony against Mace before the Senate Foreign Relations Committee quite accurately, i.e., Mace was described as "malicious, capricious, dishonest and arbitrary, among other things."

Does not the Post owe it to its readers to say exactly what the charges were? They were specific. They were capable of proof. Details were made available in the Congressional Record of October 1, 14, 15, 20, 21, and 28, inserted by Congressman Ashbrook of Ohio. The charges also are supported by documents on public record.

Why has the Post not investigated these charges? Accusations I personally made and the matters raised by others either must be true or untrue. Surely, a Post investigative reporter could establish in a few hours whether the charges are supported by substantial evidence. Why not lay the full facts before your readers so that they might judge for themselves? A more complete list of the charges, less generalized, might even shock them:

Perjury by high Department of State officials;

Falsification, tampering with, and "losing" records;

Dispensing false and unearned honors;

Nepotism and special payoffs for political favor;

Faked official explanations and back-dated records;

Appeals to false loyalties to dampen public outcry against evidence of corruption in the Foreign Service;

Cautious and belated high official support to shore up the "integrity" of one accused officer from another involved officer;

Manipulation of judicial procedures that offer some faint hope of administrative relief from injustice;

Defense of corruption in the Foreign Service by creatures spawned and protected by that corruption;

Cover-up upon cover-up extending over a period of years;

Personal prejudice and bigotry.

The discerning Post reader appreciates that, if the above charges are substantiated, the Department of State stands on the eve of the exposure of a massive scandal in its personnel management area. To those with a sense of history, a scandal on such a scale will recall the Dreyfus Case—can it happen in America? In fact, corrupt State Department personnel practices have already destroyed some individuals just as totally as Captain Alfred Dreyfus was ruined by a corrupt bureaucracy. Dreyfus, a French army captain at the end of XIX Century, was victimized by a totally analogous list of abuses. As his loyal family (loyal both to Dreyfus and France) looked on in horror, Dreyfus was stripped of reputation and career, publicly disgraced and ruined.

To its great credit the Post reported the highly significant Senate Committee deliberations concerning ambassador-designate Mace. Another "leading" newspaper published in New York City has ignored the State Department's current personnel problems. The Post also reported the Senate Foreign Relations Committee's decision of November 2, 1971 "to pass over the nomination, making no decision until an indefinite future meeting." (WP Nov. 6, 1971 p. 2)

However, the Post has not yet reported the reasons for the decision above, if known. Surely such reasons exist. The Senate Foreign Relations Committee consists of seasoned legislators pursuing a Constitutional duty. Individual Senators would be derelict in their duty if they ignored detailed charges by bona fide witnesses appearing in public in pursuit of a democratic constitutional process, i.e., a confirmation hearing. After all, it is in the examination of the detail of the charges that their verity is established. If the charges are false, they should be exposed as false, and if true. . . .

We should remember the Dreyfus Case and learn from it. It was in the examination of detail that Dreyfus was cleared. Of course, Dreyfus was assisted by the dedicated help of Zola and courageous newsmen who, in the process, exposed the serious misconduct and scandalous cover-ups of high officials.

Like their French colleagues in an earlier century, Post newsmen may feel that a great newspaper holds a public trust. Perhaps they will agree with me that this carries the duty of responsibility for getting at the facts in this matter.

Sincerely,

JOHN D. HEMENWAY,
"Retired" Foreign Service Officer.

OUTREACH PROGRAM OF THE SOUTHINGTON COMMITTEE ON AGING

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mrs. GRASSO. Mr. Speaker, this week the White House Conference on Aging focused attention on the needs and concerns of the elderly in our Nation. Also, the Conference will leave behind recommendations on how to meet these needs. This is indeed an important event.

It seems appropriate on this occasion to note the enlightened efforts of local communities in their service to elderly residents. The Outreach Project of the Southington Committee on Aging has just completed a program of canvassing the community's elderly to determine their needs and to encourage them to take advantage of the committee's multi-service facility. This is one of many splendid activities of the Southington Committee on Aging which helps to ease the burdens and frustrations of older citizens. It also signifies a new and popular grass roots movement across the Nation which is based on the premise that we must provide for the elderly—the security, comfort and dignity they so richly deserve.

For the interest of my colleagues, a

recent article in the Southington News, which further explains this outstanding outreach project programs, follows:

OUTREACH PROJECTS SEEKS TO CONTACT ALL OVER 55

The Southington Committee On Aging through its newly started Outreach Project is attempting to contact all persons in the community over the age of 55 in order to learn their needs and to inform them of services available to them through Calendar House, the committee's multi-service facility.

A questionnaire has been developed covering major areas of concern. Ten volunteers from Calendar House are assisting Mrs. Margaret Furst, social worker, who is assisting with the Outreach Project.

The volunteers, assigned to various sections of the community will be going door to door seeking persons over the age of 55 and asking them to accept a questionnaire, to fill it out and mail it back to Calendar House within a week. A self-addressed envelope will be provided.

All volunteers will be wearing identification badges. All information will be treated as strictly confidential.

The project started Monday, Nov. 15, and will continue through Nov. 30. Anyone not contacted by Nov. 30 who would like to fill out one of the questionnaires may receive one by contacting Calendar House.

"The Committee On Aging will be most appreciative for any and all cooperation it can receive from the general public with regard to the Outreach Project and the volunteer workers.

"With this cooperation in the Outreach Project it may also help other Southington townspeople as well as yourself in a service to the community," according to a statement by James A. Fortier, project director, Southington Committee On Aging.

The 10 volunteers for the project include Adeline Piercey, Rose Nolan, Mary Palmieri, Mildred Page, William LePage, Herbert Moore, Joseph Barbier, Harry Kamp, Eliza Merriam and William Clark.

FDA REJECTS INGREDIENT LABELING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ROSENTHAL. Mr. Speaker, the Food and Drug Administration has rejected a petition by Label, Inc.—Law Students Association for Buyer Education and Labeling—that would have required the ingredients of all food products be listed on the package label.

That decision is further evidence of the FDA's proindustry, anticonsumer bias.

The agency said it "does not have the legal authority to promulgate" such a rule. That simply isn't so, for three reasons:

First. The Fair Packaging and Labeling Act of 1966 gives the FDA the broad power "to require the disclosure on labels of relevant ingredient information."

Second. Even if one takes a narrow view of the label ingredient regulation power, the FDA could certainly require the listing of ingredients under the provision that without such information the label is deceptive and the package is mislabeled.

Third. It has had the authority to administratively require full disclosure of all contents since passage of the Food, Drug, and Cosmetic Act of 1938.

Instead of acting, however, the agency over the years has created a labyrinth of regulations which allow manufacturers to conceal all ingredients, require that some be listed without specifying that it is only a partial listing, and which allow certain additives—such as colorings and seasonings—to hide behind generic names. There are relatively few products for which FDA requires a complete list of contents on the label.

The FDA prefers to call on industry to "voluntarily" list the ingredients of its products on its labels. I have seen too many times in the past the futility of the FDA's misguided reliance on industry self-regulation and voluntary compliance to believe that it can work in this area.

I have received many letters—as I am sure other Members of Congress and the FDA have—telling of serious reactions to eating a particular food because of hidden ingredients.

One of those was from a Maryland mother of a young boy allergic to hundreds of different foods and ingredients. One of the few things he could eat was tomatoes, so his parents raised them in their backyard and bought them at the market and canned them for the winter. When she ran out of home-canned tomatoes, the boy's mother bought some commercially canned ones. Knowing of her son's allergy problems, she was careful to read the labels closely and pick those marked only "tomatoes and water."

Her son became ill after eating these commercially canned tomatoes, something that never happened after eating home-canned ones. She contacted the company, which blithely told her that the can contained "additional Vitamin C" but they were not required to list it on the label. The boy's doctor confirmed that it was the additional Vitamin C that had made the lad sick. That could have been easily avoided with full disclosure of ingredients on the label.

The food industry, by refusing to voluntarily list all ingredients and vigorously fighting to conceal that information, simply demonstrates its contempt for its customers and its disregard for the principles of open, honest commerce.

I'm not talking about divulging trade secrets and special formulas, but simply a listing of all ingredients. This is vital to the health and safety of the American consumer.

There is a glimmer of hope, however. In its letter to Label, Inc., the FDA indicates it may be becoming disillusioned with voluntary industry self compliance, because it states that it is "preparing legislation" to amend the Food, Drug and Cosmetic Act to require full disclosure of ingredients in food products.

Since legislation is currently pending that would accomplish exactly that, I call on the FDA to immediately support that bill, H.R. 8670, the Truth In Food Labeling Act, which I have introduced with the support of 28 of my colleagues.

Similarly, I call on President Nixon, who has often expressed his desire to see the consumer fairly represented, to endorse this legislation and urge its passage. The President's own adviser on consumer affairs, Mrs. Virginia Knauer, wrote to HEW Secretary Richardson on July 2, 1971, that she "could not agree more" with the findings of the White House Conference on Food, Nutrition, and Health.

That conference, in its final report, noted that because of the current "maze of laws" regarding food labeling, "Consumers are presented with confusing or incomplete information about the products they purchase." It recommended reforms in the labeling laws, such as required statements of properties, a declaration about the amount of any characterizing agent, and simplification of ingredient designation."

The Label petition was submitted to the FDA in February calling for a full disclosure of all ingredients on the labels of food products. I have personally forwarded to the FDA hearing clerk nearly 2,000 letters from private citizens urging this action. They are still coming in. In fact, I have received several dozen already this week. The people want this information. They are entitled to have it.

Under the present system of labeling food cans and packages, it is easier to find out what you are feeding to your dog or cat than to your family.

Complete labeling—as called for in the Label petition and in my bill—would permit the consumer to make more informed choice. The present law is unclear as to what ingredients have to be listed and which do not. In the end, however, the consumer is unaware of exactly what he is buying. For example, on such items as mayonnaise, margarine, vinegar, ice cream, and cola drinks, no ingredient listing is required; on many other products, only a partial listing is needed.

Complete ingredient labeling should not be a difficult concept to comprehend. People have the right to know what they are eating. It is as simple as that.

The present ingredient labeling practices range from nonexistent to misleading. For far too long unsuspecting consumers have eaten foods which are harmful to them because the package label did not list all the ingredients. The advent of widespread usage of food additives, some of which might prove injurious to certain individuals, makes the matter even more urgent. Knowing ingredients is especially important to persons with allergies and other dietary problems. For instance, a person with high blood pressure must watch his intake of milk and cheese products; a diabetic must limit the amount of sugar he consumes.

If the Food and Drug Administration is unwilling to act, then the Congress must. It can do that by enacting H.R. 8670.

Mr. Speaker, I am inserting in the RECORD at this point the FDA's letter informing Label, Inc., of its decision, and the students' response to that action:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
FOOD AND DRUG ADMINISTRATION,
Rockville, Md., Nov. 22, 1971.

Mr. GARY LADEN,
Label, Inc.,
Washington, D.C.

DEAR MR. LADEN: This will confirm my telephone call of November 22, 1971, in response to your letter of November 16, 1971.

After reviewing all the comments, we have reached the decision that we do not have the legal authority to promulgate the regulation LABEL, INC., petitioned for on February 25, 1971. An order ruling on the petition will appear in the Federal Register as soon as possible. That order will urge manufacturers to voluntarily declare the ingredients on standardized foods. Comments received indicate many manufacturers will voluntarily declare ingredients in such foods.

We are preparing a legislative proposal to amend the Food, Drug, and Cosmetic Act to require the declaration of ingredients on standardized foods.

Sincerely yours,

SAM D. FINE,
Associate Commissioner for Compliance.

STATEMENT BY ARTHUR KOCH, CHAIRMAN, THURSDAY, DECEMBER 2, 1971

My name is Arthur Koch, and I am the Chairman of LABEL, Inc., an acronym for Law Students Association for Buyers' Education and Labeling. LABEL is a group of five George Washington University Law Students who have been working together for more than a year to require complete ingredient labeling on all food products.

On February 25, 1971, LABEL filed a petition with the Food and Drug Administration requesting that a new regulation be issued stating that "for the purposes of promoting honesty and fair dealing in the interest of the consumer, all food manufacturers and distributors must list on the label, in the order of their predominance, all ingredients which are contained in their product."

We are here today to announce that we have been informed in writing by the Food and Drug Administration that after reviewing the comments, they have decided to reject our proposal. This order, we are told, "will appear in the federal register as soon as possible." We think this is outrageous. The American public has a need and a right to know what is in the foods they are eating.

It was only after considerable pressure that the Food and Drug Administration published, without their endorsement, the LABEL proposal in the May 12, 1971 issue of the Federal Register and opened the matter for public comment. Consumers were amazed to learn that their foods were inadequately and often only partially labeled. More than 5,000 consumers voiced their opinion in favor of the LABEL proposal. Among these were numerous doctors, hospital administrators, dietitians, Senators, Congressmen, Consumer groups, University Professors and most of all, the housewives who prepare the daily meals for their families. Even business groups have endorsed the idea. Giant Food started a complete ingredient labeling program and the National Canners Association and the Grocery Manufacturers of America have recommended to their members that they do likewise. In contrast to the five thousand letters of support, only about two hundred letters were written by various industries who did not want to tell the public what chemicals or other additives they were putting into the foods they sold.

The millions of Americans with allergies, as well as those stricken with heart diseases and other physical ailments, those who feel that certain chemicals are harmful, and those with restricted religious diets, all have a right and a need to know all of the ingredients in a food product. However, under the present labyrinth of FDA regulations, the consumer has no way to ascertain the ingredients contained within the products under a Standard of Identity. Instead, the Standard of Identity has become a sanctuary for hidden ingredients and additives. We ask: Who should make the ultimate choice about the consumption of the ingredients in the foods he eats? By not requiring the labeling of all ingredients, and thus effectively hiding the presence of many of them from the public, the FDA has usurped the consumer's right to make that choice.

The Food and Drug Administration has not stopped at simply issuing regulations and allowing the consumer to be deceived. They have actively told the consumer that the situation is otherwise. In an FDA publication [Additives in our Food, FDA Publication No. 43, October, 1968] the Agency maintains that "food products are labeled with required information to guide and protect the consumer." Further, the FDA has said that "Food Standards are not a device to be used in the interest of industry to circumvent the consumer's right to choose." [Food Standards by L. M. Beacham, Reprint from FDA Papers, Sept. 1967] Even more deceiving, the FDA distributes a large number of posters urging consumers to "READ LABELS CAREFULLY." [FDA Poster Number 8] It seems ironic that the FDA has also issued rules under which a number of food product labels give the consumer no information at all, while others are clearly misleading.

The Food and Drug Administration has deceived the public long enough. It is time they took a careful look at what they are doing and who they are representing. The Food, Drug and Cosmetic Act gives the Agency power to take such action that "will promote honesty and fair dealing in the interest of consumers." The overwhelming favorable public comment leaves no question but that the consumers want and need complete ingredient labeling and that it is only the industry that is opposed.

We again challenge the FDA to be a voice of the people. As soon as the Food and Drug Administration announces publically in the Federal Register their denial of the LABEL Petition, we will request a public hearing. We will not let the FDA bury an issue that they do not want to contend with.

Finally, if the FDA still refuses to require complete ingredient labeling on its own, then we turn to Congress and hope that they pass the "Truth in Food Labeling Bills" introduced by Congressman Benjamin Rosenthal and Senator Harrison Williams which will effectively force the FDA to require that all food manufacturers and distributors list on their labels all of the ingredients which are contained in their products.

IN DEFENSE OF MOTHER BELL

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. McCOLLISTER. Mr. Speaker, there were a number of charges leveled at A.T. & T. today, dealing with alleged job discrimination in its treatment of women, blacks and Spanish Americans. In a report submitted to the Federal Communications Commission, the EEOC charged A.T. & T. and its operating companies with "pervasive, system-wide and blatantly unlawful" bias.

Mr. Speaker, in my 18 years of involvement in various civic projects in Omaha, it has been my pleasure to work with many of the people from Northwestern Bell. I know them to be concerned with providing equal opportunities for women and minorities. I know them not only to be concerned, but to be actively seeking out ways to hire and promote these people. Mr. Speaker, Northwestern Bell has not only done a good job in this area, but has been one of the leaders in Nebraska and other parts of the Midwest.

Bruce Schwartz, the company's personnel vice president, candidly admits that more will and can be done. But the amount of progress the company has made in recent years is certainly commendable. Nine years ago, for example, the company had a total of 190 minority employees or slightly less than one percent of its total employees. By this fall, the number had reached 667, or 2.5 percent of the company's employees. This compares favorably with the 2.3 percent minority population in the five States Northwestern Bell serves.

According to Mr. Schwartz, any job at Northwestern Bell can be filled by either a male or female employee. About 55 percent of the company's employees are women, and about 30 percent of its management positions are held by women.

Northwestern Bell has worked hard to promote equal opportunity, seeking out minority applicants, counseling and implementing followup programs to give those hired every chance of success.

In four major cities in five States, it conducted or participated in extensive programs to qualify disadvantaged for employment. It has also loaned both executives and office space for National Alliance of Businessmen programs, and exceeded NAB objectives for hiring each year since it has been participating. It has hired some 649 employees under NAB programs.

Company officials have also expressed concern about another minority, the American Indian. It now employs 37 Indians, and while that number is not overwhelming, it reflects the fact that most do not live in cities and towns the company serves. Telephone people continue to visit Indian schools and reservations to encourage members of this minority group to apply for work.

In their major, metropolitan offices, the company has minority employees both interviewing and serving in the recruiting process. And women and members of minority groups also serve in the management of employment offices and in the overall review of equal opportunity employment matters.

Northwestern Bell has been actively involved in the Urban Coalition, Urban League, the Concentrated Employment Programs and other local programs and groups that work for equal opportunity employment.

I mention all the preceding things, Mr. Speaker, not to say that Northwestern Bell has attained all of its goals in equal opportunity, but to suggest that the facts do mean a continuing progress.

I think my colleagues in the House will agree that changes have long been needed in the field of equal opportunity for women and minorities. Many employers in the United States are suddenly awakening to the fact that perhaps they have not placed enough emphasis in this area or been scrutinizing enough in years past. While most are working hard now to correct that situation, change cannot be brought about overnight. I think Northwestern Bell has done a remarkable job in its efforts, and I'm proud to look to them as an example for other employers in my second district and throughout the United States.

WHAT DOES GEORGE MEANY MEAN WHEN HE TALKS ABOUT A "STACKED DECK"?

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BAKER. Mr. Speaker, George Meany, the President of the AFL–CIO, has created a few waves lately, not the least of which was his charge that the composition of the Pay Board is a "stacked deck" against Labor. He speaks, apparently, out of his concern for the welfare of the "working man."

The Chattanooga News-Free Press feels that a closer examination is necessary of just how representative the five "labor" members are of all working men inasmuch as only about 20 percent of the workers in America are unionized.

The News Free-Press makes the point in an editorial, "Stacked Deck?", that the Pay Board could actually be stacked against the 80 percent of the workers who do not belong to a union and therefore, have no representation on the Pay Board.

This is an interesting point and should be taken into consideration not only by Mr. Meany, but by all of us who are actually interested in the welfare of all working men.

The editorial follows:

"STACKED DECK"?

George Meany, president of the AFL–CIO, has been quite busy lately. In addition to insulting the President of the United States by bad manners when the President appeared at the AFL–CIO convention in Miami Beach, Mr. Meany has been charging that the Pay Board in the controls system is a "stacked deck."

Oddly, he's right—but not in the way he means.

Mr. Meany was claiming that the Pay Board is stacked against organized labor. The fact is that it is stacked in favor of organized labor—but against the great majority of American workers who do not belong to labor unions.

The board has 15 members. Five of them are supposed to represent the "public." Five of them are supposed to represent "industry." Five of them are supposed to represent "labor."

All five of the "labor" members are from unions, including Mr. Meany's crowd. But all the unions of the nation combined "represent" about 20 per cent of the workers. Eighty per cent of the workers do not belong to unions but certainly are "labor." Who represents them? By having all five "labor" members of the Pay Board from the unions, the board is stacked in their favor, not against them. The non-union people are the ones who might make a legitimate complaint about a "stacked deck."

And since only 19 states have Right to Work Laws that allow individual workers to decide freely for themselves for or against union membership without penalty, it is evident that many of the people who are in unions are members only because of rigged laws and contracts that force them to join or not be allowed to work to earn a living. So the voluntary union portion of workers in America is really a small fraction that has been given a big voice in labor affairs, in politics and on the Pay Board.

What Mr. Meany really seeks when he says "stacked deck" is not an even balance; he merely means he wants to rule or ruin.

FEDERAL VIOLENT CRIME COMMISSION

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, to be the victim of a violent crime is a tragic experience—for the individual who is the victim, and for his or her family. In addition to the tremendous psychological and physical pain that most victims must endure, many persons are faced with staggering hospital bills after recovering from an attack. Today, only six States in America offer any compensation for the victim of violent crimes.

I have introduced a bill—the Criminal Injuries Compensation Act of 1971 (H.R. 3963)—that would provide for the compensation of persons injured by certain criminal acts. My bill would establish a Federal Violent Crime Commission which would grant awards up to $25,000 for victims of assaults, robberies, arson, kidnapping, rape, attempted rape, and attempted murder. Families of murder victims would also be eligible for compensation.

The number of persons who are victims of violent crime is increasing daily—the time for compensatory legislation is now.

On November 30, the distinguished Senate majority leader, MIKE MANSFIELD, testified before the Subcommittee on Criminal Laws and Procedures in favor of a victimization bill, S. 750, which he has introduced in the Senate. Mr. MANSFIELD, in his testimony, clearly and convincingly argues for the immediate enactment of legislation which will establish "on the Federal level the principle that violent crime is a three party affair which includes the victim, the criminal, and the State."

Mr. MANSFIELD'S testimony follows:

TESTIMONY OF SENATOR MIKE MANSFIELD

Mr. Chairman, distinguished members of the Committee.

I appreciate very much this opportunity to appear before you today. I do so in behalf of the countless thousands of innocent victims of crime. I do so as well out of a deep personal concern for the effects of violence upon society today. With S. 750, I have sought to revive the concept of compensating victims of violent crime. In doing that, I have approached the issue, not as a lawyer, which I am not, nor as a student of law. I have endeavored rather to view the matter as one who is deeply concerned that recent efforts to stimulate new approaches to stemming and even reversing the ever-rising rate of crime and violence have focused too little attention upon the innocent victims of crime.

By no means, Mr. Chairman, do I wish to diminish your superb record against criminal elements. No man, inside the Senate or out, has devoted more energy and effort to that end. Thanks in large part to you, Mr. Chairman, the United States Senate in the last Congress passed 18 or more anti-crime proposals. Societies, nevertheless, have suffered the ravages of violent crime and ours has been no exception. Chronicled daily by the press are crimes of the most heinous nature. To meet this situation it seems to me that there has been created a system of justice that too often presents an abstraction of the state versus the criminal, which in turn has left the victim unappeased, the government bogged down in court and the criminal becoming more expert at his trade.

To be sure, the accused is prosecuted for his crime, and if found guilty, punished by the state. But the victim's sole recourse, within our Fderal jurisdiction, is to seek damages by instituting a civil action against the guilty criminal. At best, this has been an inadequate remedy, considering the financial condition of most perpetrators of violent crime. In fact, a recent survey of victims of violent crimes indicates a bare 1.8% of the victims ever collected anything from their attackers. Yet 74.2% of them suffered economic loss, not to mention the physical damage and suffering involved. And as the President's Commission on the Causes and Prevention of Violence has documented so well, this alarming increase in the rate of violent crime has persisted and with it, no doubt, the great disparity between those victims who are compensated and those who are not.

At the same time, the victims of this violence have been virtually separated from the crimes. That is a matter of policy.

It is a policy that abrogates any social contract that is thought to exist between the citizen and his society. The citizen pays his taxes, he obeys the laws imposed by society and in return he expects—some would argue on a contractual basis—to be protected by those laws from illegal acts which result in injury and suffering to himself. In short, if society fails in its efforts to provide basic protection then the social contract has been breached; the citizen has suffered. To him there is no particular nonpunishable recourse available other perhaps than overt apathy. Reflective of this growing apathy, in my judgment, has been the significant increase in the number of cases where victims simply refuse to become involved—not as witnesses, not to assist the prosecution, not in preventing the crime, not in assisting a police officer.

In my judgment, this overt apathy or nonparticipation by citizens in regulatory functions of society is about to become a most critical and pressing problem. Today, citizens must recognize that through their plain apathy, they are committing crimes against society. To combat such an attitude, it is my view that we—the elected representatives—ought to become more cognizant of the need for legislation that would encourage, and even reward, acts that are socially responsible.

Another aspect of the problem concerns the government's task of rehabilitating criminals. How much violent crime, it should be asked, is committed at the hands of the recidivist who has been released upon society from a penal institution that served only to mold him into a more hardened and bitter criminal than he was when first incarcerated? His innocent victim has been doubly cheated by society. Not only has it failed to protect him with sufficient police and safety facilities, its penal institutions have actually created a more serious threat to law and order by serving as graduate schools for criminals.

It has been said that the institutions of justice have become more concerned with the protection of the rights of the criminal than with the need for law and order in society. To an extent, I would agree. But I feel the major emphasis is misplaced. To me, a major liability with the present system of criminal justice is its utter failure to consider the innocent victim. This is the whole basis for my interest today in reviving the concept of victim compensation.

As a matter of public policy, social compensation programs are not revolutionary notions by far. Indeed, there is great similarity in rationale and origin between notions of compensating workers, assuring them of a reasonably safe place in which to work, and compensating victims of crime, assuring them a reasonably safe society in which to

live. Just as the worker was historically frustrated in his attempts to recover damages, so, too, has the victim of crime today been frustrated. In many cases the offender is not apprehended. When he is, he is often destitute. Further, present penal methods do not offer the offender an ability to make restitution because he cannot earn a gainful living.

Along with the worker compensation concept, other steps have been taken in the past 30 years or more which manifest society's abandonment of its laissez-faire attitudes when facing matters of collective community need. Social security and medicare; aid to dependent children, assistance for the handicapped, the aged and the blind, notions of no-fault insurance and national health insurance all reflect a recognition of collective responsibility. Fulfilling this responsibility with regard to victim of crime is no easy task. Senate bill 750 attempts to face the problem. If adopted at the Federal level, however, it would by no means represent the first such step taken in modern times. Indeed, within the last ten years, New Zealand, England, particular provinces in Canada and Australia, have all enacted governmental programs of compensation for innocent victims of violent crimes. In addition, the states of California, Hawaii, Nevada, Maryland, Massachusetts, New York, and most recently, New Jersey, all have enacted some type of compensation program. I have asked some of these states for reports on their experience with the program and submit for the record the responses I have received.

Though I am not wedded to any particular procedure for achieving the task of recognizing the need for compensating the criminal victim, the main features of my bill do deserve some explanation. First of all, a three-man Violent Crime Compensation Commission would be created. The Commission would compensate innocent victims for injury or death resulting from 18 possible offenses. The 18 offenses could be grouped generally under the headings of homicide, assaults and sexual offenses of violence, all occurring within the Federal jurisdiction. There would be a maximum limit of $25,000 for each award.

It would be the Commission's duty to examine the evidence presented both to determine what level of compensation should be granted and whether in fact the person making the claim is truly an innocent victim.

With some limitation, the Commission could order the payment of compensation to or on behalf of the injured victim, to the person responsible for his maintenance, to his dependents or close survivors. The authority of the Commission to award compensation would not be dependent on prosecution or conviction of the accused for the offense giving rise to the injury. Obviously, however, the crime would have to be established.

As far as losses covered are concerned, the proposal would provide compensation for expenses incurred as a result of the victim's injury or death, for the loss of his earning power, for pain and suffering and for any other direct, crime-related losses which the Commission deems reasonable.

Compensation would be denied in cases where the victim was living with the offender or in any case where the Commission finds that unjust enrichment would result to or on behalf of the offender.

Decisions and orders of the Commission would be reviewed by the appropriate Court of Appeals.

A most important provision would allow the Commission, where possible, to recover over against a convicted assailant the amount of any awards granted on account of his crime.

There is also provided a grant program which would encourage states to establish Crime Compensation systems within their individual criminal jurisdictions.

With these hearings, Mr. Chairman, and the study that undoubtedly will follow, I am certain many of the features of this proposal will undergo close examination and undoubtedly changes for the better will be made. Merging the state programs under the existing Law Enforcement Assistance Administration is one suggestion that deserves merit. Improvement, may I say, is an essential purpose of the legislative process.

May I say, too, that I am pleased President Nixon's recommendations for a special compensation program for survivors of policemen killed in the line of duty are here being considered along with S. 750.

One final note. Before this Congress adjourns in 1972, it is my hope that the legislative process will have been completed and that there will be established on the Federal level the principle that violent crime is a three-party affair which includes the victim, the criminal and the state. In the last 100 years, the criminal and the state have dominated the arena of crime and punishment to the injurious exclusion of the victim. To revive at this time the proposition that citizens are entitled to protection, and failing such protection, that citizens are entitled at least to be compensated for the losses they suffer from violent criminal action, can only serve to strength the social fibre of our Nation.

Thank you very much.

COMMENDATION FOR THE VETERANS' ADMINISTRATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. YOUNG of Florida. Mr. Speaker, I am privileged to represent a district that is home for over 87,000 veterans and military retirees. Because of my close association with these fine people, I am acutely aware of the many unique problems which they face daily.

Appropriately, our Nation has long-since recognized its indebtedness to these men and women who have sacrificed so selflessly so that we all might enjoy the many benefits and opportunities we have here in America today. President Lincoln eloquently expressed this in his second inaugural address in March of 1864:

With malice toward none; with charity for all; with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in to bind up the Nation's wounds; to care for him who shall have borne the battle and for his widow and his orphan. . . .

Today, 107 years later, we find the Veterans' Administration fulfilling the promises of a greatful Nation. Through its vast hospital system, the GI bill education programs, home and business loans, compensation and pension systems, and insurance programs, veterans and families of veterans are receiving much needed assistance.

Probably one of the most worthwhile programs that the VA administers is the vocational rehabilitation program for veterans injured in combat. In this area the VA dedicates its talents and resources to restoring the disabled veteran to employability. To meet the needs of this veteran who has given so much for his country, the VA has specially designed vocational education and training and counseling programs to assist the veteran's return to society as a productive member. Throughout the Nation some 23,000 Vietnam era veterans have received training under this program.

I do not think we truly realize the impact this program, when properly handled, can have on the lives of these individuals. I am enclosing a letter which Mr. Thomas Fisher of Tallahassee wrote to Mr. Donald Johnson, Administrator of the VA, expressing his gratitude for the manner in which he was assisted during his rehabilitation. I have worked closely with the Veterans' Administration Office in Florida for the past 10 years and am very familiar with the high caliber of work which it provides under the leadership of Mr. Odell Vaughn, who is the Administrator of the State. In his letter Mr. Fisher specifically cites the services of Mr. Edward Osborne, a member of Mr. Vaughn's staff, for his understanding and "humanistic" approach in handling the problems of the veterans of Florida.

Since the Veterans' Administration Office which serves the entire State of Florida is in my district, I would like to take this opportunity, on behalf of all Florida veterans to join Mr. Fisher in saluting Mr. Vaughn, Mr. Osborne, and all other associates, for the splendid manner in which Florida's veterans' problems are handled. Mr. Fisher's letter to Administrator Johnson follows:

TALLAHASSEE, FLA., *October 19, 1971.*

DEAR SIR: I was recently certified for training under Chapter 31, Title 38, USC, at Florida State University. My contact at the Veterans Administration Regional Office at St. Petersburg has been Mr. Edward J. Osborne, who works in the Counseling and Training Section. I felt compelled to write to you and let you know that I have received outstanding service from Mr. Osborne. He answered every question that I posed, and I felt that I was receiving personalized treatment. During our contact he was also in the process of counseling other veterans and I observed that he had a similar humanistic approach to everyone. The veterans of this area are lucky to have such a person attending to their needs.

I want to assure you that this small testimonial to good service is entirely unsolicited and Mr. Osborne probably does not even remember my name. I just wanted to voice my personal thanks for a job well done. My C# is 26693474.

Yours Respectfully

THOMAS J. FISHER.

DETROIT'S INTERNATIONAL AFRO-AMERICAN MUSEUM: A BRIDGE OVER TROUBLED WATERS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. CONYERS. Mr. Speaker, today, more than at any other time in their history, black Americans appreciate the importance of evaluating themselves by their own criteria. The fact that the history books are bereft of the contributions made by black people recalls to mind that one of the prerogatives of the victors is to

fashion their own histories. Dr. Charles Wright and a few of his friends, disturbed by this void, hit upon a unique way of filling it. In March 10, 1965, they established the International Afro-American Museum, a venture whose beginning was as modest as its need was great. Dr. Wright and his colleagues knew that, for the black American to be truly understood, his history must be made intelligible. He himself must understand that his daily life and thought reflect his past. The black man of today is at one end of a psychological continuum which reaches back in time to his enslaved ancestors. For him to understand where he is headed, he must know where he has come from. That is the purpose of the museum—to fill in the historical gaps. As Dr. Wright himself has since described it:

Our purpose for creating I.A.M. was and is to increase one of the rarest commodities on the American market—racial pride among black people, and to help fill the information gap about black people for all Americans . . . We want to present the facts of events and stop the repetition of misinformation. I am convinced that distortion of history got us into our present situation, but we've got to deal with history to change people's attitudes.

The museum supplies the knowledge necessary to shatter the myths of the past. The black man is often compared inappropriately to other immigrant groups who came to America. But in making that comparison, others often forget his lack of cultural identity. He came enslaved to these shores while others came seeking freedom. The net result is that he was forcibly cut off from his past, his language, his culture, and his religion. He was literally a man without a past. He has led an existence which forbade him to be an African and never permitted him to be an American. His American experience was one of both oppression and anonymity. The International Afro-American Museum represents an attempt to penetrate that past and connect it with the present—an ambitious undertaking, to say the least.

The museum's message is simple and clear: 300 years of oppression were not enough to destroy the black spirit. We not only survived, but are now witnessing a new surge of black awareness in a variety of manifestations. Black culture, which thrived despite an alien environment, is rich and vibrant. There is much in the many exhibits from which all Americans can learn and profit. Through the efforts of Charles Wright and his associates, we in Michigan have begun that exciting rediscovery of things past. By relating our African roots to our American experience, we are beginning to generate a healthy concept of ourselves. The museum is more than just a link with the past. For many, in a personal way, it is a bridge over the gap in their own black experience. And thus a noble experiment has become a distinguished achievement.

Inspiration for the museum stemmed from a visit which Dr. Wright paid to Denmark's freedom museum in 1964 which commemorates the heroic Danish fight against Nazi occupation. It was from this point that he began to speculate on the impact of a freedom museum documenting the long history of the black struggle. From this inspirational beginning has grown a truly unique Afro-American museum.

From its founding in 1965, it was determined that the museum would be an independent, grassroots, nonprofit organization, one that would maintain itself by support from the black community. It now boasts a membership in excess of 2,000 people.

On a shoe-string budget, the IAM, acquired from the London Museum some replicas of heads and wall plaques of the Benin Kingdom. Next, a generous African art enthusiast—former Governor of Michigan G. Mennen Williams—donated several pieces. Hard work and many sacrifices in time and money brought in additional black art objects, paintings, carvings, documents and information which began filling the museum and attracting hundreds of interested visitors.

By 1967, the museum was ready to hit the road. It purchased a mobile home, converted it into a trailer-museum, and drove off to the Michigan State Fair. In only 10 days, more than 16,000 people visited the mobile museum. Since then, more than 200,000 visitors have benefitted from its contents. Today the mobile museum is an integral part of the IAM.

A museum primarily concerned with black history, the International Afro-American Museum presents a microcosmic overview of the black experience from Africa to America, revealing a history laden with some of the most exciting episodes found anywhere. Africa—whose early kingdoms had glory before Greece and grandeur before Rome—built large, complex empires, and perfected the art of government, while at the same time creating some of the most enduring and beautiful music, art, and sculpture that the world has known.

Other exhibits offer the viewer a chance to become better acquainted with little-known aspects of the black American experience. Few realize, for example, the invaluable skills which Africans brought to the Americas. The museum's galleries illustrate how these uprooted peoples used their knowledge of crops and soil, climate, stockbreeding, carpentry, to help keep the early colonists alive in the wilderness. Also told are the stories of Negro inventors, scientists, writers, statesmen, and artists, who, despite efforts to prevent their education or the development of their skills, became great men and women.

One such display recreates the life and times of the legendary Paul Robeson, renowned orator, singer, and actor. The museum portrays him as a forerunner of the civil rights movement since his sharp criticism of American society helped focus public attention on the injustices which black people suffer.

More recent exhibits depict the great contributions of Mrs. Rosa Parks and Mr. Whitney Young, Jr., to the civil rights revolution. The exhibit, Whitney Young, apostle of freedom, portrays the life story of this great leader. Mrs. Rosa Parks ignited the fires of resistance across America in a single gesture of defiance. Her exhibit is appropriately titled "Trial of a Black Woman."

Among other museum exhibits, one can see displays ranging from the Afro-American in the Soviet Union, civil rights panels, and Nellie Watts' testimonial, to the underground railroad. In an effort to reach further into the community, the IAM also broadcasts a weekly radio program, gives an annual series of lectures by outstanding authorities on aspects of black history, and publishes a quarterly newsletter. Two films were made for use in schools to promote the vocational interests of young people seeking to enter the professions. These films, titled "You Can Be A Doctor," and "The Bank is Open to You," are available to the public.

This thumbnail sketch tells only half a story, for a fund drive for a larger and permanent home is already underway. The museum's directors have approved plans, constructions for which should begin in 1974, which include an auditorium, a dining facility, and an art school.

Detroit is justifiably proud of the achievements of its International Afro-American Museum. It has instilled pride, kindled aspirations, and has pulled back the curtain of the past revealing the history of a creative and resilient people. One man's inspiration became the basis for an idea which has contributed a great deal to so many. In a way, that is the story of our people, and the story which the museum tells so effectively.

SECRECY AND HYPOCRISY: THE KEYNOTE OF THE NIXON ADMINISTRATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. RARICK. Mr. Speaker, the announcement that President Nixon has authorized the Export-Import Bank to extend credit to Communist Rumania to finance the purchase of American-made goods should remind us of the action taken last July 8 in extending and expanding the Export-Import Expansion Act. At that time and at the urging of the President, the obligations of the Export-Import Bank were exempted from both the budget and the debt ceiling. Congress also removed the prohibition of financing credit deals with any country aiding or abetting countries with whom we are in armed conflict. Such transactions were left to the discretion of the President when he determines such trade expansion to be in the national interest.

Now we learn that the U.S. Secretary of Commerce is in Russia winding up a trade mission—which must mean credit arrangements with that country to buy U.S. goods. With the President and Mrs. Nixon junketeering with Herr Kissinger to China to improve relations with that Communist country, we can expect, as a practical result, Ex-Im Bank loans to start trade with the Red Chinese. It certainly seems as President Nixon thinks such trade to be in the national interest.

In the meantime, the gross public debt of the United States is reported to have reached the grand total of $416,921,843,765.86, this with the permanent debt ceiling of $400 billion and a temporary debt limit of $430 billion which Congress passed last March 3. As a result of con-

gressional action of July 8th, this figure does not include the Export-Import Bank obligations, which extend American credit based on the U.S. Treasury for the overseas development of both emerging and Communist countries.

Apparently the rationale to offset the whopping deficit in balance of payments resulting from foreign aid is an extension of the bankrupt domestic policy of "spend yourself rich," thinking that by giving more money away to foreigners and manipulating the books properly, we can improve our balance of trade losses which exceeded $861 million for the month of October alone.

With upside-down thinking and detrimental national policies like these, how can citizens have confidence in our U.S. negotiators and their instructions at the Strategic Arms Limitation Talks—SALT—with the Russians in Vienna? If we were unable to negotiate from a position of strength, how can we ever expect to accomplish anything from a position of weakness or ineptness?

And if this is not sad enough, on November 22, the President exposed from the heretofore secret embargo the so-called Law of Treaties signed for the United States on April 24, 1970. There can be little doubt to any informed person studying the Vienna Convention on the Law of Treaties arranged in conjunction with the U.N. that the entire convention is but a de facto detour to circumvent the Constitution of the United States and further endanger the constitutionally secured rights of every American.

Hypocrisy and secrecy have keynoted the Nixon administration. We now learn that the President had entered into a global strategy to lose the war in Vietnam before he went to the White House.

I insert related news articles and material in the RECORD following my remarks:

[From the Washington Evening Star, Dec. 1, 1971]

BAN ON CREDIT TO RED BLOC ENDED

President Nixon has authorized the Export-Import Bank to extend credits for the sale of American goods to Romania. This ended a three-year ban on U.S. government-backed credits to Communist-bloc nations.

The White House announced yesterday that Nixon acted under the terms of the Export Expansion Finance Act passed last summer, which allows the extension of credits to Communist-bloc nations if the President deems it in the national interest.

The President's move, which was not unexpected, was a further sign of the administration's desire to widen East-West trade. It came while Commerce Secretary Maurice H. Stans was winding up a trade mission to the Soviet Union which he hopes may lead eventually to a tenfold rise in trade above the current $200 million yearly total.

As another sign of the improved climate in Soviet-American relations, the Agriculture Department yesterday announced that a six-man delegation of Soviet farm officials, headed by Agriculture Minister Vladimir V. Matskevich, will visit the United States from next Wednesday through Dec. 19.

Soviet officials have stressed to Stans and other American officials that the administration must liberalize credit arrangements if there is to be a substantial rise in trade.

In 1968, Congress banned the Export-Import Bank from either extending or guaranteeing bank credits to Communist nations aiding North Vietnam. But this summer, the ban was limited to those countries at war with the United States—North Vietnam.

Administration officials were reported to be preparing to ask Congress to allow Romania to receive normal tariff treatment on goods sent to the United States—so called most-favored nation treatment. At present, Poland and Yugoslavia are the only Communist nations to receive this treatment.

The administration has indicated it would endorse most-favored nation treatment to Romania. Some officials believe that it might be granted to the Soviet Union as part of a trade package to be negotiated before and during Nixon's trip to Moscow in May.

[From the Washington Evening Star, Dec. 1, 1971]

MEETINGS TO RESUME ON ARMS LIMITATION

VIENNA.—Meetings of American and Soviet experts who hammered out the previous agreements at the Strategic Arms Limitation Talks are expected to resume this week, conference sources said yesterday.

The expert level meetings have been suspended since the first meeting of the current Vienna round two weeks ago. Instead, the only contact between the Soviet and American teams has been through formal statements read out at their twice-weekly full-scale meetings.

[From the Congressional Record, Nov. 22, 1971]

To the Senate of the United States:

I am transmitting herewith, for the advice and consent of the Senate to ratification, the Vienna Convention on the Law of Treaties signed for the United States on April 24, 1970. The convention is the outcome of many years of careful preparatory work by the International Law Commission, followed by a two-session conference of 110 nations convened under United Nations auspices in 1968 and 1969. The conference was the sixth in a series called by the General Assembly of the United Nations for the purpose of encouraging the progressive development and codification of international law.

The growing importance of treaties in the orderly conduct of international relations has made increasingly evident the need for clear, well-defined, and readily ascertainable rules of international law applicable to treaties. I believe that the codification of treaty law formulated by representatives of the international community and embodied in the Vienna Convention meets this need.

The international community as a whole will surely benefit from the adoption of uniform rules on such subjects as the conclusion and entry into force of treaties, their interpretation and application, and other technical matters. Even more significant, however, are the orderly procedures of the convention for dealing with needed adjustments and changes in treaties, along with its strong reaffirmation of the basic principle pacta sunt servanda—the rule that treaties are binding on the parties and must be performed in good faith. The provisions on judicial settlement, arbitration, and conciliation, including the possibility that a dispute concerning a preemptory norm of international law can be referred to the International Court of Justice, should do much to enhance the stability of treaty relationships throughout the world.

I am enclosing the report of the Secretary of State, describing the provisions of the convention in detail.

The Vienna Convention can be an important tool in the development of international law. I am pleased to note that it has been endorsed by the House of Delegates of the American Bar Association and I urge the Senate to give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *November 22, 1971.*

[From the Washington Evening Star, Dec. 1, 1971]

TWO PULLOUT VERSIONS OFFERED BY LAIRD

(By Orr Kelly)

Secretary of Defense Melvin R. Laird has given two different accounts, within the past week, of the way the Nixon administration's plan for ending American involvement in the war in Vietnam evolved.

In one account, the key decisions are said to have been part of a global peace plan made in the Fall of 1968, before President Nixon's election. In the other account, the key decisions are said to have been made in the Spring of 1969, after the new administration had a chance to look things over.

In a letter to Sen. ——— ———, written Monday and made public yesterday, Laird said the previous administration had no plan to reduce the American troop level in Vietnam and then added:

"You may recall that I disagreed with the inflexible policy of ever increasing troop levels at the time. I publicly predicted in September, 1968, that thousands of American troops could be withdrawn in 1969.

PREDICTION CITED

"The prediction was made on President Nixon's aircraft to representatives of the news media between Boise, Idaho, and Bismark, N. Dak. It was made after lengthy discussions with Mr. Nixon, in the preceding days and weeks, on the details of the plan—which he referred to in New Hampshire and which later, after he became President, came to be known as Vietnamization and the Nixon Doctrine."

Nixon made a number of references during the campaign to his "plan" to end the war, but never spelled it out, leading Democrats to charge that he had no plan.

(Press accounts of Laird's statements on Sept. 24, 1968, quoted him as saying that, "by next June the U.S. is likely to have 90,000 fewer troops in Vietnam," and that statement was interpreted at the time as an accusation that the Johnson administration was planning a withdrawal announcement.)

(Laird also was quoted at that time as saying he had made his predictions without consulting Nixon. The first 25,000-man step in the withdrawal program was announced by Nixon on June 8, 1969, and did not actually begin until July.)

OTHER VERSION GIVEN

Laird's other version of the genesis of the Vietnamization program was given in a Nov. 23 speech to community and military leaders at Leavenworth, Kan. In it, Laird said the possibility of cutting troops in Vietnam had been discussed in the autumn of 1968 but no firm decision had been made until after he visited Southeast Asia in March 1969, after the new administration had taken office.

"On my return from my visit to Vietnam in 1969, I recommended to President Nixon the formulation of the policy of Vietnamization—the orderly transfer to the Vietnamese themselves of the responsibilities for their security and development, borne until that time by the United States. As part of the Vietnamization program, I recommended that we begin to reduce American troop strength in Vietnam.

"I reported to President Nixon that I had told our leaders in Vietnam in accordance with all previous discussions that a satisfactory conclusion to the war meant the eventual disengagement of American men from combat.

NO PROGRAM FOUND

"Unfortunately, I found no program in existence for achieving this goal. Therefore, I recommended that developing such a program should receive our first priority.

"I said it would be possible to accelerate equipping and training of the South Vietnamese with the understanding that such action would permit the replacement of

American forces. And I was able to recommend that the withdrawal of American forces from South Vietnam begin in 1969 with the removal of a substantial number of troops—a step we had discussed in the autumn of 1968," Laird said.

The letter to ——— was part of an exchange between the Defense secretary and the senator which began Sept. 30 when Laird objected to a statement by ——— that "never has an American President lied so blatantly for so long as has Richard Nixon on the war in Vietnam."

"PLAN FOR PEACE"

Laird told ——— the administration had evolved a "plan for peace" before the election and that it had been followed, not only in Vietnam, but in all aspects of our foreign policy.

Laird said the administration had reduced the level of American involvement in Vietnam and declared that "this administration has never raised false hopes about Vietnam nor made promises it couldn't deliver."

——— responded Oct. 2, recalling Nixon's statement during the 1968 campaign that he had " a plan to end the war."

"As intended, this was interpreted by the public as a promise to end the war rather soon," ——— wrote. "Suppose, instead, that candidate Nixon had said throughout the 1968 campaign that he had a plan to end American ground forces combat in the war after four more years and 20,000 American lives. Do you thing for a moment that he would have been elected President?"

WAITS 2 MONTHS

Laird waited nearly two months to reply, until Monday this week. Then he accused ——— not only of being confused himself but of "confusing some sincere Americans around the country by giving wide circulation to the totally unfounded and unwarranted allegation that President Nixon has blatantly lied to the American people concerning Vietnam,"

"I was frankly surprised to see you refer to the President's statement in 1968 in New Hampshire that he a 'plan to end the war' as further documentation of your charge," Laird wrote.

"He did indeed have a plan and we have been proceeding according to that plan not only in Vietnam but in all aspects of our foreign policy. . . .

"Basically, there are two concepts involved which are not difficult to understand unless one deliberately chooses to misunderstand them. One involves the Nixon administration's plan to terminate American combat involvement—ground, air and sea—in the war in Vietnam. The other involves our commander-in-chief's plan to bring about lasting peace.

STRATEGY CITED

At another point, Laird said:

"To put this in as straightforward a manner as I can, the Nixon plan to end the war is bound up in the entire fabric of the President's foreign policy and the complementary national security strategy of realistic deterrents.

"The new approaches have been conceived and implemented with the purpose of moving from an era of confrontation to negotiations and in order to foster conditions for what our comander-in-chief so often has referred to as a 'full generation of peace.' "

[From the New York Times, Nov. 6, 1971]

UNITED STATES TO LET RUSSIANS BUY $136 MILLION IN FEED GRAIN—TERMS DEAL "FIRST STEP" IN EXPANSION OF TRADE—MARITIME UNIONS WAIVE DEMAND FOR USE OF AMERICAN SHIPS

(By William M. Blair)

WASHINGTON, Nov. 5.—The Nixon Administration announced arrangements today for the commercial sale of nearly $136-million worth of corn and other livestock feed grains to the Soviet Union.

Nixon Administration officials termed the planned sale by two United States grain companies "the first step in the expansion of trade with the Soviet Union," and said that the impetus had been generated for more sales in the future. But they declined to speculate on whether such sales would extend to China in the near future. President Nixon will visit China after the first of the year.

According to Administration officials, the key to the sale was a waiver of American maritime unions' long-time demand that at least 50 per cent of grain shipments to the Soviet Union be carried in American ships.

The officials attributed the maritime unions' action to the Administration's efforts to revitalize American merchant shipping, which include a 10-year program of subsidies to enable domestic shipping to compete with foreign-flag ships.

The sale was expected to have a significant political effect in the big mid-Western corn states. Farmers have complained of depressed prices caused by increasing stocks of grain, including wheat.

There has been a record corn crop this year, and the Administration recently announced a program to combat the price slump—it was also designed to offset political unrest—by paying farmers $600-million more in subsidies to take more acres out of production next year.

The pending sale to the Soviet Union is the first since President Kennedy authorized a $100-million wheat sale to Russia in 1964, a move that stirred controversy.

The new sale will be made by the Continental Grain Company and Cargill, Inc. Spokesmen for the companies declined, for competitive reasons, to disclose how much of the total sale each company would handle. The sale covers 80 million bushels of corn, 28 million bushels of barley and 21 million bushels of oats.

Officials said that the shipments could start immediately, mainly from Great Lakes ports.

The grain deal was described as an indication of an improved climate of relations with the Rusians, who were reported to want more trade with the United States to help overcome consumer problems, including the need for higher-protein foods.

The Russians are expected to use the grains particularly for greater pork and poultry production. The $136-million worth of grain exceeds by $18-million the total of $118-million representing all commodities exported to the Soviet Union last year.

Richard V. Allen, President Nixon's Deputy Assistant for International Economic Affairs, and Andrew E. Gibson, Assistant Secretary of Commerce for Maritime Affairs, said at a news conference that the grain sale arose from a series of developments that started last June.

UNION OFFICIALS SUMMONED

In June, Mr. Nixon lifted some of the barriers for trade with the Soviet Union and China. These included removal of special licensing requirements for shipments and the 50 percent requirement for American shipping.

Mr. Allen related that last week Continental Grain and Cargill told the White House that they had received offers from the Soviet Union for the feed grains. Earlier this week, at Mr. Nixon's direction, union officials were summoned to the White House and, according to officials, were convinced that the Administration intended to make American shipping competitive in world trade.

This, officials said, was in the spirit of the Merchant Marine Act of 1970, proposed by Mr. Nixon. The act provides for a subsidy program for construction of 300 merchant-marine vessels and for operating subsidies to offset lower foreign operating expenses.

At the first White House meeting were Paul Hall, president of the Seafarers International Union, and Jesse M. Calhoon, president of the National Marine Engineers Beneficial Union. Yesterday, at another meeting, those present were Joseph Curran, president of the National Maritime Union; Thomas W. Gleason, president of the International Longshoremen's Association; Thomas F. O'Callahan, president of the International Organization of Master, Mates and Pilots, and William R. Steinberg, president of the American Radio Association.

QUESTION SIDESTEPPED

In the news conference, Mr. Allen, Mr. Gibson and J. Phil Campbell, Under Secretary of Agriculture, referred to Mr. Nixon's "deep personal involvement" in the grain sale but sidestepped the question whether he had talked directly to the maritime-union leaders.

The unions reversed their position on shipping because they were convinced that in the long run more contracts and jobs would be gained by permitting competitive bidding for shipments to the Soviet Union and China.

In answer to questions, Mr. Gibson said that the grain sale "will not be used to put pressure on unions in their negotiations with management" to end current dock strikes on the East Coast and Gulf of Mexico. The Great Lakes are not affected by the strikes. Mr. Gibson and other officials said that the unions had not asked for anything in return for permitting the grain to be loaded on foreign vessels.

On Capitol Hill, Senator ———, said after a briefing by Administration officials on the sale that the Russians would probably transport the grain in their own ships although this had not definitely been decided.

According to the Agriculture Department, the corn will come from the free market and the barley and oats will come from Government supplies.

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

UNITED STATES SELLS RUSSIA $185 MILLION IN GRAIN

A surprise deal between the White House and the big maritime unions has paved the way for sales of feed grains to the Soviet Union that could run as high as $185 million, it was announced yesterday.

Such a sale would not only exceed the total of all exports to the Soviet Union last year—$118 million—but would also top the historic and controversial shipment of $125 million worth of wheat to the U.S.S.R. in 1964.

In winning labor acquiescence to removing the requirement that 50 per cent of such shipments be moved in American bottoms, the Nixon administration pulled off a coup on several fronts:

The projected sale to Russia would help reduce the heavy surpluses from this season's bumper crop and firm up prices. The drop in corn from $1.45 a bushel a year ago to about $1.05 today has brought angry protests from farm groups and has become a serious political liability for President Nixon.

The White House House agreement not only puts American growers on a more competitive basis with other major exporters such as Australia and Canada, but would be of significant help to the critical trade and balance of payments situation of this nation.

American grain traders believe this would be only the first of continuing grain shipments to Russia, which is hard pressed to grow enough feed for its rapidly expanding livestock industry. The sale might also help pave the way for expanded export of other products to the Soviet Union, officials believe. And it could improve the atmosphere for trade talks between Secretary of Commerce Maurice H. Stans and Soviet officials in Moscow next week.

No American grain has been sold to Russia for the past eight years because of the problem of the 50 per cent shipping requirement. American shipping charges generally greatly exceed world rates and the Russians have

balked at paying the extra cost ever since the big wheat deal of 1963–64.

In June President Nixon suspended the shipping requirement at the same time he liberalized trading rules for mainland China. There were loud protests from organized labor at the time and intimations that the International Longshoremen's Association might refuse to load any grain cargoes destined for Communist nations.

Administration officials said the union leaders had asked nothing in return for finally acquiescing to removal of the shipping preference. They praised the union chiefs' "statesmanship" for putting the interests of the nation first.

But speculation persisted, nonetheless, that some quid pro quo was arranged during the White House parley: the pledge of more vigorous prosecution of Mr. Nixon's expanded merchant marine program (which would mean more jobs for union members) or governmental efforts to help gain the dockworkers a favorable settlement and end the dock strike that has tied up East and Gulf Coast ports for the past five weeks, for example.

Principal negotiators for the White House in the accord were Peter G. Peterson, Mr. Nixon's special assistant for international economic policy, and Charles W. Colson, special counsel to the President. Mr. Nixon was kept continuously informed of the progress of talks, it was understood, and some sources indicated he talked to some union leaders by telephone.

The unions were represented by Presidents Thomas W. Gleason of the longshoremen, Paul Hall of the Seafarers International Union, Joseph Curran of the National Maritime Union, Jesse Calhoun of the National Marine Engineers Beneficial Association, Thomas O'Callahan of the Masters, Mates and Pilots Union, and William Steinberg of the American Radio Officers Association.

The sales arrangements were made directly with the Russians by two large American traders, Continental Grain and Cargill, Inc. It was understood shipments would begin shortly from unstruck Great Lakes Ports and continue through next spring.

The Agriculture Department reported that the commitments would amount to a total of $135 million.

But Continental said its part would amount to $140 million alone, to be paid in U.S. dollars. Cargill declined to reveal the size of its order for competitive reasons. But there were reports in trade circles that it amounted to $45 million.

Continental said its sale would include 2 million tons (80 million bushels) of corn and a total of 900,000 tons (36 million bushels) of oats and barley. The company said it might fill some of these requirements from foreign sources but intends to ship at least 2 million of the 2.9 million tons from American stocks.

Sen. ——— said the grain probably will be carried in Russian ships although this has not been definitely decided.

Many of the Great Lakes ports will be icebound in a matter of weeks and the East-Gulf dock strike might present problems for the grain shipping schedule if it persists much longer. Presumably some of the shipments could be loaded on the West Coast where a Taft-Hartley injunction has interrupted another longshore strike, at least until the new year.

[From the Chicago Tribune, Nov. 6, 1971]

LIST RUSS REASONS FOR GRAIN PURCHASE

(By George Beardsley)

Moscow's move to buy a minimum of $136 million in feed grains from the United States was prompted by a Russian drouth, increasing standards of living in the Soviet Union, and the fear created by the corn blight that hit the United States crop last year, trade sources said.

The sale would help reduce the large amount of corn available this year which is depressing the prices farmers are paid for their crop. Agriculture Secretary Clifford Hardin and other administration officials have been under pressure to do something about this corn surplus.

The Nixon administration announced Friday that Continental Grain Co. and Cargill, Inc., had firm offers from the Soviet Union for 2 million tons of corn, and 900,000 tons of barley and oats.

SEES MORE TRADE

Harold Vogel, executive vice president of Continental Grain, said that in the long run he anticipates more regular trade dealings with the Russians, but that for the "near future" he anticipates no further grain sales to the Soviets.

He said the Russians have said this is all the feed grain they will need thru next summer.

A Cargill spokesman, however, said that no one regards the announced agreement as the total deal.

"It is open ended and could be for more," he said.

He said there appear to be two reasons for the Russians seeking feed grain on world markets.

First, there is an increase in the amount of meat included in the Russian diet, and consequently a greater need for animal feed, he said.

"This is typical of other nations that have gone thru a history of increasing affluence. Human beings like meat, better than porridge.

He also said there is considerable evidence there has been drouth thruout the area where the feed grains are normally produced in Russia, decreasing the amount of feed available as the demand was increasing.

POOR RUSSIAN CROP

Lindley Finch, vice president and agricultural consultant for Continental Illinois National Bank & Trust Company of Chicago, also said indications were that the Russians hadn't had a good crop and are expanding their use of feed grains.

While an increasing demand for animal feed and a drouth put the Russians on the market, it was the devastation of Southern corn leaf blight last year that made the U.S. corn available at a competitive price in the world markets.

There was fear the blight could recur in the Corn Belt again this year, because seed corn firms were not able to supply all the blight resistant seed farmers desired.

OK'S GRAIN PROGRAM

The short crop and constantly shrinking supplies of corn prompted Secretary of Agriculture Hardin to approve a feed grain program for this year that actively encouraged farmers to plant more acres in corn.

This encouragement, coupled with one of the most favorable growing seasons in recent years and a small amount of blight damage have contributed to this year's bumper corn crop, now estimated at 5.4 billion bushels, up sharply from last year's blight damaged crop of 4.1 billion bushels.

The surge in the supply of corn then drove prices sharply lower, making the price attractive to the Russians.

[From the Washington Evening Star, Nov. 6, 1971]

AIM OF RUSSIAN GRAIN BUYING BELIEVED BETTER MEAT SUPPLY

State Department experts said today they were intrigued by Russia's decision to purchase nearly 3 million tons of feed grains in the United States at a time the Soviets are expecting a near-record harvest.

The situation contrasts dramatically, they said, with the disastrous Soviet harvest of 1963 which obliged Moscow to buy millions of tons of grain abroad, including 4 million metric tons from the United States. The Soviet Union paid approximately $250 million for that purchase of grain from U.S. suppliers.

The Nixon administration announced yesterday that an agreement was nearly complete for several U.S. suppliers to sell nearly 3 million metric tons of corn, barley and oats to the Soviet Union for the approximate sum of $136 million.

Specialists in the State Department and Agriculture Department believe the purchase signaled a decision by the Soviet political leaders to take steps to improve the meat supply in Russia.

For decades, the Soviet consumer has had to put up with poor quality meat, often in short supply. It is thought by specialists here that under the new five-year plan, Soviet leaders will make a greater investment in their meat-producing sector.

This could mean, officials said, that in the next few years the Soviet Union will have a continuing need to buy varying amounts of feed grains abroad.

Agricultural specialists said Soviet authorities have not yet released figures for the 1971 grain harvest in the Soviet Union. Estimates by experts here, however, placed the harvest at between 145 and 150 million metric tons of usable grain. The 1970 harvest brought in about 150 metric tons of usable grain.

The Nixon administration is quietly pleased with the projected deal because of its successful attempt to elicit the cooperation of U.S. longshoremen and maritime unions in loading U.S. and foreign ships.

The 1963 sale, announced by President Kennedy Oct. 9, 1963, was seriously complicated by union pressures. The administration finally had to agree that 50 percent of the sale should be carried in U.S. ships whose haulage rates were higher than those of foreign competitors.

Administration officials credited union leaders with a "statesmanlike" attitude in the present instance and noted that President Nixon was anxious to stimulate the U.S. merchant marine with various measures.

The officials said they believed that union cooperation would prevail if further deals for grain sales should be concluded with Communist China and Eastern European nations.

Sales to such Communist countries could ease the situation of the Midwest grain-growing states, which possess a considerable surplus but have not found sufficiently large markets in recent years.

ADJUSTMENT ASSISTANCE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. GIBBONS. Mr. Speaker, on Tuesday, Mr. Stanley Metzger, professor of law at the Georgetown University Law Center, gave an interesting and informative presentation on adjustment assistance to a bipartisan group of Congressmen concerned about our present drift toward defeatism and restrictionism in our trade policies.

Mr. Metzger is a former Chairman of the Tariff Commission and an authority on the serious deficiencies of our adjustment assistance program to provide Federal help to workers and industries that may be adversely affected by import

competition. He has also served as Assistant Legal Adviser for Economic Affairs at the Department of State and recently contributed the papers "Adjustment Assistance" and "Injury and Market Disruption From Imports" to the July 1971 report of the President's Commission on International Trade and Investment Policy.

Adjustment assistance is, of course, only one of the Government programs designed to facilitate the adjustment process which American workers and firms are continually making in response to changing economic conditions or consumer tastes. As Mr. Metzger pointed out so ably, there is strong evidence that major innovations or improvements are needed in adjustment assistance and in many of these other programs to make them truly effective and to help reduce unemployment and restore our economic well-being.

Mr. Metzger spoke informally to the bipartisan group and answered questions. I regret that I do not have the text of his comments for the reference of other Members who are interested in improvements in our adjustment assistance program. However, because I think it would be of interest to my colleagues, I insert in the RECORD at this point the text of Mr. Metzger's paper on adjustment assistance from the July 1971 report of the President's Commission on International Trade and Investment Policy:

ADJUSTMENT ASSISTANCE

(By Stanley D. Metzger)

I. ORIGINS OF ADJUSTMENT ASSISTANCE

The Weaknesses of the "Escape Clause" as a Remedy for Individual Firms and Groups of Workers Adversely Affected by Imports:

It was made clear at the outset of the Trade Agreement program in 1934 that the program's purpose was to assist American industry and agriculture, not to cause it serious injury. The Hull policy of freeing trade from artificial barriers was meant to expand international trade and thus benefit firms, workers, farmers and the general public, but in so doing to take into account, meaningfully, the interests of domestic industries which might face serious import competition as a result of the lowered trade barriers envisaged as a consequence of the program's operations.

The 1934 Act thus required that the President consult with those Government Departments which habitually speak for particular domestic industries that might be affected adversely by tariff and other trade concessions (Agriculture, Interior, Commerce, Labor, and (then) War and Navy) before any reductions in United States tariffs were negotiated. There was immediately established the inter-agency Trade Agreements Committee (composed of those agencies and chaired by the State Department) one of whose principal tasks was to undertake a precautionary review before a trade agreement was entered into, for the purpose of avoiding making concessions which in the official judgment of those most knowledgeable would likely result in serious injury to the domestic industry producing a like or directly competitive article. This review included an opportunity for industries affected by forthcoming negotiations (notice of which, including a description of the article likely to be the subject of U.S. concessions, had been made) to appear and present orally and in writing their views both as to what the United States should and what it should not be prepared to offer by way of tariff concessions. This precautionary review was later codified legislatively, and made more restrictive, in Section 3 of the Trade Agreements Extension Act of 1951 (the "peril points" provision). Still later, the 1962 Act eliminated "peril points" as such, but the review continued to operate in the same manner as it had since 1934.

Industries concerned about injury from imports were nontheless dissatisfied with it. They feared that despite advance precautions, trade agreement concessions once negotiated might be followed by an increase in imports caused by the concession, and the domestic industry caused, or threatened with, serious injury because of such increased imports. Accordingly, following the urgings of their Congressional spokesmen, an "escape clause" was inserted at United States request in the bilateral agreement with Mexico in 1942, specifically permitting the withdrawal of a concession under those circumstances.

Following the enactment of the 1945 Trade Agreements Extension Act and while preparations were being made for the negotiation of the General Agreement on Tariffs and Trade, including the first major multilateral tariff reduction negotiation, it became necessary for the Administration, in the words of former Secretary Acheson (*Present at the Creation* (1969), 200–201) to accept "some restrictions on executive power to reduce tariffs" in order to "save what we could of the trade-agreements program" from the ministrations of Senators Milliken and Vandenburg. President Truman issued an Executive Order (No. 9832) requiring that an "escape clause" be inserted in all future trade agreements.

Article XIX of the GATT contains the escape clause principle, which reads as follows:

"If, as a result of unforeseen developments and of the effect of the obligations incurred by a contracting party under this agreement, including tariff concessions, any product is being imported into the territory of that contracting party in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers in that territory of like or directly competitive products, the contracting party shall be free, in respect of such product, and to the extent and for such time as may be necessary to prevent or remedy such injury to suspend the obligation in whole or in part or to withdraw or modify the concession."

The 1947 Executive order established a procedure pursuant to which the President would decide in any case whether to invoke the "escape clause" of a trade agreement (either the GATT or one of the remaining bilaterals which had been amended to include escape clauses). This American domestic procedure was later codified in Section 7 of the 1951 Act, which remained in effect, with relatively minor legislative modifications, until a major revision was made in the 1962 Act.

Under Section 7 of the 1951 Act, a domestic industry could apply to the Tariff Commission—

"To determine whether any product is, as a result in whole or in part of the duty or other customs treatment, reflecting such concession, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

"Your committee is persuaded that provisions for adjustment assistance should not be continued as a discretionary alternative action for the President in place of tariff adjustment action where the Tariff Commission has made an affirmative injury and remedy determination after an industry investigation."

The Tariff Commission, within six months, had to report to the President its findings and its recommendations. If it found that such injury had been caused or threatened, it was to recommend the tariff or quota relief necessary to remedy the injury—tariff relief being limited to a rate 50% above the rate existing on July 1, 1934. The President could accept or reject the findings and recommendation of the Commission in whole or in part; if he failed to agree with the Commissin, he had to report to the Congress the reason why. The Congress, by a concurrent resolution adopted by a two-thirds majority of both houses which was procedurally "privileged," might overturn his negative action, thereby causing the Commission's recommendation to be put into effect. This latter never occurred. The President could of course, utilize whatever legislative authority there might be to assist the affected industry and its workers, and not accept the Tariff Commission's report and recommendations. In fact, he had done so in some cases. But the thrust of the escape clause procedure under the 1951 Act, until 1962, was tariff and quota relief, with no special injury-relief tools of other kinds available to the President.

The 1962 Act wrought extensive changes in the escape clause which were designed to make the tariff and quota relief available to domestic industries more difficult to obtain.[1] The basic reason for this step were the adverse economic consequences which had been seen during the 1950's to have ensued whenever escape clause actions were contemplated or taken. As the House Ways and Means Committee noted in its 1962 Report on the legislation (No. 1818, 87th Cong,. 2d Sess. 13), "The granting of tariff adjustments in particular cases necessarily had an impact on our total foreign economic policy." Such action "necessitates the granting of tariff compensation to our trading partners on other products in order to counterbalance whatever United States tariffs are raised," or evolves the retaliation of others through withdrawal of concessions which had been accorded to the United States, thus affecting adversely the American export trade.

Nor were the economic consequences the only adverse results of easy escape clause relief. Four years earlier, in 1958, the House Ways and Means Committee had emphasized that, "Escapes from international obligations authorized by the Congress in return for reciprocal obligations should not be lightly permitted." Contrary to those protectionists who wanted to deprive the President of discretion to refuse to accept a Tariff Commission inquiry finding, the Committee concluded that "the President must continue to have discretion in escape clause cases because their effect on foreign relations and other aspects of the national interest may outweigh the benefit to a particular industry." The Committee had been quite aware that any escape clause action looms much larger, politically and economically, to trading partners of the United States than it appears to us. It knew that when President Eisenhower had refused to take action in the Icelandic fish fillets case, the political repercussions contemplated were action to have been taken (with adverse consequences upon American retention of air bases) played a major role in his decision. It was also aware of the political tremors which occurred when escape action was taken on Swiss watches. Our friends and allies in Europe indeed were alarmed at the way in which a large country could act in seeming disregard of the economic consequences to a smaller country. During the 1947–62 period, the Tariff Commission had found injury in 33 cases, and split evenly in 8 more. The President had refused to invoke the escape clause in 26 of the 41 cases referred to him.

It is thus clear that a major weakness

[1] The manner in which this was accomplished, principally through tightening of the causation criteria between the concession increased imports and serious injury, is described in Metzger, *Trade Agreements and the Kennedy Round* (1964) at 44–55

of the escape clause as a relief mechanism for individual firms and workers in an industry (an industry that could make a good case under it which could show that it was imports that were really causing injury, and not the myriad other reasons for industrial decline) was the inhibition upon its use which was a necessary consequence of the position of the United States as the largest industrial nation in the world and as the leading nation of a worldwide coalition designed to maintain the political freedom and factor the economic development of its members.

A second major weakness of the escape clause for individual firms and groups of workers was the fact that before industry-wide relief (raising of tariffs, imposition of quotas) could be secured, serious industry-wide injury, caused by concession-fed increased imports, had to be shown. Many firms, and groups of workers within them, might be seriously adversely affected by such imports yet receive no relief because the industry of which they were members as a whole was performing satisfactorily despite such increased imports. Average prices, wages, profits, sales volume, new investment—the normal indications of industrial health or sickness—might indicate no major discomfort, even though things might of course have been even better without imports. In those circumstances, neither the industry as a whole nor any component of it was eligible for the industry-wide relief provided by the escape clause; the "marginal" firms and workers in the industry were left unprovided for.

Finally, escape clause remedies were not tailored to the needs of import impacted individual firms or groups of workers. These remedies, temporarily tariff increases or quota restraints, might well fail to meet the problems of such firms and workers even if their industry as a whole secured escape clause relief.

The firm which was marginal might be expected to find difficulty securing new capital in order to achieve adjustment to new lines in the same or a related industry in view of both the temporary nature of the escape clause relief[2] and the doubts about its survival as a marginal firm even with such relief; it is likely that such relief even when given, will for the reasons already adverted to, be somewhat less than the maximum desired by an industry to shelter its most marginal members. The firm may also not know in which direction to shift its resources and not be in a position to find out at reasonable expense during the temporary period of partial relief afforded by the escape clause remedies.

Workers in such firms needed (1) training for new skills to be performed in a firm which was shifting to new lines, or to make themselves marketable independent of such a firm if it could not make the adjustment, (2) time (and unemployment compensation during that time if the firm shut down temporarily or altogether), and (3) relocation expenses to place themselves with new enterprises, if necessary. None of these benefits, or tools of adjustment, were available under the traditional escape clause remedies. The escape clause remedies were both inadequate for many individual firms and groups of workers and too upsetting of foreign relations if used more than sparingly. It was clear that something new was needed to remedy these weaknesses of the escape clause if the United States was to continue a liberal trade program designed to expand, rather than contract, international trade and at the same time avoid injury to important domestic economic interests.

[2] Under the 1962 Act there must be termination of relief in four years unless a fresh Presidential determination to continue is made.

The Effort to Secure Labor and Small Business Commitments to Expanded International Trade in the Trade Expansion Act of 1962:

The weaknesses of the escape clause were perceived early in the 1950's. The Randall Commission on Foreign Economic Policy noted in its 1954 report the proposal of David McDonald, then President of the United Steelworkers of America, for adjustment assistance for workers in the form of extended unemployment compensation and retraining and relocation benefits, and bills were introduced that year in both House and Senate (then Senator John Kennedy introduced the first Senate bill) incorporating these conceptions. Indeed, for the next eight years, adjustment assistance bills for workers were regularly dropped in the Congressional hopper but no hearings were held on them, nor any serious consideration given them in the 1955 or 1958 trade agreement extension act deliberations in the Congress. The Administration did not adopt the idea until 1962.

There were a number of interacting reasons for the adoption of the adjustment assistance conception in 1962. The Administration was determined to secure major new tariff reduction authority from the Congress in order to make a substantial tariff bargain with the European Economic Community, lowering the Common External Tariff of the EEC so as to preserve the large American export market in Europe. It sought 50% reduction authority—far more than had been sought in the period between 1945 and 1962.

At the same time, the Administration had been made aware of the uneasiness of the Europeans about the instability of tariff concessions once negotiated arising from the operations of the escape clause, and of their consequent reluctance to engage in substantial new negotiations without greater assurances that there would be tighter controls over these trade restrictive measures (quotas and tariffs)—which were the only remedies then available were the escape clause invoked. As earlier noted, while the President had turned down Tariff Commission findings and recommendations in 26 out of 41 cases, he had nonetheless over the years found favorably in the 15 cases. Moreover, the fact that the Commission had interpreted the 1951 Act so that an increase in imports any time after a Tariff concession was conclusively presumed to result "in whole or in part" from the concession, signified to the Europeans that the connection between the operation of the escape clause and its original object—to authorize an "escape" from an injury-causing trade agreement commitment—had become formal rather than real.

In consequence, it was apparent that the Administration had to seek a tightening of the escape clause in the 1962 legislation which would cut back its potential use and create more safeguards that, if used, it would be truly temporary in duration.

It was also quite clear to the Administration that neither of these objectives—substantial new tariff-reduction authority and tightening of the escape clause—could be obtained without some relief measures being made available which overcame the weaknesses of the escape clause remedies which have been described.

Adjustment Assistance to firms and workers was the apparent answer, and the Administration put it forward. By utilizing a variety of domestic economic means to ease the lot of firms and workers who might be impacted by imports, adjustment assistance avoided the foreign relations pitfalls of the escape clause's tariff and quota relief measures. By dealing directly with the adjustment problems of firms and workers regardless whether the industry of which they were a part was suffering serious injury attributable to concession-fed imports, adjustment assistance avoided the no-man's land in which individual firms and workers sometimes found themselves. Adjustment assistance to small firms and groups of workers in consequence promised to offer to them relief which appeared to be substantive, a net gain over what had been available to them theoretically under the escape clause. That their support for the 1962 legislation, or at least a diminution of their opposition to it, was secured through adoption of the adjustment assistance concept, cannot be considered to be an insignificant factor in the Administration's 1962 action.

Having once adopted the idea, however, there were divided counsels as to the degree in which it should be embraced. These were caused in part by the lack of experience here or elsewhere concerning its possible cost. While studies had indicated that the employment impact of increased trade was very moderate indeed,[3] they had been based on models from the early 1950's. So too, the observed extremely light effects of the entire trade agreements program, in terms of loss of jobs, had been based upon earlier and smaller incremental amounts of trade than might be envisaged from a large tariff bargain among the fully recovered and developed economies of Western Europe and the United States. Accordingly, as might be expected, the Treasury Department leaned in the direction of tight criteria for adjustment assistance, principally for budgetary reasons, while the Labor Department desired to see such assistance made available with a minimum of difficulty.

In addition, there was some concern about treating worker displacement because of imports on a plane different from that of displacement for other impersonal reasons, such as shifts in production from the Northeastern to the Southeastern part of the United States. While special treatment (retirement benefits, unemployment compensation, etc.), had been provided in the past to certain groups of workers, such as railway employees, this had been closely related to the special nature of the industries involved, not to the general economic factors which might possibly be isolated as the cause of the industry's discomfort. Similar concerns relating to firms, together with the lack of preparatory thinking and studies affecting them, other than the aids available generally through the Small Business Administration, were reflected in the adjustment assistance benefits accorded by the legislation to firms.

These tensions concerning the nature of adjustment assistance affected the answer to two basic questions: 1) To what extent should adjustment assistance be conditioned upon a showing of close connections a) between injury and the trade agreements program, or even b) between injury and imports generally, apart from trade agreements concessions, and 2) To what extent should adjustment assistance benefits be superior to those available under general legislation applicable to firms and workers impacted by impersonal economic forces. An Administration which was not very clear on the proper answers to these questions, and a Congress which was understandably cautious about a first effort at a new program concerning whose wisdom they sensed Administration doubts and added those of its own, combined to provide, in the Trade Expansion Act of 1962, concrete answers to these questions. To these must be added the supplemental answers provided by the administration of the adjustment assistance provisions of the Act.

It is to an analysis of these provisions, and this administrative experience, that we now turn. That analysis in turn, should indicate the weaknesses in the adjustment assistance program and point the way to appropriate reforms.

[3] See, for example, Import Liberalization and Employment, by Salant and Vaccara (1960).

II. EXISTING PROVISIONS FOR ADJUSTMENT ASSISTANCE FOR FIRMS AND WORKERS

Procedural requirements—Eligibility of workers and firms

Adjustment assistance procedures, for firms and workers, begin with a petition for a "determination of eligibility to apply for adjustment assistance" filed with the Tariff Commission by a firm, or by a group of workers or their certified or recognized union or other duly authorized representative. Such a petition may be filed independently, or together with a petition for "tariff adjustment" (escape clause relief).

If the Tariff Commission finds that the industry has been injured, under the Act's criteria for escape relief, the President may act by either providing tariff relief, or providing, respecting such industry, that firms may request the Secretary of Commerce for certification of eligibility to apply for adjustment assistance, or that workers may request such certifications of the Secretary of Labor, or take any combination of such actions.

If the President takes such action, then the Secretaries of Commerce and Labor, respectively, must certify as eligible to apply for adjustment assistance any firm or group of workers in such an industry upon a showing to his satisfaction that the increased imports which the Tariff Commission has determined to result from concessions granted under trade agreements have caused serious injury or threat thereof to such firm or group of workers.

If the Tariff Commission fails to find that the industry has been injured, where petitions for both tariff adjustment and adjustment assistance have been filed, or if only a petition for adjustment assistance has been filed, the President may still certify such firm or group of workers to be eligible to apply for adjustment assistance if the Commission has found that "as a result in major part of concessions granted under trade agreements, an article like or directly competitive with an article produced by the firm (or such worker's firm) "is being imported into the United States in such increased quantities as to cause or threaten to cause, serious injury" to such firms, or unemployment or underemployment of a significant number or proportion of the workers of such firm subdivision. While the Tariff Commission has six months to make its determination and report on "tariff adjustment," as it has had under prior law to make escape clause reports, the Commission must report its determination of eligibility to apply for adjustment assistance "not later than 60 days after the date on which the petition is filed."

This interrelated and complex procedure was caused in large part by two somewhat inconsistent legislative determinations: (1) a requirement that there be a showing of a real causal connection between concession-engendered imports and injury to firms or workers where their industries were not injured as a whole, or where the industry as a whole was injured but not each firm within it; and (2) a determination that adjustment assistance to firms and workers be made available within a relatively short period of time, for otherwise in Lord Keynes' famous phrase, "in the long run, we'll all be dead." Congress had decided that adjustment assistance was more appropriate than tariff relief, because it could be "specifically adapted to the individual requirements of those in an industry affected by imports" and because it avoided the adverse "impact on our total foreign economic policy" (H. Rept. No. 1818 p. 13). But it had reflected Administration uncertainties about the incidence of the new program by opting for its most conservative application in answering the first of the above noted basic questions (p. 13) in the sense of 1(a)—it tied adjustment assistance to a strong causal connection between a firm's or worker's injury and concession-engendered imports. And it underlined this extreme caution by tieing the forms of relief to the tightened escape clause causation criteria, which had been designed to make more difficult the extension of tariff relief.

This deliberate Congressional limitation upon eligibility to receive the new kinds of adjustment assistance to be made available was expressed in several ways. First, the same causation language in the section of the bill reported by the House Ways and Means Committee and passed by the House relating to "tariff relief" was applied equally in those sections relating to adjustment assistance to firms and workers; the Senate Committee, in changing this statutory language (adding "in major part," and "the major factor"), also did so identically for both tariff relief and for adjustment assistance to firms and workers. Secondly, the House Ways and Means Committee specifically stated, in its Report on the Bill, that it believed that it was "important that adjustment assistance in all instances be given only where it has been concluded that the conditions requiring assistance were caused by increased imports resulting from tariff concession made under trade agreements." (H. Rept. No. 1818. p. 23).

The parallelism thus disclosed led the Tariff Commission to conclude not long after the enactment of the 1962 Act, in the Cotton Sheeting Workers case, (T.C. Publ. 100, July 1963), that the "statute allows no room for any different interpretation or application" of the causation criteria for adjustment assistance as compared with tariff relief.

This meant that before adjustment assistance could be provided, the firm or workers had to show that (1) trade agreement concessions were the major cause (the cause more important than any other single cause) of increased imports, and (2) that such increased imports were the major cause of injury, i.e., unemployment or underemployment, or lowered prices, profits, etc., to the firm or workers involved. In concrete terms, this meant that from 1962 until November 1969, the Commission had decided 26 cases of adjustment assistance, six filed by workers, seven by firms and 13 by industries, and had made no affirmative findings of eligibility.

While beginning in 1968, some Tariff Commissioners questioned the necessity for identity of treatment as between adjustment assistance and tariff relief cases so far as connection with the trade agreements program is concerned, and during the last half of 1969 and early 1970 some closely-divided, and curiously reasoned cases departed from the Cotton Sheeting Workers doctrine, recent cases have indicated a clear split in the present 4-member Commission and hence great uncertainty as to its future guidelines.

Indeed, the very choice of the Tariff Commission to determine eligibility in adjustment assistance cases along with its task of making findings and recommendations in escape clause cases meant that it was in substantial degree inevitable that that Commission would act in substantially parallel fashion in both types of cases. With statutory causation language the same in both types of cases, any Commission would become concerned at charges of discrimination were they to be applied differently, and those Commissioners who were especially concerned that the tighter escape clause criteria of the 1962 act not be weakened would be more apt to apply the adjustment assistance criteria literally than to take a chance that an easy interpretation might also carry over to the escape clause whose criteria were identically worded.

At all events, it seems clear from the 1962 Act and its application that fresh Congressional action redefining eligibility criteria and changing the decision-making process in adjustment assistance cases is needed if a consistent application of easier eligibility criteria for adjustment assistance is to be achieved.

Substantive benefits for workers

Workers deemed eligible to apply for ad justment assistance may receive several form of assistance: (1) readjustment allowances— a weekly cash allowance intended to supple ment regular unemployment compensatio and to be generally available for 52 weeks unemployment; (2) training for vocation readjustment—failure without good caus to take training to which the worker is re ferred will terminate his readjustment allow ances; and (3) relocation allowances, fo workers unable to obtain suitable local em ployment, to cover the cost of moving th family to an area where a job is available.

Trade Readjustment Allowances.—Th cash allowances under the Act are paid on for weeks of unemployment beginning no earlier than 31 days after enactment of th Act and after the date determined as the be ginning of the import-caused unemployme problem. The separation itself must occu after the beginning date but within two yea of a certification that workers of the firm o subdivision are eligible for worker assistanc This two-year period can be shortened by Presidential determination.

A week of unemployment is a week i which the worker earns less than 75 percen of his average weekly wage and either work in the adversely affected employment for les than 80 percent of the average hours, or, i he has been totally separated from the ad versely affected employment and is workin at some other job, is not working on a full time basis.

To be eligible for trade readjustment allow ances, the worker must have been separate due to lack of work in an adversely affecte employment; that is, in a firm or subdivisio with respect to which there has been certification of worker eligibility. This tes of separation due to lack of work is stricte than under State law. A worker who leave his job voluntarily may be eligible for Stat unemployment insurance if he had goo cause but he would not be eligible for trad readjustment allowances if he left volun tarily no matter how good the cause.

To be entitled for trade adjustmen allowances, a worker must have had sub stantial employment over the three year immediately preceding his separation fro adversely affected employment. He must hav earned wages of $15 or more in at least one half the weeks of these three years and, i the 52 weeks preceding his separation, h must have had 26 weeks of employment, a wages of at least $15, in a firm or firms th workers of which have been found adversel affected by imports.

These employment requirements relatin to entitlement to allowances are substan tially stricter than those under the Man power Development and Training Act of 196 or under State unemployment insurance law The Manpower Act requires only three year of gainful employment at any time in th worker's past. Of the 14 States where th unemployment insurance qualifying require ments are, or can be, expressed in terms o weeks or employment, none currently have requirement of more than 20 weeks in a 5 week base period; 7 require less than 20 week and 7 require 20 weeks. (CCH Unemploymen Insurance Rept. Para 4805).

Weekly Amount of Trade Readjustment Al lowances.—The trade readjustment allow ance for a week is 65 percent of the individ ual's average weekly wage but it cannot ex ceed 65 percent of the average weekly manu facturing wage. The individual's averag weekly wage is determined on the basis of th so-called high quarter formula typical o most State unemployment compensatio laws.

The maximum amount that can be paid t any worker for a week is 65 percent of th annual average weekly wage paid to produc tion workers in manufacturing for the lates calendar year for which the figure has bee

ublished by the Bureau of Labor Statistics the Department of Labor.

The worker's weekly allowance will be reduced by one-half of any remuneration that e receives for services performed during the eek of unemployment. This formula gives m an incentive to find work.

The amount of the trade readjustment allowance is further limited by the requirement that the total amount that a worker ceives as trade readjustment allowance, reuneration for services performed during he week, and unemployment insurance and aining allowance under the Manpower Act Area Redevelopment Act, cannot exceed 75 ercent of his average weekly wage.

An adversely affected worker may receive is weekly trade readjustment allowance for hose weeks during which he is attending aining. The trade readjustment allowance ould be in lieu of any training allowance e might receive under any other Federal w for worker training. If, under another ederal law for the training of workers, an dversely affected worker who is taking aining could receive a higher weekly payent, his trade readjustment allowance for week of training will be increased to such igher amount.

The Act provides that trade readjustment llowances will not duplicate benefits already vailable to the worker, but will merely supplement them, as necessary, to provide the esignated level of weekly payments for a otential duration of 52 weeks in most cases. oreover, a worker's trade readjustment alowance for a week is reduced by any unemployment insurance to which he is entitled or such week, whether or not he has filed a laim for the unemployment insurance. If, or any week in which the worker is not takng training, he is found ineligible for State nemployment insurance solely on account f his claim for a trade readjustment allownce, his trade readjustment allowance will e reduced as if he had received State benits. With respect to a worker who is taking raining, however, unemployment insurance or a week would be deducted from his trade eadjustment allowance for that week only if he worker received the unemployment nsurance.

The Act prevents a worker from obtaining uplicate benefits by first exhausting his entitlement to benefits under unemployment nsurance or a Federal training law and then pplying for trade readjustment allowances. The potential duration of trade readjustment allowances is reduced by the number f weeks for which the worker received such ther benefits when he later files for a trade eadjustment allowance. He is paid at that ime the amount by which his trade readustment allowance would have exceeded hese other benefits for the prior weeks.

Time Limit on Trade Readjustment Alowances.—Under the Act, a worker may eceive trade readjustment allowances for ot more than 52 weeks, with two excepions. A worker who is taking training may eceive up to 26 additional weeks of allowances to assist him in completing his trainng. In view of the difficulty that older workrs would have in finding jobs, a worker who was at least 60 years old when he was eparated is entitled to 13 additional weeks f he remains unemployed, is available for work, and otherwise meets the requirements f the Act. No worker can receive both the additional 26 weeks and the additional 13 weeks.

The extra 26 weeks' duration for workers taking training will not encourage workers o put off training since a worker's referral to training is not within his control. If a worker refuses, without good cause, to accept training to which he may be referred early n the 52 week period, his allowance would be suspended.

The normal 52 week duration may be paid to a worker only for weeks of unemployment beginning within two years after the beginning of the appropriate week. The additional 26 or 13 weeks may be paid within three years. For a worker totally separated, the appropriate week is the week of his most recent total separation. For a worker partially separated, the appropriate week is the first week for which he received a trade readjustment allowance following his most recent partial separation.

Training.—The Act provides that every effort shall be made to turn adversely affected workers to full employment through whatever testing, counseling, training, and placement services are available under any Federal law. If the training provided is not within commuting distance of the worker's residence, his transportation may be paid, at not more than ten cents a mile, and while at the training facility, he may be paid subsistence expenses not to exceed five dollars a day. These limitations are the same as those provided in the Manpower Development and Training Act. An individual who goes away for training and for any reason does not complete the course will receive transportation home. In determining "commuting distance" account will be taken of the established labor market area, patterns of place of work and place of residence, and usual community practice.

Insofar as practicable, preference is to be given to training arrangements which coordinate the training program for workers with the readjustment program of the employers. Such arrangements would afford the worker an opportunity to preserve his seniority and other rights and would afford the employer an opportunity to rehire or retain his work force. The training offered to any worker should take his desires into account.

Training is of such importance under the Act that trade readjustment allowances are denied to a worker who, without good cause, refuses to accept suitable training to which he is referred, or fails to continue the course or to make satisfactory progress in it. The denial of allowances will continue until he accepts or resumes approved training.

Relocation allowances.—A relocation allowance is provided by the Act for a totally separated worker who is the head of a family to make it possible for him to take a job in another location if he has no reasonable prospects for suitable reemployment locally. A worker is a "head of a family" if he has dependents who would make the move with him.

A relocation allowance may be paid to a worker only if, for the week in which he applies for a relocation allowance, he is entitled to a trade readjustment allowance (or he would have been so entitled, except for certain circumstances, such as the fact that he has the new job, etc.).

A relocation allowance consists of both the reasonable and necessary expenses incurred in transporting the worker, his family and their household effects from their present location to that of the new job, and a lumpsum payment equivalent to two and one-half times the national average manufacturing wage.

The Act provides (as does the Manpower Training Act) that determinations as to the entitlement of individuals to assistance are final and conclusive, and subject to review, except as the Secretary of Labor may by regulation provide.

Substantive benefits for firms

As earlier indicated while the motive power for adjustment assistance was furnished by organized labor, some sentiment had also developed for special adjustment provisions for firms. Accordingly, the Administration put together and the Congress enacted a package which it hoped would prove to be an inducement to small business as well as labor to accept and perhaps support the continuation of a liberal trade policy.

The procedure which was established for securing adjustment assistance for firms was quite complex—even after there had been an eligibility determination, which had its own procedural difficulties. Following certification of eligibility to apply for the assistance, a firm may file its application with the Secretary of Commerce, indicating its need for assistance. It must then prepare and submit its adjustment proposal. Only after such a proposal is approved may the firm receive financial, technical, or tax assistance.

Adjustment proposals

The adjustment proposal must describe in some detail the nature and cost of the proposed adjustment effort, and the resources to be devoted to it from Federal and other sources. The firm may be furnished technical assistance in order to prepare an adequate adjustment proposal.

Adjustment proposals from firms applying for adjustment assistance are required to be certified by the Secretary of Commerce as: (1) giving reasonable assurance of contributing to successful adjustment (2) giving adequate consideration to the interest of workers involved; and (3) assuring a maximum self-help effort by the firm. No financial or tax assistance and no further technical assistance may be given until the adjustment proposal has been certified.

It is recognized that there may be some firms for which adjustment assistance is inappropriate and which could not adjust to their difficulties in this way. Even though such firms may have been certified as eligible to apply for adjustment assistance, the Secretary of Commerce may not authorize assistance unless he is satisfied that it will be of practical benefit to the applicant. Adjustment assistance, in short, is not to be treated as indemnification of past loss, but as constructive aid for the rehabilitation of a commercial enterprise. Adjustment plans that permit the rehiring of workers laid off due to increased imports resulting from trade agreement concessions are to be preferred.

The Secretary of Commerce is required to submit each firm's certified adjustment proposal to whatever Federal agency or agencies he determines to be appropriate to furnish the financial and technical assistance necessary to carry out such proposal. Such agencies may include the Small Business Administration, the Departments of Agriculture and Interior and the Area Redevelopment Administration. Each such agency determines whether any part of the assistance called for by the proposal comes within the legal authority, regulations, and policies of the agency, and whether it is prepared to furnish such assistance out of its own appropriations. If the agency, for any reason, is not prepared to furnish any or all of the necessary assistance, it must promptly notify the Secretary of Commerce, who may then furnish such assistance as remains necessary to carry out the adjustment proposal.

Financial Assistance—Financial Assistance may be furnished for plant and equipment, including modernization and conversion and, in exceptional circumstance, for working capital.

Loans made or deferred participations taken up are to bear interest at a rate no lower than 4 percent. As late as May 1970, which was before any adjustment assistance to firms had been rendered, the Secretary of Commerce informed the House Ways and Means Committee that the actual rate would be between 7 and 8 percent, the cost of money borrowed by the Treasury. Loans made, guaranteed, or covered by deferred participation agreements may have maturities of no more than 25 years (with a possibility of a ten-year extension for orderly liquidation). Private loans may be guaranteed or covered by participation agreements only

if they are made at a reasonable rate of interest. An interest ceiling is provided on the portion of any such loan guaranteed or covered. Guarantees and deferred participation agreements are to be limited to 90 percent of whatever portion of a loan is made for adjustment purposes.

No financial assistance is to be provided unless the Secretary of Commerce determines that there is reasonable assurance of repayment (although it is not necessary that collateral be required). Financial assistance is not to be furnished if it is otherwise available to the firm on reasonable terms from non-Federal sources.

Technical Assistance.—Technical assistance may include such aids as managerial advice, market analyses, research in and development of new or existing techniques and products, and any other technical service that would help promote adjustment to import competition. Subject to the requirement to make use of existing Government agencies to the maximum extent practicable or appropriate in extending technical assistance, the Act authorizes provision of technical assistance through non-Federal sources, on a contract basis or otherwise; it was believed that certain types of technical assistance, such as management studies, might better be handled outside of the Government. A firm may be required to share the cost of technical assistance as appropriate.

Tax Assistance.—The Act authorizes the Secretary of Commerce to certify eligibility for tax assistance when he determines that such assistance will materially help the firm to adjust and that the firm has sustained a loss which arose predominantly from a business seriously injured, in the loss year, due to increased imports resulting from a trade agreement concession. The existence and amount of such loss are to be determined under the Internal Revenue Code. This will permit a firm to carry back the loss for tax purposes two years beyond the three years normally allowed. A firm without sufficient profits for the three taxable years preceding the loss year to take full advantage of the present carryback provisions, may receive a refund out of taxes for the two additional preceding years. Under prior law, it would only be able to get a tax advantage of the loss against possible future income.

III. DEFICIENCIES IN EXISTING LAW, PROCEDURAL AND SUBSTANTIVE, FOR FIRMS AND WORKERS (INCLUDING DEFICIENCIES IN PENDING LEGISLATIVE PROPOSALS) AND SUGGESTED REMEDIES

Procedural deficiencies and proper remedies therefor

The long record of noneligibility of firms and workers for adjustment assistance between 1962 and 1969 convinced most people years ago that some relaxation was needed. Indeed, the almost uniform opinion to this effect—a rolling consensus such as is not often witnessed—is indicative that much more could have been essayed successfully in the direction of readily available adjustment assistance in the 1962 Act had there been a bit more boldness.

The major deficiency in the 1962 Act's eligibility criteria was in its insistence that adjustment assistance be tied tightly to the trade agreements program—its insistence that escape clause criteria, tightened to avoid excessive use of trade restraints, be applied to adjustment assistance, whose domestic relief measures eventuate in no such baneful results. By requiring that a trade agreement concession be the major cause of increased imports, and that such increased imports be the major cause of injury to firms or workers, the Act delivered a double-barreled blow to the hopes of labor and small business that adjustment assistance could be secured without making the camel go through the eye of a needle.

There was no foreign relations reasons for these limitations—they were based upon caution born of concern about costs of a new and experimental program. Unlike the escape clause, with its tariff and quota relief incident to an "escape" from—a derogation of—an international obligation, such as an agreement reducing tariffs reciprocally, there is no foreign relations need to limit adjustment assistance to injury caused by concession-engendered increased imports. The relief afforded by Adjustment Assistance—domestic in nature—has no relationship to whether the increased imports occurred in consequence of a trade agreement, or of economic conditions independent thereof. The only reason for such a connection, then, must rest upon considerations of cost, or perhaps some unspoken reluctance to embrace fully the conception of adjustment assistance itself.

So far as the relationship between increased imports and injury is concerned, there is a much better general case for requiring some connection. After all, if none were required, there would be no logical basis for differentiation between workers displaced by imports and those displaced by a movement from Northeastern to Southeastern United States. Moreover, requiring a connection need not defeat the program, since there is no necessity for making it so tight that adjustment assistance will be available only if increased imports are the major cause of injury, as under present law. Other, less self-defeating formulae can be found; indeed some have been identified in the years since the 1962 Act.

In the Automotive Products Trade Act of 1965 (P.L. 89–283), the Congress established eligibility requirements for adjustment assistance for firms and workers adversely affected by operations under the Agreement Concerning Automotive Products between the Government of the United States and the Government of Canada signed on January 16, 1965, which were considerably less rigorous than those set forth in the Trade Expansion Act of 1962. That Agreement required major American automobile manufacturers to increase markedly the production of vehicles by their Canadian subsidiaries, and it was believed by many that this would necessarily result in a substantial shift in production from the United States to Canada—which has in fact occurred. Adjustment assistance to workers, strongly urged by the United Automobile Workers of America, was permitted under much more relaxed standards. Thus, "if there is a decline in U.S. output of the product concerned and an adverse change (either by increased imports or decreased exports) in the flow of trade with Canada, a direct relationship between the dislocation and the operation of the agreement is presumed to exist, subject to being overcome only by a Presidential finding that the operation of the agreement has not been the primary factor in causing, or threatening to cause, the dislocation." [4]

Fourteen out of twenty-one petitions filed by groups of workers have been granted by a special Automotive Adjustment Board, covering 2,500 workers, following a Tariff Commission report of the facts concerning the firm or workers involved, with no "findings" or recommendations. No petitions by firms have been made. About four-fifths of the eligible workers received weekly payments totalling just under $4 million.

This record of assistance under the Automotive Agreement made organized labor ever more insistent that there be a general legislative change of the 1962 Act which would result in assistance being granted, not denied.

In early 1969, Special Representative for Trade Negotiations Roth issued a report, following advice from a broadly-based panel of businessmen, representatives of labor and farm organizations, which recommended changes in the adjustment assistance provisions of the 1962 Act. Pointing out that adjustment assistance for both firms and workers had "proved to be equally unworkable," the Report proposed that the first branch of causation required to be met—that tariff concessions must be the major cause of increased imports—be eliminated completely. And the second branch of causation—that increased imports be the major cause of serious injury—was proposed to be changed so that increase imports need be only "a substantial cause of serious injury." (Report, p. 47). It refused to loosen this causation link to the extent that the Automotive Agreement had done.

The Roth Report further urged that an interagency board within the Executive Branch, following the pattern of the automotive board under the U.S.-Canadian agreement, rather than the Tariff Commission, should be responsible for applying the new test for adjustment assistance to workers and firms. This was partly because the Commission's record had been a negative one, but also in recognition of the somewhat anomalous position in which the Commission would be put in being asked to differentiate in recommending adjustment relief to firms and workers, and tariff relief to industries, on essentially the same set of facts and circumstances. For this is essentially a policy differentiation, and should be made by responsible policy officers of the Government, not by a fact-finding Commission. The Commission could continue to find the facts, as under the Automotive Products Trade Act of 1945. (Report, pp. 42–3).

Finally, the Roth Report proposed that adjustment assistance be made available when potentially serious injury appeared, under flexible manpower programs involving better solutions than are now available to the problems of potential loss of pension and seniority rights which now reduces labor mobility; and that assistance be made available to separate units of multi-plant companies and to groups of workers in them, when the injury is substantial to the unit but not to the entire parent firm. (Report, pp. 44, 47).

The President's trade message of November 18, 1969, adopted and reaffirmed these recommendations of the Roth Report, pointing out that "direct aid to those individually injured should be more readily available than tariff relief for entire industries." The President emphasized that adjustment assistance "can be more closely targeted; it matches the relief to the damage; and it has no harmful side effects on overall trade policy." (White House Press Release, Nov. 18, 1969, p. 5.)

The proposals for changes in the adjustment assistance provisions of the statute advanced by the Roth Report of January 1969 and by President Nixon in November 1969 remedy a number of the deficiencies in existing law relating to eligibility of firms and workers for such assistance. The cutting of the link to the trade agreements program, while retaining a link to increased imports, represents one important remedial innovation based upon the one used an the Automission to a pure fact-finding role, as in the Automotive Agreement, represents another. The Report and the message might have gone further, however, in the direction of modifying the second link by adopting a formulation based upon the one used in the Automotive Agreement legislation: in increase in imports coupled with domestic unemployment, loss of profits, etc. in the same line creating a rebuttable presumption, for Presidential overcoming, of the necessary connection for eligibility.

On August 13, 1970, the House Ways and Means Committee reported out favorably, by a 17–8 vote, H.R. 18970, the "Trade Act of 1970". As of this writing the fate of this variegated, "omnibus" act which amends not only the 1962 Trade Expansion but the Anti-

[4] See Metzger, "The U.S.-Canada Automotive Products Agreement of 1965," 1 J. World Trade Law 103, 106 (1967).

Dumping Act, The Countervailing Duty Statute, and the Internal Revenue Code, is not known.

So far as Adjustment Assistance is concerned, it made five major changes in existing law, four of them designed to liberalize, or make easier, the securing of adjustment assistance. The first three sounded in terms of relaxed eligibility standards, and the fourth in increased substantive benefits. But the bill also made a fifth change which radically alters the conception upon which adjustment assistance is based, and thereby jeopardizes its very reason for being.

As anticipated in the Roth Report and President Nixon's Trade Message, the first causation requirement—that between the trade agreement concession and increased imports—was eliminated. Secondly, the second causation requirement of the 1962 Act—that such increased imports be "the major cause" of serious injury—was changed back to the pre-1962 escape clause formulation: increased imports must merely "contribute substantially", without being the major or primary cause, to such injury (Section 111(a) of H.R. 18970). Thirdly, the President, through any agency he may decide to utilize (for workers, presumably the Department of Labor, for firms, the Department of Commerce), will receive the petition for adjustment assistance and decide eligibility after receiving a factual report from the Tariff Commission within sixty days after it is filed. This means that the Roth Report's and President Nixon's recommendation has been adopted.

These three changes should mean, if enacted into law in the future—whether as part of the present bill, or separately later if the present bill should founder on the shoals of the Senate, or of a Presidential veto or pocket-veto—that the eligibility pains of firms and workers would be largely alleviated. It is hardly conceivable that the President, or his designees, would find, in the face of this quite clear legislative direction, that there was no eligibility for adjustment assistance unless there was no perceivable connection between imports and a domestic downturn in employment, profits, etc. of the petitioning concern or group of workers. The Congressional signal should be clear enough to solve the eligibility problem for some time to come.

The fourth change, increasing workers' benefits, will be described and discussed in the next section.

The fifth change portends grave difficulties. Under the 1962 Act, the President has discretion to provide adjustment assistance or tariff relief or nothing, when he receives an affirmative escape clause recommendation from the Tariff Commission. This was consonant with the idea that adjustment assistance would be utilized if feasible; tariff relief, causing the substantial international difficulties which all knew, was to be utilized only if adjustment through domestic measures appeared to be inadequate.

H.R. 18970 changes that conception, which is hardly surprising in view of the general protectionist thread of the bill. As the Committee Report states (H. Rept. No. 91–1435, p. 32):

"Your committee is persuaded that provision for adjustment assistance should not be continued as a discretionary alternative action for the President in place of tariff adjustment action where the Tariff Commission has made an affirmative injury and remedy determination after an industry investigation."

This turns completely around the conception upon which adjustment assistance was based. Adjustment assistance, under the bill, becomes a kind of "booby prize" to which firms and workers are relegated after they have tried—with very large chances of success—to curtail imports through bringing escape clause cases.

For as an examination of the bill's changes in the escape clause shows (see the paper entitled "Injury and Market Disruption from Imports"), its greatly relaxed standards for securing tariff relief in escape clause cases has been combined with its sharp curtailment of effective Presidential discretion to refuse to grant such relief when it is recommended by the Tariff Commission. This will likely mean that a very substantial flow of injury determinations will call for affirmative Presidential action. With tariffs and quotas established in a position of primacy, and adjustment assistance only supplementary as relief mechanisms, it is fair to say that despite the relaxations in the procedures for securing adjustment assistance, such assistance would no longer serve as a necessary adjunct of a liberal trade policy. Rather, should H.R. 18970 become an Act, adjustment assistance would become a curious, almost anomalous, supplemental device in the administration of a protectionist trade policy.

Substantive deficiencies and proper remedies therefore

The major deficiency of the Roth report and the President's message lay not in the procedure of adjustment assistance, where they made marked improvements, but in the substance of such assistance.

In recent years, almost the entire attention of observers of the 1962 Act's adjustment assistance provisions has been focussed upon the failure of firms and workers to secure such assistance because of their inability to meet the stringent eligibility requirements of the 1962 Act. Naturally enough, this has tended to divert attention from an appraisal of the adequacy of the benefits themselves, both to "ease the transfer of factors of production from adversely affected industries"[5] and as an inducement to labor and industry at least to abate their opposition to, if not to support affirmatively, a continuation of a liberal trade policy. For even if every applicant were to be deemed eligible for adjustment assistance, if the assistance itself is insufficiently attractive or efficacious in helping to ease the transition to new endeavors, it is unlikely to deter firms and workers putatively vulnerable to import competition from seeking actively to undermine liberal trade.

This lack of attention on the part of those immediately affected by the scale and scope of the benefits afforded by the 1962 Act has meant that little is known of their views concerning the inadequacies of the substance of adjustment assistance now offered. It may be, of course, that nothing can be done by way of improving the scale of assistance will induce labor and small business to support liberal trade. Nonetheless, the nation having embarked upon the program, and the present Administration having put forward proposals designed to liberalize the eligibility requirement for receiving the assistance now available, it is desirable to point out the deficiencies in the substance of adjustment assistance, with a view to suggesting improvements.

It should be noted that all of the deficiencies in the substance of adjustment assistance hereinafter mentioned would remain were the President's trade proposals to be adopted legislatively, for the simple reason that neither he, nor the Roth Report of early 1969, proposed any significant changes in the substantive benefits available as adjustment assistance to eligible firms and workers.

Assistance to Workers.—The amount and kinds of assistance to workers under the adjustment assistance provisions of the 1962 Act looked fairly generous at that time. The basic benefit of 65% of the average weekly wage "trade adjustment allowance" for 52 weeks, was substantially superior to state unemployment compensation benefits. And the 26 weeks of training benefits beyond that 52 weeks, under certain circumstances, made it that much better. It was true, of course, that these benefits were hedged with technical limitations, earlier identified, which were often more onerous and always as restrictive as those which governed benefits under ordinary state and federal legislation, but these tended to be overlooked in view of the larger cash benefits provided.

Eight years later these benefits appear to be far less attractive. A maximum benefit of 65% of average weekly wages for 52 weeks, after there have been average annual rises in the cost of livng of approximately 6 percent with no increase assured, is less imposing than it was, particularly when it is compared not with the level of state and federal benefits of 1962 but with those of today; both state and federal unemployment benefits have increased internally in amounts and duration during this 8 year period.[6] Moreover, this period has witnessed the growth of the Supplemental Unemployment Benefit in collective bargaining contracts, i.e. the automobile industry, which, when added to state benefits (aided by federal payments), make up a package of unemployment benefits for some workers which is considerably in excess of 65% for 52 weeks.[7] An increase in both the amount and the duration of adjustment allowances is thus clearly indicated if the adjustment assistance provisions are to serve their purposes. Indeed, despite the quietude of both the Roth Report and President Nixon's Trade Message of November 1969, and of the spokesmen for organized labor before 1970, the Ways and Means Committee surprised everyone by recommending in H.R. 18970 that the readjustment allowance, the major component of Adjustment Assistance, be enlarged from 65 percent of the worker's average weekly wage or 65 percent of the average weekly manufacturing wage, whichever is lower, to 75 percent for each. This is a significant step forward. While there appears to be little reason for not establishing the percentage 5 to 10 percent higher than that, the Ways and Means Committee has in this respect acted quite sensibly in the bill it has recently reported. Unfortunately, it did nothing positive in respect of the other worker's benefits which should have been improved, and nothing at all substantively for firms.

The training benefits likewise appear to be less than sufficient in 1970. A maximum of six months beyond the 52 weeks adjustment allowances period appears to represent an inflexibility short duration in light of the fact that the most effective adjustment of the "factors of production" (here, labor) in the United States is in the direction of technologically advanced industries, which require workers with much more extensive training than has been considered normal hitherto. (Undoubtedly, the six months maxi-

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[5] Lester B. Pearson, *Partners in Development*, Report of the Commission on International Development Praeger, 1969, p. 91. See generally, *Adjustment Assistance Measures*, Report by UNCTAD Secretariat, TD/B/C. 2/86 November 20, 1969.

[6] 26 states currently offer benefits of 50% or more of average state weekly wage; in 18 states there is no percentage maximum limit. These are supplemented by Federal payments, and will be increased by some 50% once P.L. 91–373 (the Federal-State Extended Unemployment Compensation Program, Aug. 10, 1970) becomes fully effective. See CCH Unemployment Insurance Reporter ¶¶ 4805, 4081.

[7] The Ford Motor Company agreement which expired on Sept. 14, 1970, for example, provided that such supplemental benefits would bring a worker's total benefits to 95% of his weekly after-tax pay. 1 CCH Labor Law Reporter ¶ 59, 923, at 86,069.

mum period of training is inadequate for a substantial number of the jobs which are, and will be, made available in such industries.)

Finally, the technical limitations contained in the legislation shoud be relaxed so that they are more consistent with a genuine intention to provide adjustment assistance, than with the spectre of fraudulant claims.

Assistance to Firms.—The substance of adjustment assistance to firms provided for in the 1962 Act was much thinner than that which was to have been made available to workers: a highly complex, rather than an informal, "adjustment proposal" subprocedure following a determination of eligibility; financial assistance in the form of loans at an effective rate of between 7 and 8 percent, with no grace periods permissible in respect of either interest or principal; and relatively minor tax benefits, this was not by any means a package of benefits calculated to induce wildly enthusiastic support for a liberal trade program even in 1962. Today even the marginal producer who would like to move into another business with promise of something better than a hand-to-mouth existence, to say nothing of aggravation at work and at home, no doubt greets such an "assistance" program with a Gallic shrug.

A greatly simplified and informal adjustment proposal procedure would remedy one deficiency, but it would still be a procedural remedial measure. More needs to be done substantively. Here, the interest rate and duration and other terms on borrowing, and the prohibition on grants, appear to be the major current deficiencies. If the United States can make concessional loans for development purposes in less developed countries for terms up to 40 years, at a favorable interest rate of 3 percent, and with a 10-year grace period on principal repayment as it has been doing for many years in the interest of the successful conduct of the foreign relations of our country can it not offer analogous terms for the same basic reasons, to those whose successful domestic adjustment and development is important to the continuation of liberal trade? If some mix of grants with loans is deemed desirable, in the circumstances of particular cases, is it not desirable to have sufficient legislative flexibility to be able to furnish assistance in that form as well? Again, foreign aid legislation has for a long time permitted grants for technical assistance, and they have been utilized together with concessional loans in projects and programs looking toward economic development.[8]

Summary.—Even with relaxed eligibility standards, it is difficult to believe that a substantial increase in workers' readjustment and training benefits and the extension of much more favorable concessional finance to firms would be an unduly burdensome cost to the United States. It would be a small price to pay for a sensible trade and foreign policy, as well as a decent recognition of the equities of those affected by impersonal forces. Such a liberalization of benefits would be an expression of the Government's earnest intention to really ease the transitional path for firms and industries. It would speak at least as loudly in those accents as the proposed relaxation of eligibility requirements and together with that relaxation, would represent a significant effort (1) to wean labor from its recent reversion from its stout-hearted advocacy of liberal trade in the 1935–1967 period, to the short-sighted protectionism which has been embraced during the 1920's by the American Federation of Labor and (2) to give assurance to small business that extraordinary efforts to aid them to adjust to more economic endeavors would be forthcoming. Indeed, given the existing paucity of substantive adjustment assistance for firms, improvements along the lines suggested in all likelihood would be far more impressive of the Government's serious intention to facilitate the adjustment of firms than would be a mere relaxation of the eligibility requirements.

Conclusion

The improvements in the procedure and in the substance of adjustment assistance herein urged would, if effectuated, mark an impressive advance in our ability to assist firms and workers to adjust, as a dynamic society seeks to serve the needs of its people through the most efficient allocation of all of its resources, human and material. They would indicate that the Government is more prepared to recognize its obligation to provide for the general welfare by easing the path to economic health and well-being of those who are thrown out of work or enterprise by impersonal forces, regardless of the extent to which they are "internal" or "external", than it was in 1962. Eventually, it is believed, it should make no more difference in benefits or otherwise whether there is any alleged connection, however remote, between imports and adversity than when the cause of adversity lies elsewhere. These changes might hasten that day.

It must be added, however, that a fundamental condition of adjustment assistance—indeed its raison d'etre—is assistance to firms and workers to adjust to that increased import competition which a liberal trade policy attempts to encourage. In addition to the other multifarious casualties that a reversal or serious impairment of such a policy entails, such a reversal or impairment must inevitably make meaningless and eventually superfluous assistance which is not connected with such adjustment. In short, firms and workers have no moral case for adjustment assistance if they are unwilling to adjust to increased import competition—and what they have no moral case for they will stand an excellent chance of losing, as a democratic society progressively understands its processes.

[8] Secs. 234(c)–(e) Foreign Assistance Act of 1969, (P.L. 91–175) and predecessor legislation.

A LOVE STORY OF EXQUISITE PERFECTION

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mrs. SULLIVAN. Mr. Speaker, the sad news today of the death of the beloved wife of former Speaker John W. McCormack grieves everyone in this body who has known the McCormacks as warm and personal friends and as the embodiment of a love story of exquisite perfection.

There are many couples who have shared long and happy lives together in loving companionship. But how rare and wondrous was the devotion of the Speaker and his lady—the devotion of a man who had achieved one of the very highest offices in the land, who was at one time a heartbeat from the Presidency, and who carried on his shoulders the most awesome public responsibility, yet never let his official duties come between him and the wife who claimed his loving attention every evening of their married life.

All of us in political life, and particularly in the Congress, know how demanding are the official claims upon our time and the interferences they bring to our personal lives. To understand the McCormack love story, one has to recognize that the devotion was completely mutual—that Mrs. McCormack lived for her husband, shared all of his burdens of national leadership, and made those burdens bearable by her love.

The long vigil is over. John McCormack has fulfilled his promise to his wife that he would always be with her to the end of their days together. After retiring from Congress, he remained at the hospital where his wife lay ill, sharing her pain as they had shared their many joys.

Mr. Speaker, we mourn the death of a gracious lady. Our hearts go out in sympathy to a fine gentleman who led us for so many years as our Speaker, and before that as majority leader. At the same time, we are comforted by the knowledge that the McCormacks lived their love story on such a high plane of decency, virtue, and faith that a merciful God will certainly welcome Mrs. McCormack in His hands, while fortifying the great courage of the bereaved husband in this deep valley of grief.

We have been privileged indeed to have participated on many occasions in the lives of this remarkable man and wife, an experience we shall never forget. May God grant our former colleague the strength he will now need, strength to match the magnitude of his loss.

DR. J. E. ROWAN

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. SHRIVER. Mr. Speaker, Dr. J. E. Rowan, a distinguished Kansan and community leader of Lyons, Kans., passed away on Thanksgiving evening, November 25, 1971. He will be sorely missed in his profession which was optometry and in the civic life of Lyons.

It was my privilege to know and work with Dr. Rowan from the time we were both active in DeMolay. He was a loyal friend and supporter of mine. Mrs. Shriver and I join in extending our heartfelt sympathy to Mrs. Rowan upon her great loss.

Under leave to extend my remarks in the RECORD, I include the following editorial from the Lyons, Kans., Daily News which eloquently eulogizes Dr. Rowan. The editorial follows:

DR. J. E. ROWAN

The death Thursday evening of Dr. J. E. Rowan removes from our community one of its truly outstanding citizens.

Joe Rowan was outstanding not because of his successes or achievments in any one field, but because of the many different fields in which he became involved, and in which he contributed significantly. We count at least seven interests upon which he left his mark—profession, church, library, benevolence, social, education and health.

He served his profession, optometry, as president of the Kansas Optometrical association, and as a member and trustee of the American Optometrical association. And his fellow optometrists paid him a high honor when they recognized him as the Optometrist of the Year in Kansas several years ago.

He served his church for several terms as ...der or trustee.

He was a past president and currently a ...ember of the board of trustees of the Lyons ...brary board. He was a past-president of the ...uth Central Kansas Library system.

He was a member and past president of the ...mmunity Chest board, and was always a ...rong supporter of the United Fund drives.

He was a past president of the Lyons Town ...d Country club.

He had been a member of the Lyons school ...ard and had a large part in the drive for a ...w high school. He served as chairman of ...e group which petitioned for the formation ... a hospital district in Rice county—a task ...hich succeeded and eventually resulted in ...e fine District hospital on the west edge ... Lyons, where Dr. Rowan died this week.

He was a leader, and a nice guy to boot. ...ew are those who contribute as much in as ...any areas as did Joe Rowan. He will be ...issed.—P.E.J.

SOVIET DESPOTISM

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. MADDEN. Mr. Speaker, a year ago ...n several statements made by me on the ...loor of the House protesting the un...ortunate and inexcusable surrender of ...he Lithuanian sailor, Simas A. Kudirka, ... called upon the President and the ...State Department to demand of the ...Soviet Union the release of this unfor...unate Lithuanian patriot from the So...iet tyranny.

I include with my remarks a resolu...ion unanimously adopted by the Lithu...nian American Council of Lake County, ...Ind., asking our Government to intercede ...with the Soviet Government on behalf ...of the imprisoned Lithuanian sailor, ...Simas A. Kudirka.

This resolution was signed by Albert ...A. Vinick, president, and Peter Indreika, ...secretary, of the Lake County, Ind., ...Lithuanian American Council. The reso...lution follows:

RESOLUTION

We, the Lithuanian-American Community ...of East Chicago, Lake County, Indiana, as...sembled this 21st day of November, 1971, at ...3905 Fir Street, East Chicago, Indiana, to:

Commemorate the one year anniversary of ...Lithuanian sailor Simas A. Kudirka who was ...refused political asylum after he defected to ...the United State's Coast Guard cutter, ..."Vigilant."

In the eyes of the American administration ...he was legally the private possession of ...Brezhnev, Stalin's successor, and had to be ...returned to him.

We honor the memory of the generations ...of Lithuanian freedom fighters who fought ...Tsarist Russian oppression and the mon...strous Soviet Russia's occupation of ...Lithuania.

We express our indignation of the forcible ...return of Simas A. Kudirka to the Soviet ...ship after nearly ten hours of pleading for ...asylum, and subsequent Soviet Russia's ...Supreme Court sentenced to ten years in a ...forced labor concentration camp in Siberia ...and the arrest and placement in a slave ...camp of his wife and children.

We call upon our Senators and Repre...sentatives to make use of every opportunity ...to urge that President Nixon help free Simas ...A. Kudirka.

And we emphasize our confidence in the United States Government to raise direct issue to Soviet Russia's government of Simas A. Kudirka's freedom and permission to come to the United States.

WELFARE MOCKERY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. WALDIE. Mr. Speaker, a very interesting article by Guy Wright of the San Francisco Chronicle has been brought to my attention. It deals with one aspect of the present welfare systems in this country that needs closer scrutiny.

We have been right, Mr. Speaker, in trying to provide a means for living in this Nation to those people who are unable to take care of themselves. But we never intended welfare payments to become Government grants for vacation travel and poodle haircuts.

Mr. Speaker, I include this article by Guy Wright in the CONGRESSIONAL RECORD for the benefit of my colleagues:

CRUISING ON WELFARE

(By Guy Wright)

Home is where the heart is—or is it just a bigger welfare check?

Anyway, Melvin and Lorraine Stewart are coming back to California because Indiana is such a "lousy" state for welfare recipients.

"A disaster state," Mrs. Stewart called it.

"In California they really take care of folks on welfare," she said.

So they are loading up their $10,000 air-conditioned land cruiser and returning to the land of milk and money.

Into the cruiser they will load four television sets, an upright deep freeze and a pair of elegant parlor chairs reupholstered in red velvet at a cost of $248.

All these goodies they have bought since January while on welfare in Indiana.

The $10,000 land cruiser they bought while on welfare in California, and are still paying $118.91 a month on it from welfare funds.

"We bought the cruiser brand new, two years ago, and had a ball," Mrs. Stewart said. "We joined a camper club and traveled all over California. It was really fun."

The Stewarts told their story to a reporter for the Indianapolis Star, which considered it worth front page play a few Sundays ago.

On their return to the promised land they will tow their 1966 Pontiac Bonneville behind the land cruiser.

And of course they will bring their handsomely groomed poodle, Sassay, whose tonsorial treatments, the reporter learned, cost $10 a snip.

Welfare money pays for that too, since the Stewarts say poor health won't permit them to work.

Mrs. Stewart says she is overweight, has high blood pressure and an enlarged heart.

She has been on public aid of one form or another since 1959, she said. She is now 49.

Her husband, 10 years her junior, says he has a bad back.

Although their house in Indiana includes an acre of land, they didn't plant a vegetable garden last summer because of their poor health.

"The weeds would get ahead of us," Mr. Stewart explained.

However, they did take a summer vacation trip to Mammoth Cave in Kentucky in their land cruiser.

Growing their own vegetables was rather pointless anyhow, since they receive free food from the surplus commodity program. But they don't like what they get.

"We've green-beaned to death," Mrs. Stewart said. "And my kids don't like oatmeal for breakfast."

Oh, yes, when they return to California they will also bring Mrs. Stewart's two children, 12 and 9.

When they were here before they received $232 a month in welfare for the children, plus their own aid as "totally disabled," plus $50 a month for a cleaning woman, plus other benefits that pushed their total take to well over $500 a month, Mrs. Stewart said.

In Indiana they get only $235 a month.

And when they went out and bought a coppertone stove-refrigerator combination, the Indiana welfare people refused to pay for it. Now they may have to leave it behind.

But the last straw, Mrs. Stewart indicated, was the termites in their house.

When they complained about the termites, their case worker told them to get a bank loan for termite extermination and welfare would repay it.

The Stewarts never got the loan, and the case worker let the matter drop. Such poor service they find intolerable.

So. Mrs. Stewart is giving up her seat on the Citizens Advisory Council, which advises the welfare office in Owens County, and they are coming back to California, where "they really take care of folks on welfare."

BELLS ELEMENTARY SCHOOL—REFRESHING RESPECT SHOWN FOR FLAG AND COUNTRY

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HUNT. Mr. Speaker, I would like to share with my colleagues a very unique exercise that was recently instituted by one of the elementary schools in the First Congressional District of New Jersey.

Bells Elementary School in Washington Township, N.J., has made a "big deal" of saluting the flag in lieu of the usual morning Pledge of Allegiance in homerooms. The newly established ceremony is now conducted outdoors by one grade while other students inside follow the proceedings on the public address system. Shortly after arrival at school in the morning, one preassigned grade assembles around the flagpole while, inside the school, the student selected to lead the Pledge of Allegiance and a small group of singers gather near the public address console. On signal, the flag is silently raised and this is followed by the Pledge of Allegiance and a stanza of "America the Beautiful" over the public address system.

Mr. Speaker, I regret that I cannot include pictures in the RECORD, but it is, indeed, a most impressive and gratifying ceremony to witness. I feel certain that the solemnity with which this exercise is conducted by the youth at Bells Elementary School reflects a love of and respect for their country which is far more meaningful and inspiring than the bleating of some adults who feel the pledge ought not be recited in school because it acknowledges that we are "one Nation, under God."

The administrators and educators at Bells Elementary School deserve commendation for their attitude and understanding of the reverence and inspiration this ceremony affords to the young people. The students themselves can be proud of being a part of this rekindled spirit which shows a refreshing respect for our flag and our country.

CAN U.S. BUSINESS BE SAVED?

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. DUNCAN. Mr. Speaker, many people are saying this country needs to sell better goods at lower prices as a solution to our economic problem. One such statement is detailed in an editorial in the November 27, 1971, Knoxville, Tenn., Journal. At this point I would like to place that editorial in the RECORD.

CAN U.S. BUSINESS BE SAVED?

The deteriorating position of the United States in world trade has raised concern among American businessmen, workers and the public. Industry Week magazine recently put the whole proposition in an interesting perspective.

The magazine said there is "undeniable evidence that our position as a world economic power is slipping." It cited these circumstances:

The American share of world automobile production in 1950 was 76 percent; in 1970 it had dropped to 33 percent. This trend is continuing.

The U.S. share of world steel production was 47 percent in 1950. In 1970 it was only 20 percent.

For many years the U.S. was the world's leader in production of machine tools, which are the master tools of industry. By the end of 1971 this country most likely will be in fourth place behind the Soviet Union, Japan and West Germany.

Nearly half of the people of the United States wear shoes that were made abroad.

More than half of the black and white television sets in this country are imported.

Nine of every 10 Americans listen to radios built in other countries.

One of every six cars on U.S. roads was built overseas.

If these circumstances are disturbing they ought to be.

As the article pointed out, the effects of the American decline will be felt throughout the entire country from the pocketbooks of American workers to the revenues of problem-plagued government, national, state and local.

The prospects were summed up with these questions:

"Are we about to become a vast warehouse for imported goods—goods we will be unable to buy because we will lack the purchasing power?

"Is the United States becoming an industrial dropout?

"Will U.S. industry be forced to continue to move to overseas locations to survive, causing a further loss of jobs for Americans?

"Will our crumbling competitiveness in the world market erode the tax bases on which our governments depend for their revenues, and thus further disrupt both the public services we need and the means by which we hope to solve our great public problems?

"Are we going to blow our position as the No. 1 industrial power and our world-envied standard of living—all in one generation?"

These questions are quite legitimate, especially in view of what has happened over the past 20 years. Japan, West Germany and Russia were still suffering from the devastation of World War II back in 1950. Today they rank ahead of the United States in many areas of industrial activity.

What is the answer?

Several were proposed in the article: making economic decisions for economic rather than political reasons; straightening out the welfare system; equalizing international tariffs so that the United States can compete abroad; increasing domestic productivity and other steps.

"That means," the article said, "that all sectors of our economy—industry, labor and government—must unite in making this country competitive in costs, competitive in quality and competitive in service."

In short, this country must get itself back on a sound basis so that it can sell better goods in increased amounts and at lower prices.

But even to start accomplishing this the American public in general and the American Congress in particular will have to wake up to what has been happening.

BARBER BUSINESS HURT BY FREEZE

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. STEPHENS. Mr. Speaker, during the past weeks we have all heard a great deal about the effect of the wage-price freeze on big business in our country. Small businesses have been similarly affected, however. I think the following article, which was placed in the Warrenton Clipper, Warrenton, Ga., by the local barbers, is a vivid example of the problems being experienced by barbers all over the country:

[From the Warrenton (Ga.) Clipper, July 30, 1971]

LOCAL BARBERS ANNOUNCE AND EXPLAIN PRICE RAISE POLICY

We admit that a haircut is not worth a dollar and seventy-five cents. Neither is a loaf of bread, a gallon of gasoline, a pair of shoes, a bottle of medicine, or anything else we purchase worth the price.

However, the cost of living is not the main reason we are increasing our prices. It's because most of the teenagers have quit getting haircuts altogether, and nearly everyone else have begun to put off their haircuts a couple weeks longer. Our business has been "cut in half" of what it was two year ago. It's the same in the barber business all over the Country. Perhaps the small town barber is about to pass from the scene as did the village blacksmith and the country doctor.

What it all boils down to is that you faithful few customers who still want regular haircuts will have to bear this added expense just to keep us around to cut it.

And—don't expect us to remodel or "fancy-up" the old Shop. It will still be the same crummy ole place. You'll still get the same lousy service and sorry haircuts. Nothing's changing but our prices. A loaf of bread, a gallon of gasoline, nor a pair of shoes never improves simply because the price goes up.

When the cost of living returns to comparable levels of 1960 or frequent haircuts come back in style, perhaps we can give you a dollar haircut again. Until then, in order to stay in business, we announce the following price increases, effective Labor Day:

All haircuts or "trims", $1.75 each.
Shampoo, $1.25.
Shave, $1.50.
Howell's Barber Shop.

CAMPAIGN FINANCING

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. RIEGLE. Mr. Speaker, earlier this week, our colleague, the gentleman from California (Mr. MCCLOSKEY) addressed an assembly of students and townspeople at Dartmouth College on the subject of campaign financing and its current impact on our political system. I believe his comments are well worthy of our careful attention.

REMARKS BY CONGRESSMAN PAUL N. MCCLOSKEY

I would like to discuss tonight what may be one of the two or three fundamental issues in the 1972 campaign. The issue is what John Gardner recently referred to as "The Dirty Little Secret that Everyone Knows"—the vast influence of money in politics.

The influence of money in political decision-making is not new—it has been with us since the inception of Democratic self-government. Under the Nixon administration, however, the threat of concentrated wealth, working secretly to influence governmental decision-making, has reached crisis proportions, and threatens the very existence of the nation itself.

Why should this be so? The reason lies in the fact that the faith of our people is the strength of our system of government. It is not just a desired aspect of our national stability and security—it is essential to that national stability and security.

We can never forget that we are a nation which operates by the consent of the governed. Our people must consent to file honest tax returns, consent to give honest judgment in jury cases, consent to serve in the armed services in time of conflict. That consent is and can only be based on faith in government—faith that the government is honest and faith that it is truthful.

What is the present measure of the faith of Americans that their government is honest, truthful and worthy of trust? A recent poll taken by the Center for Political Studies at the University of Michigan reflects specifically the trend which I believe all of us have instinctively sensed in recent years.

Since 1958, the faith and trust of Americans has been diminishing rapidly. During the past seven years, the number of Americans trusting the government to do what is right all or most of the time dropped from 63% in 1964 to 37% in 1970.

During the same time frame, the question was asked: "Would you say the government is pretty much run by a few big interests looking out for themselves or that it is run for the benefit of all the people?" The percentage of Americans believing the government was run for the benefit of all the people dropped from 63% in 1964 to 41% in 1970. By 1970, the second year of the Nixon administration, nearly half of the people interrogated stated their belief that the government was being run by a few big interests looking out for themselves.

There was ample reason for that belief in 1970. There is even clearer reason today. An increasing concentration of wealth working secretly to support political candidates and to influence government decisions is not only welcomed but encouraged by the Nixon administration. Let me define precisely the three evils which so endanger the nation.

First, the new concentration of wealth primarily in big business;

Second, the new importance of wealth in electoral politics;

Third, the administration's encouragement of secrecy in the application of that wealth in political campaigns and in governmental decision-making.

With respect to the new concentration of wealth, there can be no question. Attorney General Mitchell recognized the problem over two years ago. By June 1969, 200 large corporations controlled nearly 60% of the manufacturing assets of the nation. Corporate mergers had more than doubled in the previous year. The Attorney General said in a speech in June 1969, "The danger that this super concentration represents to our . . . political . . . structure cannot be overestimated."

He went on to mention "the unacceptable probability that the nation's manufacturing and financial assets will continue to be concentrated in the hands of fewer and fewer people,"—the very evil that the Sherman Act, the Clayton Act and other antitrust and anti-price-fixing laws were designed to combat.

What did the Attorney General mean when he used the words "danger to our political system" in connection with the concentration of economic power? In effect, he was recognizing the basic fact that the concentration of economic power also meant the concentration of political power.

The whole thrust of our constitutional form of government was to restrain the accumulation of power. James Madison had said "the accumulation of all power, legislative, executive and judicial, in the same hands may justly be pronounced the very definition of tyranny." An accumulation of economic power sufficient to control political decisions can likewise create tyranny.

Senator Kefauver once said: "Through monopolistic mergers the people are losing power to direct their own economic welfare. When they lose the power to direct their economic welfare they also lose the means to direct their political future."

Why, then, has the Nixon administration failed to provide leadership to reduce this increasing concentration of wealth and power?

The answer may lie in the second evil. The influence of big money on the political process. This Administration is the primary beneficiary of the economic power of big business. This is the Administration which has placed primary emphasis on the profits of big business as the goal of our economy—on the theory that those profits will ultimately "trickle down" to the public at large.

This Administration resurrected the SST after it had been abandoned by the Johnson Administration, supported the bail-out of the Penn Central Railroad, and urged the granting of a federal loan guarantee to Lockheed under conditions no small business in America could have hoped to obtain.

This administration's chief fund raiser, Maurice Stans, was named Secretary of Commerce. Now, for the next campaign, it is reported that he will resign his post in order to again raise funds chiefly from the big businessmen of America.

Who besides big businessmen can afford to attend $500 per plate dinners? The $5 million dollars raised from those nation-wide dinners several weeks ago was raised almost entirely from big businessmen. In Houston, Texas, nearly all of the 400 people in attendance (raising $200,000 for the President's re-election) were reported to be oil men. What does this bode for the hope of ending the oil import quota system as recommended by the President's task force over two years ago?

Three years ago, the Republican party was able to raise twice as much money from businessmen as was the Democratic party from all sources. As the administration in power, the Republican leadership is in a beautiful position to cash in on its enthusiasm for big business. A concentration of wealth unaccompanied by campaign spending and contribution reform merely makes is that much easier to raise more money than the opposition. The White House just announced that the President will veto the proposed public campaign financing bill just passed by the Senate. Getting $1.00 from each of 20,000,000 is far less beneficial than getting $20,000,000 from a few thousand corporate executives and oil men, particularly when the opposing party cannot hope to raise equivalent sums.

This administration has not hesitated to respond swiftly and helpfully to those who make large campaign contributions.

Consider the great milk boondoggle of last spring finally disclosed in the newspapers only a few weeks ago.

The government has long had the power to guarantee the price of manufactured milk. Last March that guarantee was $4.66 per hundred weight. The dairy farmer leaders came to Washington to seek an increase. Secretary of Agriculture Hardin denied the increase, finding no evidence to support it.

The dairy farmers, then, ten days later, on March 22, paid $10,000 to four Republican campaign committees. The next day, March 23, the dairy farmer leaders were granted an audience with the President himself at the White House.

The following day, March 24, the dairy farmers paid $25,000 to ten Republican committees for the re-election of the President. Lo and behold, the following day, March 25, Secretary Hardin announced that he would grant a price increase of 27 cents per hundred weight on the basis that "continuing research" had turned up new information on rising costs.

Ten days later, on April 5, $45,000 was given to nine additional committees. And by August 20, a total of $170,000 had been given to at least 68 committees by the milk farmers' political trusts, most, if not all of them based in Washington, D.C. where a loophole in the law permits them to go unrecorded as to the source and amount.

On September 3, 40,000 dairy farmers met for the biggest and perhaps happiest dinner in the history of Chicago. The President dropped by to pay his respects, and no wonder.

The importance of money to politics can be easily recognized when we look at last year's Senate races in seven large states. Fifteen candidates (New York had three) ran in those seven states. Eleven of the candidates were millionaires, and all seven of the winners were millionaires.

The cost of campaigning has skyrocketed. No candidate for public office today has even the remotest chance of winning unless he has either immense personal wealth or wealthy backers. This is a tragedy for the democratic process. Only 2½% of our people earned over $25,000 per year in 1969. Who, earning less than that sum, can afford more than a few dollars for the candidate of his or her choice? The importance of campaign financing is threatening to subvert the whole process of democracy. The concentration of the wealth necessary to campaign financing threatens to subvert our concept of a government of separated powers and to destroy that most priceless asset of all, our faith that our government is *not* controlled by a few big financial interests.

Let me give you an additional example of the *power* of wealth and the power of generous campaign contributions to President Nixon. This example came to light only recently in testimony before my own House subcommittee on Conservation and Natural Resources.

ARMCO Steel was the 69th largest corporation in the United States in 1970. Its corporate officers were reported by the *Washington Star* to have given $14,000 to the Nixon Campaign.

ARMCO Steel has also been one of the worst polluters of the Houston ship channel. Its Houston plant for years has been putting nearly a half ton of cyanide per day into the ship channel. Cyanide is one of the most toxic substances known to man.

On December 9, 1970, after all negotiations with the company had failed, the EPA filed a lawsuit to force a termination of the cyanide discharge.

On September 17, 1971, the federal district judge issued an order requiring that the discharge of cyanide cease forthwith.

On September 28, the President of ARMCO, Mr. C. William Verity, wrote a letter to President Nixon at the White House, asking him to look into the Court's decision. On September 30, Mr. Verity was reported to have commented that Secretary of the Treasury Connally had been contacted and that through his influence, high level consultations were going on at that moment between the Justice Department and the EPA concerning the decision.

On October 4, the Houston Business Journal quoted Verity as saying, "I pray every night for John Connally . . . if I could only have another son, his name would be John Connally Verity. At last there is reality in Washington and it changes the entire outlook for the steel industry and most gratefully ARMCO."

The letter Mr. Verity had sent to the President and the efforts of Mr. Connally were apparently successful, because a few days later on November 4, 1971, the EPA and the Justice Department stipulated to a modification of the Court's judgment of September 17, permitting ARMCO to continue the discharge of Cyanide until July 1, 1972.

The seriousness of this set of circumstances lies in the fact that after a lawsuit was in progress, after a judgment was obtained, the posture of the prosecution was relaxed not by the arguments of counsel for ARMCO, communicated to the government attorneys and the court, but by the direct intervention by the steel company president with the President of the United States. This sort of conduct is reprehensible. Any ordinary litigant who sought personally to stop a lawsuit by the Justice Department would be condemned or prosecuted.

Only recently, a Justice Department attorney, Richard Kleindienst, testified against an aide of Senator Fong who had suggested that a large campaign contribution might be forthcoming if a particular prosecution against constituent would be halted. This aide was convicted.

Since the inception of this country, attempts to interfere with the prosecution of the litigation by the parties themselves have been considered a violation of law and reprehensible. President Nixon is a lawyer. Nevertheless, his personal assistant Peter Flannigan admittedly contacted EPA and the Justice Department after the President received Mr. Verity's letter.

Mr. Flannigan is no stranger to big business. He was also a fund raiser for Mr. Nixon's 1968 campaign as the President of the Barracuda Tanker Corporation, owner of the Liberian flag tanker Sansinena. Under United States law, the tanker was ineligible for U.S. coastal shipping unless a waiver could be granted by the Treasury Department. Being ineligible for such trade, the

Sansinena was worth an estimated $4.5 million; if the waiver could be granted, it would be perhaps worth $11 million.

For several years, Mr. Fred Hartley, President of the Union Oil Company, had reportedly been trying to obtain a waiver for the Sansinena. The waiver could not be granted so long as U.S. tankers were available for the coastal trade. On February 25, 1970, Flannigan's 300 shares of stock in Barracuda were sold to others in the Barracuda venture. On March 2, the Treasury granted an unusually broad waiver for the ship, on the ground that the national security required it.

Senator Joseph Tydings disclosed these facts in a speech to the Senate on March 9th, stating that by a stroke of the pen, the government had made $6.5 million for Barracuda. My own Committee on Merchant Marine & Fisheries prepared to hold a Congressional inquiry on the subject, whereupon the White House called Treasury officials to the White House on the evening of March 9. The next day, Secretary of the Treasury David Kennedy announced that the waiver would be cancelled. The national security apparently no longer required the Sansinena for the coastal shipping of oil.

These examples merely illustrate the power of wealth applied to the governmental decision-making process.

By far the worst evil we face today is the secrecy of large financial contributions which are permitted by loopholes in the law. The Corrupt Practices Act passed in 1925 purports to limit both campaign contributions and spending. Yet, when I commenced this campaign for President, I found that the law has loopholes that a truck could be driven through. The law does not apply to primaries, for example. As mentioned earlier, it does not apply to committees based in Washington, D.C. One wealthy individual can give millions of dollars if he wishes, merely by limiting his gifts to a $5,000 contribution to separate committees. To receive the $170,000 kindness of the milk producers, for example, the Republican National Committee merely set up a whole series of Washington committees, with names like "The Committee for the American Dream," or "Committee for Sound Economy." But for the error of the attorney who thought the law applied, we might never have had the chronological relationship between the campaign contributions to the President and the Administration's change of heart on milk prices.

A funny occurrence in Chicago was disclosed recently. Vice President Agnew attended a $1,000 per plate dinner in Chicago in 1968. False listings of campaign contributors of at least $22,000 were then filed with the Clerk of the House of Representatives. Let me quote from the report of James R. Polk, a former Associated Press reporter who investigated 1968 campaign spending under a grant from the Fund For Investigative Journalism:

"Eighteen donors listed for $22,000 in the Victory '68 record confirmed in interviews that they didn't give the money. Bunched among the false listings were names of a dozen more persons who refused to answer questions, didn't remember, couldn't be found, or died."

Who *did* give the $22,000 in question remains a mystery. Chances are that they were big businessmen of considerable wealth.

The examples of secrecy in campaign contributions are legion. Within six months of my own first election to Congress in 1967, lobbyists from three large industries or associations of industries dropped by my Congressional office to pay their respects and leave me an envelope filled with five or ten $100 bills. Being new to the business, I politely inquired of each one as to the names and addresses of the donors—the gift bearer in each case indicated that the names would be furnished later, and in due course I received a list of names of people from Omaha to Baton Rouge who had each given me $100. I had the distinct impression my inquiry was not the usual practice.

In 1968, 181 Members of Congress filed statements that they had received no contributions and had spent no money on their campaign. Committees had done it for them.

The evil lies not in the gift, but in its secrecy.

I raise this issue tonight because the President has made it clear that he intends to veto the public campaign financing bill just passed by the Senate as he did the spending limitation bill last year. Only a few days ago his Congressional Liaison representative dropped by the Republican cloakroom in the House of Representatives to let it be known that the White House would not be unhappy if the campaign reform legislation now before the House is killed altogether this year.

This is a key issue to the future of America and the restoration of both the honesty and openness of government as well as public faith in government.

The answers are relatively simple. We need a new law which absolutely limits individual contributions, which provides a tax write-off for small contributions, which reasonably limits expenditures in the various media, which grants a reasonable chance for equal debate time to all candidates at the lowest available rates, and above all else requires complete disclosure of contributions and adequate enforcement powers and procedures. Many of these provisions are included in the Senate bill which the President has said he will veto and in the legislation now before Congress. As compared with the present system of secrecy and corruption, I strongly favor the Senate bill. If the President continues to oppose campaign contributions disclosure and reform, I believe he should be defeated on that basis alone in the March 7th primary. I hope, for the good of the country, he will withdraw his opposition.

RAY R. SIMPSON HONORED

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. O'KONSKI. Mr. Speaker, the Wisconsin Legislature recently honored Ray R. Simpson, founder of the Simpson Electric Co. of Lac du Flambeau, Wis. Mr. Simpson has completed 60 years of active participation in the electrical instrument business.

I am very pleased that the State legislature so honored Mr. Simpson on the occasion of the 25th anniversary of the operation of his plant at Lac du Flambeau. Mr. Simpson is to be commended for his sound labor practices and forward looking business philosophy, which has made his plant a success for so many years and has contributed so much to the local economy.

At this time, I would like to call Mr. Simpson's achievements to the attention of my colleagues. The citation from the Wisconsin Legislature follows:

THE STATE OF WISCONSIN CITATION BY THE LEGISLATURE

Know you by these presents:

Whereas, Ray S. Simpson entered the electrical instruments business in 1906 and has, in the course of over 60 years of active business life, paid the strictest attention to his products, customers, employes and friends;

Whereas, in 1946, Mr. Simpson, founder of the Simpson Electric Company, ended his search for a solid and capable labor force, choosing Lac du Flambeau as the site of his branch plant; and

Whereas, the past 25 years of operations in Lac du Flambeau have vindicated the wisdom of Mr. Simpson's choice as well as his wholesome business philosophy; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Representative Ellsworth K. Gaulke, under Joint Rule 26, take this opportunity to congratulate the Simpson Electric Company on this its 25th anniversary of Wisconsin operations, and to commend its founder, Ray R. Simpson, for his contributions to the Lac du Flambeau area.

ALASKA'S HIGHWAYS INADEQUATE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BEGICH. Mr. Speaker, presently the State of Alaska has slightly over 3,000 miles of paved highway. As you can well imagine, 3,000 miles of paved highway in an area that is more than 586,000 square miles is hardly adequate to meet the needs of Alaska's population. Because of the rough terrain, severe weather conditions, lack of Federal funding and unfavorable economic conditions throughout the country, road construction in Alaska is now at a minimum.

When citizens of one village or city wish to travel outside their home area they must, in practically all instances, travel by air. There are few roads in Alaska which connect major cities or villages with each other. It is impossible to travel by road from our capital city Juneau, to any other place in the State. All cities of southeast Alaska are inaccessible by road. The people of Nome cannot travel to Anchorage or Fairbanks by highway and the people of Anchorage can drive to few places in Alaska other than Fairbanks. As a matter of fact, the road that links Fairbanks with Anchorage is the only major artery in the State.

The roads within villages and Alaska's smaller cities are, at best, hazardous and incomplete. The frigid weather makes traveling in the winter months hazardous and the warm weather that melts the soft dirt makes spring and summer transportation difficult.

Because the lifeblood of any community and state is its system of communication and transportation, I believe greater efforts should be made to achieve development of a national state and local network of highways, streets, and roads in Alaska which are well planned, coordinated, and safe. Highways will always continue to be the principal mode of America's transportation system.

At the 63d annual meeting of the National Governor's Conference in San Juan, Puerto Rico, during September of this year, the Governors of all the States went on record supporting the continued development of our national highway systems. At that time, they passed a resolution which I believe has significance for Alaska and the United States. I am including a copy of that resolution for the interest of my colleagues in the Congress:

HIGHWAYS

The National Governors' Conference supports continued development of a national, state and local network of highways, streets and roads which are well planned, coordinated, and safe. Highways will continue to be the principal mode in America's transportation system.

The Governors urge the following action as part of the partnership between state and federal governments in highway construction:

1. Funds from the Highway Trust Fund should not be suspended or withheld; and we hereby endorse actions of the Executive Committee in seeking court action to challenge the authority of the Executive Branch of the federal government to withhold distribution of Highway Trust Funds.

2. Apportionments from the Highway Trust Fund should be made as soon as possible after the 1st of July for the following fiscal year to enable the States to adequately implement their highway construction program.

3. The revolving fund within the Highway Trust Fund, set aside for the advance purchase of right-of-way, should be made available as soon as possible, and continued as a measure of economy and planning.

4. Federal fuel taxes should not be increased to the detriment of the States' ability to use the fuel tax as a source of revenue for the construction and maintenance of the highway system.

5. Primary authority for coordination, planning and flexible distribution of trust funds within the States should continue to be at the state government level.

6. An unbiased study should be made to determine the sufficiency of the planned 42,500 mile Interstate System in fulfilling the intent of the system as described in the 1956 act and developed since that time.

7. After completion of the present Interstate System, the Highway Trust Fund should be continued as part of the flexible fund described above. The basic purpose of the Highway Trust Fund in the post-Interstate period should be to strengthen the primary and secondary system, as well as urban systems. Completion of the Interstate system links the nation together as never before, thereby encouraging additional travel which has placed a heavy burden on those portions of the urban primary and secondary streets and road systems that are outdated and inadequate.

8. We endorse the concept of developing a system of scenic highways to allow access to national and state parks and improved recreation areas.

9. We recommend that further study be given for methods by which States can implement the provisions of the Relocation Assistance Program contained in the Federal Highway Act of 1968. Intergovernmental cooperation is needed to overcome the many legal and administrative problems created by this program.

10. Transportation systems have a major role in implementing economic development and growth policies. Economic growth center highways can help reverse the depopulation of rural America and the overburdening of megalopolis, and we commend the Federal Government for its new program to construct such highways. However, the appropriation is totally inadequate and will be spent with little impact if limited funds are divided among all States. Instead, we urge these funds be spent on a small number of carefully selected demonstration projects.

NATIONAL GOVERNORS' CONFERENCE,
Washington, D.C., September 30, 1971.

Hon. NICK BEGICH,
House of Representatives
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BEGICH: Although I have already transmitted to you the complete text of all policy statements adopted at the 63rd Annual Meeting of the National Governors' Conference in San Juan, Puerto Rico, September 12–15, I want to particularly call your attention to the policy position on highways. Realizing your Committee is currently concerned with this subject, I hope the positions the Governors have expressed will be of assistance.

I look forward to the opportunity of continuing our working relation. If there are specific questions on the policy positions, please contact either myself or Michael Dye, the Special Assistant on my staff who works in these areas.

Sincerely,

CHARLES A. BYRLEY,

FULL EQUALITY FOR WOMEN UNDER ALL LAWS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. EDWARDS of California. Mr. Speaker, there appeared in the Washington Post of Monday, November 29, 1971, an editorial which should be brought to the attention of every Member of Congress. The editorial points out that last week's Supreme Court decision holding constitutionally invalid State laws giving preference to men over women for appointment as administrators for decedent's estates, although a commendable landmark decision applying the 14th amendment to invalidate archaic statutes discriminating against women in the administration of estates, does not remove the need for the Senate to act to pass the equal rights amendment in the form approved by the House of Representatives in order to provide full equality for women under all laws.

The editorial follows:

[From the Washington Post, Nov. 29, 1971]

SEX AND THE SINGLE ADMINISTRATRIX

The Supreme Court spoke with one voice on Monday in finding constitutionally invalid an Idaho law that gave preference to men over women for appointment as administrator of a decedent's estate. The one voice was the Chief Justice's and what it said was expressed with admirable precision, clarity and restraint. The nub of the decision is that while "the Fourteenth Amendment does not deny to states the power to treat different classs of persons in different ways," it does "deny to states the power to legislate that different treatment be accorded to persons placed by a statute into different classes on the basis of criteria wholly unrelated to the objective of that statute. A classification 'must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike.' "

A statute favoring men over women in the administration of estates rests pretty plainly on nothing more substantial than an antique prejudice that women are intellectually inferior to men. That prejudice is a relic of the period when men were able to look upon women as one of their more valuable indoor possessions. But it became untenable about the time that women demanded, and demonstrated an abundant capacity for economic independence.

Chief Justice Burger's opinion dealt, quite properly, only with the case before the court and dealt with it on the narrowest possible grounds. It does not in any way diminish the need for the constitutional amendment passed by the House of Representatives assuring full equality to women in all aspects of American life. That equality can best be established through the amendment procedure, rather than through a series of Supreme Court decisions striking down outmoded and irrational inequalities.

Senator Sam Ervin, a gentleman of a very old school, managed to win approval by the Senate Constitutional Amendments Subcommittee for a formulation of his own effectively scuttling the amendment approved by the House. Mr. Ervin's proposal would forbid "any legal distinction between the rights and responsibilities of male and female persons unless such distinction is based on physiological or functional differences" between the sexes. This is so naked a piece of nullification that it ought not to bemuse anybody old enough to be a senator. It amounts to saying that women should be treated as the equals of men except when it suits the whim or pleasure of some legislature to treat them as subordinates. One ought not to play games with the Constitution, or with the women of America, in that fashion.

Women are undoubtedly different from men. But that difference does not afford any rational basis for denying women the equal protection of the laws. Men may look upon women as they choose, individually—as sex objects, as interior decorations, as wives, mothers, co-workers, fellow-citizens. But in the United States, if the country is to remain true to itself, women must be accorded the same opportunity as men to pursue their own interests and to realize their own potentialities.

MINNESOTA'S EXPERIMENTAL CITY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. FRASER. Mr. Speaker, planning is now underway for one of the most exciting new urban development projects in the country—Minnesota's Experimental City. MXC, as it is known, envisages the creation of self-sufficient city of 250,000 located at least an hour's travel time by car from the Minneapolis-St. Paul metropolitan area.

The project's chairman, Otto Silha, discussed the progress of MXC in a recent address to an American Institute of Architects meeting in Minneapolis.

I am sure that my colleagues would want to learn more about this hopeful new effort to relieve the pressures on our trouble-ridden urban centers, and so I am inserting Mr. Silha's address at this point in the RECORD:

MINNESOTA'S EXPERIMENTAL CITY—AND THE NATION'S FUTURE URBAN DEVELOPMENT

The need for new cities has been recognized by virtually every serious student of urban problems and national growth policy. If one thing is clear in that complex of issues, it is that we cannot continue indefinitely to pack people into existing metropolitan areas. And because of the lead times involved, it is imperative that we begin as a nation to take corrective—and I would stress corrective as opposed to remedial—action now.

The leading indicators of serious problems are unmistakable; the storm warnings are flying. Environmentally we are developing

the public mechanisms to contain the problem, but there is much to be learned about what to do. Politically, the breakdown of major social service delivery systems and the fiscal crises and bankruptcies of local governments tell us that we must be doing something wrong. Socially, the desperation seen in our judicial and penal systems is to me an all-too-clear indication of the urgent need for some basic actions. The common element among our national problems is that they all tend to converge in our major cities.

Barbara Ward has stated the rationale for new cities quite succinctly when she says ". . . excessive growth in very large cities can best be controlled not by any rigid attempt to set limits; rather, expansion can be checked only by attracting it to other centers." Our problem has been that we don't have any "other centers" or any effective way for creating them.

In its analysis of the problem of a national urban growth policy, the National Goals Staff in the White House outlined four alternatives:

The first is to continue with present policies which will result in more sprawl, more concentration into a few metropolitan areas, more patch-work redevelopment.

Second, we can try to create a higher rate of growth in rural areas, but we know that this approach, assuming we knew what to do, is only a part of the solution to the larger problem and that it can have almost no effect on the national pattern.

Thirdly, we can stimulate the development of growth centers by various governmental actions. This approach has its limitations as well as its pluses.

The fourth strategy, which has worked well abroad, is one which has been tried only to a limited extent in this country—the creation of new cities, both as parts of major metropolitan areas and as truly new cities.

New cities offer the opportunity for major advances in the state of the art in every facet of urban design, social and physical, to test and prove out both social and physical systems which can subsequently contribute to existing cities. The general experience of the U.S. new cities, however, has been an inability to realize inherent social goals and a difficulty in achieving significant innovation in both physical and social systems.

Their experiences suggest, in fact, a further hardening of patterns established in the suburban development since 1945 and very little contribution to the solution of the problems of the central city and its residents. Reasons for this situation include economic and financial constraints; an inability to deal with the entire process of innovation including technical, financial, political and market factors; and the absence of models of alternative systems on which to build.

I am convinced that a key strategic reason for the paucity of urban innovation is that we are sadly lacking in models for future development, for carefully spelled out and demonstrated alternatives to present patterns. This can be critical to unblocking other constraints.

Certainly we are not lacking for ideas. What we are lacking is an opportunity to put a series of ideas together in a systematic manner, then actually implement them in an integrated, experimental setting, designed to prove out our best thinking in an operational situation. We do this in virtually every phase of American industry, but when it comes to the most important thing of all—the environment in which we and succeeding generations will live—we somehow assume that serendipity will take care of us. The evidence, I would suggest, is to the contrary.

The current generation of new communities, both in this country and abroad, is a welcome addition to our urban development; they are badly needed to meet current needs and for the most part they represent a significant advance over urban developments of the immediate past. But the irony of the new communities—as fine as they are—is that they are tending to reinforce patterns which have proved to be unsatisfactory. They will become a part of the problem.

Let me illustrate: A new city of half a million people has been proposed for the meadowlands in New Jersey just west of Manhattan. I have every expectation that it will be well planned and well executed, and will represent an improved living condition for its inhabitants. But the question which must be asked is whether it is wise to put still another half million people into the heart of the most troublesome urban complex in the country. Should we not instead be finding ways to bring about a better balance of population and resource distribution on a national basis?

Most new cities are forced into obsolete technology. The pattern of new cities, I fear, will represent a great opportunity missed. One of the lessons of the British in their first generation of postwar new towns near London has been just that: that they were too conservative in building their new cities, that they were not sufficiently innovative; that they were willing too early to "accept the inevitable" and to abide by the convention wisdom of another era.

It is apparent that there is a wide gap between what we espouse as desired goals for urban growth for the next several decades and our capabilities to date in achieving these goals, that we are not making the best use of the technological and other resources which are ours. Clearly, the process of adapting and applying current technology into urban settings is more complex than it appears. The steps from "here" to "there" are not well understood.

Some of the basic concepts for the MXC project are to evaluate the current state-of-the-art in terms of a specific prototype situation, to advance that state-of-the-art, and to provide a "real" opportunity for testing and further advancing models of new city development and the application of technologies to these ends. That is to say, to learn how and to build a city better than we have done to date in this country.

When David Starr Jordan was president of Stanford University, he observed that wisdom is knowing what to do, knowledge knowing how to do it, and virtue, having done it. In a sense, that is the theme of the Experimental City. At least in a general way, we do know what the problem is and have some good hypotheses about what to do; we certainly have the technology and the resources; but up to now we are acting—when at all—at an almost minimal level.

The idea for an experimental city originated at the University of Minnesota in the mid-1960's. The University obtained funding from private sources and from three federal agencies (HUD, HEW, and EDA) to investigate the concept and to determine what some parameters would be. Grants of $80,000 each from these three agencies plus grants of $10,000 from a dozen private firms—largely, Minnesota-based—provided the funding for the first phase.

We arranged for a series of 14 workshop sessions which brought together almost 200 scholars and practitioners from across the country. In many cases issue papers were prepared beforehand, and after usually three days of discussion, reports and recommendations were issued. The output of these workshops has been published and has found widespread interest. The discussions were organized around major urban systems—education, transportation, energy sources, manpower, communications, city building technology, government, and so on.

In addition, a national steering committee was formed to develop the general conceptual framework for an experimental city and to provide overall policy direction. This committee includes nationally recognized physical and social scientists, engineers and humanists ranging from such diverse backgrounds as Buckminster Fuller to the late Whitney Young. The contribution of these people to the project has been invaluable.

The Phase I study arrived at a number of conclusions about the key parameters which will largely determine the location and some of the physical characteristics of the city. A population of 250,000 was determined to be "the right size" if the city is to be essentially self-sufficient or freestanding. (This turns out to be the same conclusion the British reached about their second generation new city—Milton Keynes.) Such a city will perhaps require 35,000 to 50,000 acres.

Environmental and economic analysis in Phase II will further refine that figure. Minnesota has thousands of acres of low-utilization, publicly-owned land, some of it in very large tracts, which could be logically acquired for an Experimental City. This would tend to minimize many of the dislocation problems, minimize the cost of acquisition, and suggest new concepts in the use and control of public lands.

The Phase I participants agreed that for the city to have maximum impact, it should be built largely in a relatively short period of time—10 to 15 years. And to ensure that it be truly freestanding and not adversely influenced by existing urban constraints, the City will be at least one hour's ground travel time from a major metropolitan area.

The second, and current, phase is concerned with the elaboration of the framework provided by Phase I and with the design of a planning process to permit implementation. Two major parts of the Phase II effort have been completed, and, as you will see, both are critical to our future success.

We recognized from the outset that government—at several levels—must be involved in the project as an active participant. Accordingly, we began working with the State of Minnesota two years ago. The Legislature created joint operating committees of the House and Senate which held extensive hearings to determine what the State's role should be. Their findings were presented to the 1971 Session which created and funded a Minnesota Experimental City Authority.

The Authority is charged with the selection of a site, recommending the manner of land acquisition and financing, and general approval of plans. It will report to the Governor in January of 1973, so that the Legislature can take action during the 1973 session. The Authority is made up of eleven citizens, appointed by the Governor. To provide needed liaison, the directors of the state departments of planning, economic development, pollution control, and natural resources are ex officio members. Most of those departments have already been involved in our deliberations.

As soon as a site has been designated, no later than October 15, 1972, all public improvements on the land will be frozen, effectively stopping any development until the decision can become final and the land assembly begun. To my knowledge, this is the first time such powers have been granted to a state agency, and we believe that it represents a major innovation.

Sometime next month, an economic base study for the experimental city will be completed. It was determined in Phase I that the city's economic base would be significantly different from that of most cities today, reflecting the structural changes which are occurring in our economy. Activity will be heavily oriented to the knowledge-based industries and will have a large services component and a relatively small basic manufacturing component.

Our current base study is identifying which industries are the most logical candidates for location in the city and what their locational

requirements are likely to be. From that information, we are determining the character of the public and private infrastructure investment and staging, and the workforce which could be anticipated. This, in turn, tells us what kind of demographic mix is probable and provides a good initial base for planning. The information from the study is clearly of use to the Experimental City planning, but it can also be the basis for a better base of information for future urban planning elsewhere.

Our Phase II timetable calls for research and preliminary planning in the major systems areas, running in parallel with the site selection and land assembly process, which we hope can be completed by late 1973 or early in 1974.

It is significant to note that we are not talking about vast new expenditures to already overburdened public budgets. We are talking about a better, more rational expenditure of the billions which we will be spending anyway in this country over the next generation or so simply to house the millions of new Americans who will be arriving and to replace certain of our physical plant which has become obsolete.

In an all-too-real sense, our expenditures for urban development are the most critical ones to make, because they shape our environments conclusively for years to come. Yet, we invest less on research and development and planning on which to base those expenditures than in almost any other field of endeavor I know about. In the areospace industry, for example, it is usual to devote from five to ten percent of a total budget to research and development (and I am not suggesting that this is not appropriate). I am convinced that a much smaller investment in urban research and demonstration could be one of the most effective expenditures we could make. We must take what President Nixon has so aptly termed "the long view." We must "look down the road" not just at initial expenditures, but consider the total costs—economic, social, and environmental—we incur as we continue to build this country.

We are well aware of the magnitude and the complexity of the task we propose. We do not suggest that it is a panacea, rather a single but significant step toward a better America.

As this nation prepares to enter its third century, it is fitting that we question the values which underlie the way in which we live, to challenge assumptions and established practice, to ask why—and why not. It is an appropriate time to look at our national goals, to see how well they are reflected in the patterns of urban living which characterize our society today, to find if we like what we see, to re-set our sights.

We have a need to demonstrate—as Americans did two hundred years ago—that we can again articulate the American dream in ways which can motivate all our citizens toward the realization of our common goals. We must translate our disappointments and dissatisfactions of today into possible dreams and plans, and hence into a legacy, for tomorrow. And that is what the Minnesota Experimental City is really all about.

CONGRESSMAN PIRNIE: "SAVIOR OF THE COAST GUARD RESERVE"

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. CHAMBERLAIN. Mr. Speaker, at the annual dinner of the New York Coast Guard Chapter, Reserve Officers Association, held on Governors Island, N.Y., on October 29, special and well deserved honor was conferred upon one of our ablest, most sincere and dedicated colleagues, the distinguished gentleman from the 32d District of New York, the Honorable ALEXANDER PIRNIE. At that time, the President of the United States and the Secretary of Transportation joined with the membership of the New York Coast Guard Chapter, ROA, to praise Congressman PIRNIE as the "savior of the Coast Guard Reserve." They did so knowing full well that had it not been for the inspired leadership of the gentleman from New York, the Coast Guard Reserve, one of the strong links in our chain of defense, might be no more. Those familiar with the situation will recall that for the past 2 years there have been attempts to eliminate the Coast Guard Reserve in the name of economy, despite the fact that there was no question that the mission performed by the Coast Guard Reserve remained and will continue to be valid. Those who advocated elimination suggested that the Naval Reserve would be able to absorb the Coast Guard mission. Congressman PIRNIE, and a great number of others who registered deep concern, did not share that view. They knew from past experience that often such realignment of responsibilities proves more costly than projected and less efficient than anticipated. The gentleman from New York led the fight in opposition to the elimination plan and he was successful in enlisting congressional support for the cause. As a result, the Coast Guard Reserve remains strong and stands ready to bring excellence to its assigned tasks.

At the ROA dinner, Congressman PIRNIE was named an honorary life member of the New York Coast Guard Chapter. In addition to the expressions of appreciation from all in attendance, the following messages were received:

THE WHITE HOUSE

It is fitting that Congressman Alexander Pirnie's many contributions to the security of our nation is to be further recognized this evening. For many years Congressman Pirnie has been a strong supporter of our military forces. The U.S. Coast Guard has benfited from the efforts of this distinguished Member of the Congress. May your salute to Congressman Pirnie be filled with conviviality and joy.

RICHARD M. NIXON.

DEPARTMENT OF TRANSPORTATION

I am pleased to add my congratulations and best wishes to those of the friends of Congressman Alexander Pirnie, who honor him this evening for his staunch support of the United States Coast Guard. As a senior member of the Armed Services Committee of the House of Representatives, Al Pirnie has been a firm and effective advocate of a strong Coast Guard as an indispensable component of a strong national defense. The Department of Transportation is proud to have the Coast Guard as one of its principal operating elements, and similarly proud and grateful that we can count on the continuing support of our respected friend from Central New York. Again, I applaud the recognition of Al Pirnie's friendship and support this evening.

JOHN A. VOLPE,
Secretary.

Having served with Congressman PIRNIE for a number of years on the House Armed Services Committee, I know of his special concern for the Coast Guard Reserve. These tributes are well deserved, and I commend the New York Coast Guard chapter for its recognition of Congressman PIRNIE's fine work.

ELDERLY WILL BE MOST ADVERSELY AFFECTED BY CHANGE IN FOOD STAMP REGULATIONS

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BERGLAND. Mr. Speaker, the White House Conference on Aging only today wound up its meetings here in Washington. One of the consequences of this conference is the House joint resolution I am introducing today with the bipartisan cosponsorship of every member of the Minnesota congressional delegation. Participants in the conference from Minnesota met with our delegation earlier this week to express their deep concern over the new Department of Agriculture regulations for the food stamp program to be implemented in January. The primary focus of our discussion that morning was on the food stamp program, as it related to senior citizens.

I have been among those critical of abuses in some instances of the food stamp program. Had I been in Congress in late 1970 when the bill amending the Food Stamp Act of 1964 was under consideration, I would have welcomed many of the improvements intended by this bill. It surely, however, was not the intent of Congress through its amendments to the act to encourage the Department of Agriculture through its regulations to substantially phase out the food stamp benefits for senior citizens. Rather the amendments were intended to improve and reform it.

The effect of the new regulations is substantially to discourage participation by those most in need of the program—in particular, our elderly. While attempting to bring about uniform standards, the regulations will have the effect of encouraging more participation by those in the higher incomes still eligible for the program and discouraging participation of those in the lower incomes—where the benefits of this program should have the most impact.

The Department, as part of its new food stamp program regulations, established national uniform income and resource eligibility standards for the program. While these new standards increased the allowable maximum income that individuals or couples can earn each month in most States, the new standard lowered the maximum income allowed in 12 States, including the State of Minnesota. Unless prompt action is taken, many of our elderly will find themselves ineligible for the program. The States affected are California, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Rhode Island, South

Dakota, Vermont, Washington, and Wisconsin.

As a Congressman from one of the States affected, I am, of course, particularly concerned. I am equally disturbed by another provision—a provision which to my way of thinking will discourage most of the elderly from benefiting from the food stamp program. This new regulation would increase the minimum purchase requirements for individuals and couples and reduce the amount or value of the bonus stamps individuals and couples can receive under the program.

Under last year's food stamp program an elderly couple earning between $150 and $245 was required to spend $36 of their money in order to receive an additional $20 worth of food stamps as a bonus. Under the new regulations issued by USDA, couples earning between $210 and $222 will be required to spend $54 and will get only $6 in bonus stamps. And it should be noted again here that the maximum monthly income allowed for participation in this case has dropped from $245 down to $220.

These changes initiated by USDA and the administration are appalling and constitute an insult to the elderly of this nation who have spent their entire lives working and contributing to the welfare of this Nation as law-abiding taxpaying citizens. And now that many of them are required to live on low, fixed incomes—and during a time when inflationary pressures are driving the cost of almost everything upward—the Federal Government is reducing what meager benefits they have been receiving under this program.

In talking with one of the county welfare directors, in my Seventh Congressional District, he noted that the new regulations could very well have the consequence of killing the food stamp program for lack of participation. He cited the fact that many elderly now eligible to benefit from the program do not participate. The amount they are required to spend in order to obtain bonus stamps amounts to more than they require. To ask that they spend even more to obtain much less would mean that still more senior citizens would be discouraged from participating. The proportion of stamps bought in order to obtain bonus stamps should have been lowered, as it affects the elderly. The amount of bonus stamps received should have been raised, if anything, not lowered.

The joint resolution I am offering today does not, however, attempt to make these modifications, but rather to maintain existing standards in the 12 States and to maintain the present ratio of stamps bought to those obtained as a bonus.

The outcome of the new USDA regulations can only have disastrous effects on the food stamp program.

The resolution follows:

H.J. RES. 992

A joint resolution to assure continued eligibility of recipients of Food Stamp benefits and to maintain present levels of bonuses for these recipients

Whereas, rapidly escalating costs of living have made it increasingly difficult for low income families to pay for the basic necessities of life; and

Whereas, it appears that higher charges established by the Department of Agriculture for certain coupon allotments will create added strain on the limited financial resources of many thousands of needy families now receiving benefits under the Food Stamp Act of 1964; and

Whereas, it appears that many thousands of citizens will no longer be eligible for benefits under the Food Stamp Act of 1964 because of new eligibility standards established by the Department of Agriculture: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Food Stamp Act of 1964 is amended by adding at the end of subsection (c) a new subsection (d): "Notwithstanding the foregoing provisions of this section the standards of eligibility under any State plan of operation shall not make ineligible any household which would have been eligible under the standards of eligibility provided for by the State plan of operation in effect just prior to enactment of Public Law 91-671 which was approved January 11, 1971."

SEC. 2. The first sentence of section 7(b) of the Food Stamp Act of 1964 (which deals with the charge to be made for food stamps) is amended by inserting before the colon preceding the first proviso the following: "or more than would have been charged for a coupon allotment of similar face value prior to the enactment of Public Law 91-671 which was enacted on January 11, 1971."

SOVIETS GAINING WEAPONS LEAD

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HOGAN. Mr. Speaker, over the past several years we have been receiving a growing number of reports documenting the Soviet Union's gains in weaponry.

A further documentation was provided in an article in the November 18 edition of the Washington Post detailing the latest findings of the British publication Jane's Weapon Systems.

I insert it in the RECORD at this point:

SOVIETS GAINING WEAPONS LEAD

LONDON, NOVEMBER 18 (Thursday)—The Soviet Union is outstripping the United States in the development of sophisticated weapons to an extent that may tip the relative balance between the major nuclear powers, it was reported today.

The latest 586-page edition of Jane's Weapon Systems, an authoritative though unofficial British publication on the world's arms, also reported that the Soviet Union was the only country in the world with an operational antiballistic missile system.

"Russia now has the initiative in weapons technology," the publishers said. "Whereas for a long time it was assumed—with considerable justification—that the NATO countries had a clear lead in the development of sophisticated weapons, it is now clear that the U.S.S.R. has extinguished that lead and is outstripping the West."

Recent advances in the Soviet early warning radar system editor's R. T. Pretty and D. H. R. Archer said, plus "the modern Soviet navy and the nature of its armament a equipment, and the existence of an oper tional antiballistic missile system arou Moscow are evidence of the Soviet ability take the initiative in weapon system d velopment and deployment."

The editors added: "Fragmentary ev dence is emerging of a number of other S viet developments and programs, one which is directly comparabale with, b ahead of a U.S. project. This is a new supe sonic bomber, reported to carry the NAT designation 'Backfire,' and to be a swing wing-machine with low-altitude superson capability. The Approximately equivalent U. BLA-bomber project is as yet only at t mockup stage.

"The strategic possibilities represented b the new technical competence revealed considered a potential source of disturban to the relative balance that exists betwee the major nuclear powers."

The publication also recorded speculatio that India, Japan, and Israel would join th nuclear club.

It quoted reports that Israel had produce a new 300-mile missile capable of carrying nuclear warhead.

Jane's said that according to reports ema nating from Washington the missile, calle Jericho, was in small-scale production i Israel with a warhead capability of betwee 990 and 1,540 pounds.

"From this it is argued that a nuclear pay load is probable," the foreword said.

Noting that Israel had frequently state that it would not introduce nuclear weapon into the Middle East and that the Jerich missile report had not been authenticated the foreword added: "But there is littl doubt that if it were considered by Israe that such weapons were needed, they woul be forthcoming."

KEY CLUB WEEK 1971

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HOSMER. Mr. Speaker, as a Kiwanian and a former Key Club member in high school, I would like to take this opportunity to call the attention of my colleagues to Key Club Week, which is being observed from November 28 through December 4.

Starting with the first Key Club in Sacramento, Calif., in 1925, today more than 83,000 young men are Key Club members, dedicated to improving their hometowns and themselves as the future leaders of America.

And thousands of Kiwanis Club members unselfishly give of their time to sponsor and assist Key Clubs in hundreds of high schools in the United States, Canada, and the Bahamas.

Mr. Speaker, I am proud that I was once a Key Club member at Wilson High School in Long Beach and I am proud of the growth of this great movement, today encompassing more than 100 young men at Jordan, Polytechnic, Wilson, Lakewood, and Millikan High Schools in Long Beach.

Much like being a Member of Congress, being a Key Club member is an honor, an opportunity, and a responsibility to help uplift one's fellow man.

LEARNER VERIFICATION OF CURRICULUM MATERIALS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BRADEMAS. Mr. Speaker, among the witnesses before the Select Subcommittee on Education of the House Committee on Education and Labor, of which I have the honor to be chairman, one of the most controversial in the past year has been Mr. P. Kenneth Komoski, president of the Educational Products Information Exchange—EPIE.

Testifying before my subcommittee on legislation to create a National Institute of Education, Mr. Komoski was critical of the absence of what he called "learner verification" of the curriculum materials used in America's schools. Because of the interest in his statement on the part of a number of scholars, businessmen and educators, I take this opportunity to insert in the CONGRESSIONAL RECORD the text of Mr. Komoski's prepared statement before the Select Subcommittee on Education. The statement follows:

STATEMENT OF P. KENNETH KOMOSKI, PRESIDENT OF THE EDUCATIONAL PRODUCTS INFORMATION EXCHANGE INSTITUTE BEFORE SELECT SUBCOMMITTEE ON EDUCATION, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, MAY 11, 1971

Mr. Chairman, my name is Kenneth Komoski. I am President of the Educational Products Information Exchange Institute. The Institute, usually referred to as EPIE (pronounced "eppy"), was chartered in 1967 by the Regents of the State University of New York as a nonprofit corporation. It is a consumers' union for member schools and school systems in 50 states. With support from these schools, other members, and foundation grants, the Institute conducts independent studies of all types of educational materials and equipment. It publishes its findings in nine *Educational Product Reports* each year. At present, these reports reach about 3,500 educators in schools, colleges, and other institutions.

I believe that unless educational technology is focused first and foremost on the improvement of learning, it becomes simply a means of making education *seem* more efficient without being truly effective. Once the difficult goal of effectiveness is being consistently achieved, education can easily be made more efficient. To proceed in any other fashion means leaving the ultimate educational consumer—the learner—in a constantly vulnerable position.

FUNCTION OF NIE

One important function of the proposed National Institute of Education must be to conduct research and provide leadership that will guarantee all American citizens that every educational material from which children are required to learn is as effective as we know how to make it.

What I have to say to you this morning will clearly indicate that there is an enormous need for better educational materials, and an even greater need for procedures that will guarantee their continuous improvement. The proposed National Institute could provide many of the means and methods upon which that improvement depends.

Educational purchasers are being presented with a tremendous variety of options—even more than are offered to the American car buyer. Overall, the growth of all types of instructional materials since 1951 may be described conservatively as a twenty-fold increase—from approximately 10,000 items twenty years ago, to well over 200,000 in 1971. As is the case with so many of the present automotive options, the educator's options are too often trivial variations on overworked and, in the long run, ineffective themes. Today's teachers and students do not need an ever increasing quantity of options. What they do need, desperately, are high quality alternatives to the inadequately developed materials they are now required to use.

Futurists and economists predict that the education industry will grow into a major American industry in the years ahead. Assuming they are correct, now is the time, while the industry is still in its economic infancy, and schools spend relatively little on its products, to encourage it, cajole it, give it guidance, and, if necessary, manage Federal support in such a way that money is available to help develop and purchase products of proven worth.

ACTION NEEDED NOW

Everything that *can* be done *must* be done to get the education industry to fulfill its potential—not by continuing to provide schools with endless trivial options, but by supplying instead effective alternatives for individual learners. The potential impact of the industry's products is enormous. These products introduce (or fail to introduce) skills, concepts, facts and understanding to 50 million young Americans for twelve crucially important years of their lives. No industry in the country produces products of greater importance or potential.

I am in total agreement with the late Robert Locke of McGraw-Hill who wrote in the *Saturday Review*, "the chief contribution of industry may come through its ability to apply the findings of research to the development of products and services for education." But my analysis of the current state of product development within leading education companies indicates that the industry is a long way from doing so.

Research findings clearly indicate that the learning effectiveness of a product can best be improved through a process EPIE refers to as *learner verification and revision*. These terms are a researcher's way of saying that the learning effectiveness of a product will be improved if it is taken through a systematic cycle of tryouts with learners followed by revisions based on the feedback from those learners. Such evaluations need not always involve large groups of learners. Through appropriate sampling, a small group of "target" students can give the product developers ample opportunity to catch errors and trouble spots accordingly.

CONCEPT NOT NEW

The concept and application of learner verification is not new. It has been in use in the development of standardized tests for several decades. The researchers who developed programed instruction a decade ago were the first to apply learner verification and revision to the creation of learning materials. However, four years of research by the EPIE Institute into almost every type of instruction material, have convinced us that although this research-generated process is becoming more generally understood by educational producers, their capacity to apply it remains virtually untapped.

EPIE estimates that 99 per cent of the materials school children are now required to use have not been put through even the initial phases of the learner verification and revision cycle. If this statistic is disturbing, the picture in particular product areas is even more so. For instance, our investigation of textbooks indicates that *under one per cent* of the approximately 14,000 different textbooks being sold to schools has been systematically shaped through the learner tryout and revision process.

Our study included an analysis of the best-selling texts-plus-media-supplements in major elementary high-school curriculum areas. The best-seller list eventually grew to some sixty different texts and their related materials. Less than 10 percent of these had even been field-tested prior to publication: (I say "even" because the field-testing of textbooks is rarely synonymous with learner verification and revision).

In some cases, simply the reactions from salesmen in the field are considered field-testing. When field-testing actually refers to tests of materials with students, it is usually done just prior to publication with no chance of using the results to revise and improve the product. We believe that such testing is done with the hope that purchasers will be impressed with school "tested" materials. Thus, it is important not to confuse traditional field-testing of textbooks with the learner verification and revision process.

The amount of field-testing and/or learner verification and revision in educational films is apparently even less than it is for textbooks. In the area of broadcast video instruction, we discovered that only three of the two hundred and twenty-three materials used in over 85 percent of broadcast television instruction have been learner-tested. In other words, only a little over one percent of the television material used in schools has been learner-verified.

The Director of the National Center for Audio Tapes at the University of Colorado told EPIE that while he had no statistical data, it is his opinion that practically none of the 20,000 tapes now available have gone through the verification-revision process.

PROGRAMED INSTRUCTION

By far the most discouraging area we have investigated is that of programed instruction. As I have pointed out, research in programed instruction did much to develop and refine the process of learner verification and revision. Yet EPIE's examination of six hundred and thirty-three programed instruction materials now used in major curriculum areas reveals that evidence of learner-verification is available for only 7 percent of these materials. Some "field-testing" was claimed for another 8 percent. A cursory examination of the remaining 3,000 programs less central to the school curriculum indicates an even smaller percentage that appear to have been learner-verified.

Recently, EPIE did a telephone survey of a sampling of major educational producers. Some produce programed materials, and all have begun to move in the direction of *systems of materials* involving a multitude of media and methods. We interviewed them to ascertain their present attitude toward field-testing, learner-verification and product evaluation in general. Here are some of their comments:

Company A, Vice President and Editor-in-Chief:

"A couple of years ago, we wanted to do some field-testing, but scheduling wouldn't allow it . . . It takes too much time and we wouldn't have gotten the books out . . . It wasn't a question of money, but just scheduling. We're now working on a program we plan to field-test. I hope we can . . . Testing has lots of problems, you know . . ."

(This company has no information on field-testing available to schools.)

Company B, Editor-in-Chief:

"We don't do any real testing from the standpoint of content or pedology. . . . When

I was Editor-in-Chief at ———— we did a lot of testing . . . but we were testing the format, you might say. . . . We found that some difficult-to-produce stuff wasn't necessary. . . . This is the kind of testing most publishers do. It can lead to some improvements from the teaching standpoint, but that's just serendipity. . . . More testing is needed, but it costs a lot. . . . When I was teaching, I always wanted to know about classroom trials, but I never got any information. Publishers usually claim that their materials have been classroom tested, or used with thousands of students throughout the country, but no one should call what they do testing."

(This company has no information on field-testing available to schools.)

Company C, Senior Vice President, Editorial:

"We have about one hundred and sixty salesmen and consultants who report back what they pick up in the field; that's really our field-testing."

Company D, Vice President and Editor-in-Chief:

". . . mostly we depend on what we hear from people out in the field. . . . Sure, field-testing is good, but it can be overdone. . . . Some of the government-funded projects are needlessly complicated. . . . They do their own material and revise it and revise it. . . . Any good editor can do the same thing, just on the basis of his own experience. . . . Holt's Biology still sells (this company is *not* Holt) after all the money they (the government) spent on the BSCS materials. We didn't test ———— or ———— and they're still among the best sellers we have."

(This company's field-test information is for its own use only. We were told that if a school wants information on field-testing and the adoption is important enough, an appropriate editor will write a letter.)

LIMITED FIELD TESTS

EPIE also conducted an analysis of advertisements for the instructional materials that appeared in thirteen issues of seven major educational journals and magazines in recent months. In all, EPIE analyzed three hundred and forty-four advertisements. Only seventeen contained references to any type of field-testing. An EPIE researcher contacted the producers who had placed the seventeen advertisements. Only two of them refer to published research studies. Six others said they would be willing to supply information, which ranged from informal feedback from classroom trials to surveys of teacher comments. The producers responsible for the nine remaining advertisements were unable to refer us to (or send us) any evidence to back up the statements made in their advertisements.

In one case, it was quite evident that the producer had no data of any sort, even though his advertisement urged schools to get in touch with any regional office, "to learn how well these materials are working in schools like yours." (The exact wording of this portion of the advertisement has been altered.) A further investigation ascertained that when a school did, in fact, get in touch with a regional office, it would first be sent a list of schools in that region who had purchased the materials, then it would receive a visit from a salesman. This sort of sales strategy is disturbing to EPIE. It was even more disturbing to learn that during the months that this advertisement was being run intensively, the company received *only five* requests for their "field-test" information! Sales, nonetheless, were quite satisfactory during the same period.

When one examines the ways in which most schools select materials, this lack of attention to evidence of effectiveness resulting from learner-verification, or field-testing, is not surprising. EPIE learned this in 1969 when it cooperated with eight state education departments in surveying the evaluation practices used by schools and state agencies in the selection of instructional materials and equipment. The project identified and studied materials selection practices in nineteen school systems designated by specialists across the country as being more conscientious than many others in this task. In every case, these nineteen schools relied almost completely on examination and review of the materials plus (in some cases) discussions with sales representatives. Only occasionally did selection committees use the results of student performance data from pilot tests of the materials conducted in local classrooms. Only one state department of education included in the study strongly recommends local pilot testing of products, but we found little evidence that school systems in the state followed the suggestion.

A recent follow-up study of the nineteen school systems indicates that the practices identified in 1969 are still in use today. However, we are somewhat encouraged by the fact that one of these systems does press producers for evidence of the learning effectiveness of their products, and that others, at least sometimes, seek such evidence. As yet, none makes such evidence a purchasing specification.

When one remembers that these nineteen systems were designated as being more sophisticated than most others in the country in product selection, the nationwide picture remains pretty bleak. Nationally, we must still conclude that most schools fail to employ verification data from learners when selecting curriculum materials. A reason for this, it would seem, is that in evaluating products, school selection committees must devote most of their limited time to judging a product's content and pedagogical approach. Practically no time can be given to gathering evidence of a material's learning effectiveness. Committees assume that materials with "good content" and "the right approach" will, by definition, be effective with learners. Logical as this sounds, it is not necessarily true.

EXISTING RESEARCH

Fortunately, some research exists which has examined whether it is possible to infer learning effectiveness of instructional materials by simply examining them. This research raises serious doubts about the reliability of the practice of judging the quality of learning effectiveness without the help of student feedback (verification).

One of these research studies examined evaluation techniques of a group of teachers and a principal. They were asked to review and rank for effectiveness alternate versions of a set of materials on which evidence of effectiveness with learners had been gathered by the researchers, but was not made available to the educators. With no evidence of effectiveness available to them, the educators were strikingly unsuccessful in judging these materials accurately. The correlation between their judgments and the actual performance of the materials with learners was −.75.

This study is one of few in the educational research literature that has been replicated and had its results corroborated by a second researcher with a similar group of subjects. Despite this fact, most school people and members of the education industry continue to put their faith solely in examination and review rather than evidence of actual performance when judging educational materials.

TRYOUT AND REVISION

Any responsible effort to create or select materials of proven learning effectiveness must use the tryout and revision process. The real problem is that the question of learning effectiveness is not of great interest to most producers and purchasers of educational materials. This situation is not the result of collusion or conscious negligence on the part of companies and schools, but rather of habit, apathy and ignorance. The fact of the matter is this: many producers and purchasers feel that they know how to judge the learning effectiveness of materials. They become defensive when researchers suggest that their methods are less than reliable. Others, as we have seen, simply infer that materials examined and judged acceptable as to content and approach will also produce effective learning.

CORRECTIVE MEASURES

What then, can be done about the present practices of product development and selection? The first step is to admit honestly and candidly that these practices can and must be improved. What must be avoided at all costs is preaching a counsel of perfection ("Research can't tell us precisely what to do, so let's not change things until it can.") and becoming defensive about established practices ("These practices have been developed and refined through professional experience over the years.").

The credo of all *professionals*—in the education companies and in schools—must be: "There isn't a product we produce, or one now in use, that cannot be improved. Every product must continuously be revised in light of the growing knowledge and constantly changing needs of learners." Most producers of materials for young children will eventually be forced to revise their products for those who have been habitués of *Sesame Street*. This kind of extra-school learning is affecting the performance of every educational material in use in schools today.

As they now stand, the materials schools use are not good enough to meet the individual needs of learners. Nor are they good enough to expect our teachers to willingly be held accountable for what students fail to learn when they are required to use those materials.

NEED FOR NIE

A National Institute of Education is needed to institutionalize a continuing broad-based research program into the many problems surrounding the development, evaluation, selection and use of educational products.

The first task of the National Institute of Education in such a program should be the development and dissemination of *realistic* guidelines to help educational producers institute programs of verification and revision. These guidelines should be aimed at both commercial and non-commercial product developers. A second set of guidelines should be developed to assist schools in selection of materials. Here, too, great emphasis should be put on guiding the educational purchaser towards the productive use of verification information as a means of judging effectiveness of materials.

These guidelines should be implementable by any producer or school that wishes to improve present practices. They should be realistic enough to offer a number of routes to achieving improvement. Modest products could be verified modestly; more complex and expensive products more ambitiously. Products, such as total reading programs, or an entire K–12 curriculum, would receive thoroughly comprehensive verification and revision. It is most important that these guidelines be designed so as to be useful in continuously improving *both new and existing materials*.

NIE MACHINERY

The specific mechanism for formulating these guidelines would be an NIE Technical Task Force, made up of NIE staff and representative groups of specialists in product verification and revision. Such specialists employed in the education industry should be invited to participate as individuals. The working assumption of this task force should be that all educational materials should be

continuously revised using data from learner verification.

The guidelines for school should help purchasers make maximum efficient use of verification evidence and should urge schools to refuse to purchase non-verified materials.

Once these guidelines have been developed and disseminated, producers would be expected to comply with them within a specific period of time. At the end of that period, each producer would be expected to publish a statement of learner verification of each of his products.

Obviously it will cost producers money and time to comply with these proposed guidelines. Producers will have a new item to add to their product development budgets: the cost of gathering and using feedback from learners. Sad to say, this will be a totally new experience for most producers. This increased cost must inevitably increase the cost of materials to schools. But continuously improved learner-verified materials must, by their very nature, reduce many important non-dollar costs that are now being passed on to the ultimate educational consumer—the learner.

FEDERAL AID

If these increased dollar costs are too great for producers and purchasers to absorb, then Federal aid should be offered. Federal aid to producers could take the form of research and development grants to be used to improve specific materials through verification and revision. Federal aid to schools could be in the form of increased Federal funds for school systems that use the proposed guidelines and institute purchasing policies that give clear preference to learner-verified materials. The outcome of such strategically managed Federal funding would be to drive out stagnant, unimproved materials and provide schools with useful and effective alternatives to what they are now using. But until such a system is instituted, schools should do two things: press producers to supply evidence of the learning effectiveness of their materials, and indicate their willingness to serve as sites where producers can carry out learner-verification studies.

Until such time as these recommendations, or some facsimile of them, are acted upon, the education companies that fail to verify their products with learners, and school boards that fail to demand evidence on learner-performance, share the responsibility for continuing the use of improved learning materials in schools.

I repeat my contention, that this situation is the result more of habit, apathy, and ignorance, than of collusion or negligence on the part of companies and schools, but I also state that *now* is the time to change the habits that have created the present situation. All parties—the industry, the schools, and the Congress must admit to having been ignorant. Now they must do what must be done to become wiser.

DO NOT CALL IT JUSTICE

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. SKUBITZ. Mr. Speaker. Perhaps few items emphasize today's permissive society as poignantly as does a "Letter to the Editor" in the New York Times of November 30, 1971. I call it to the attention of my colleagues who upon reading it will, I am sure, sympathize as deeply as I do with Mr. Robert L. Schleunes of Point Harbor, N.C. I include Mr. Schleunes' letter in the CONGRESSIONAL RECORD:

DO NOT CALL IT JUSTICE

TO THE EDITOR:

When most voices in the news media seem opposed to capital punishment it is some consolation to see that The Times is willing to look at the other side of the coin. I refer to two recent Op-Ed articles, Bernard Cohen's "On Behalf of Capital Punishment" and "In Memory of Seymour Schneider," who was murdered on Sept. 2.

On Jan. 7, 1970, my daughter was strangled to death in her Wilton, Conn., home. She preferred not to be raped. Age 33 years and three months. Her husband lost a wife, four small children lost their mother, we lost our only child and Carol Schleunes Diack lost all.

Louis Cafone, the murderer, was sentenced to death. In all probability the taxpayers of Connecticut will support him the rest of his wretched life. The murder rated a feature article in The Times of Jan. 15, 1970, titled "The Case of the Mistaken Parole." Louis Cafone, white, rapist, turned loose by the Connecticut Parole Board in July of 1969, never prosecuted for crimes committed in New York State, pronounced "stabilized" by the Connecticut board's psychiatrist, admittedly not supervised properly during his parole.

I am retired and live in a rather remote area, and so my circle of friends is limited. Here is what has happened to some of them: The 24-year-old daughter-in-law of our cleaning woman, mother of an infant, was found bludgeoned to death just a few weeks ago. Another friend's wife is hopelessly insane, the result of a rape. The rapist has since been freed.

How many lives must be sacrificed? A society that is willing to spend a million dollars to try the assassin of Senator Robert Kennedy and probably will never execute him will tolerate almost anything. Well, call it law, if you wish, but do not call it justice.

I have listened to many TV programs and read many editorials all deploring capital punishment. Yet never do the opponents of capital punishment have one word to say about revising the laws to make a life sentence mean just that. Neither do they take a serious look at the make-up of parole boards, many of whose members have no more competence in that field than I have in nuclear physics.

J. Bernard Gates, chairman of the Connecticut Parole Board, commented in The Times on the man who murdered my daughter, "I believe," he said, "that I've got to admit that we've made a mistake." Mr. Gates did not pay for the mistake, Carol Diack, her family and friends continue to pay for it.

ROBERT L. SCHLEUNES.

PENALIZING POLLUTERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HAMILTON. Mr. Speaker, the October–November 1971 issue of the Sierra Club Bulletin contains a pair of articles on the use of economic incentives, including taxes, to control pollution.

This approach to pollution control is efficient, effective, and easy to administer. It is the backbone of the Regional Water Quality Act of 1971, which my colleague, the gentleman from Wisconsin, LES ASPIN, and myself will be introducing prior to adjournment.

I urge my colleagues to read the articles which follow, and to consider cosponsoring our bill.

PART I: ECONOMIC DETERRENTS

(By Michael McCloskey and Julia Hillis)

Traditionally conservationists have been reluctant to consider economic factors in relation to controlling industrial pollution. They have been fearful that shifting the focus to these factors tends to move the discussion into an arena which is basically more favorable to the pleas of polluters. They have tended to associate economics with the efforts of polluters to maximize profit opportunities and to minimize interference in their operations. Believing that polluters are engaging in antisocial conduct, which is also immoral in many cases, conservationists have looked to legal solutions to curb this conduct. When private legal remedies such as the nuisance action failed to cope with the onslaught of pollution, they then looked to government to use its police power to devise regulatory schemes to abate excessive pollution, with prosecution authorized and penalties provided. The schemes that have been developed, which first looked to setting air and water quality standards and now look to specific discharge standards, continue to make disappointing progress. Despite years of work and continuing revision of the laws, the overall problems seem to be getting worse.

As a result, environmentalists are taking a fresh look at the relationship of economics to industrial pollution control. They are realizing that economic factors are a real part of the problem that must be understood, and that economic factors can be turned in a way to minimize pollution as well as to justify it. They are also recognizing that a great many distinctions need to be drawn between the various economic palliatives which have been suggested. Some of these proposals offer an opportunity to buttress standard-setting regulations and to provide incentives for obtaining an even cleaner environment than these standards would afford. Furthermore, they may be able to cure the deficiencies of standard-setting schemes that will never be fully effective because of administrative cumbersomeness, spottiness in prosecution, and the delays inherent in litigation.

Economic incentives to reduce pollution cover a wide spectrum. They run from fines, to tax penalties of various sorts, to conferring tax benefits, to offering subsidies, and to charging fees for licenses to pollute. Those at the beginning of this list offer the most hope, while those toward the end are generally unacceptable.

Traditionally the regulatory approach has relied upon the setting of minimum standards to be enforced by criminal or civil penalties. There has been widespread dissatisfaction, however, with the effectiveness of these penalties. Regulation enforced by penalty has been criticized as offering a polluter only the crudest form of economic incentive to stop polluting. Industry pressure on standard setters, lax enforcement by administering agencies, the necessity of individual legal proceedings against each polluter, the low level of penalties imposed, and delaying tactics by industry are among the reasons for the ineffectiveness of the regulatory approach. Other drawbacks include the lack of incentive to reduce pollution below the minimum standards and to research and develop optimum control technology.

The regulatory approach, however, should not be abandoned for substantial improvements are possible and continuous efforts must be made to strengthen the present system. Penalties should be made sufficiently severe to be noticed on corporate account books; they should exceed the cost of compliance in order to be effective. Standards should be set at very stringent levels so that pollution below that level would be minimal and industry would be forced to develop the necessary technology. Continuous effort is

needed to simplify and streamline administration, with lengthy delays eliminated. And, hopefully, agency attitudes could be changed so that a polluter faces the virtual certainty of enforcement action.

Regulations, though, must be supplemented with other measures designed to reach the economic self-interest of polluters. The withdrawal of various government-granted benefits and privileges from those who violate environmental laws and regulations is one approach which has great potential. For example, disqualifying polluters from doing business with the federal government—the largest single purchaser of goods and services—would provide a significant economic incentive to comply with environmental standards. Those violating environmental laws should be ineligible for government contracts, grants, leases, loans, subsidies, and the like. The Sierra Club has commended the Environmental Protection Agency for having recently developed an Executive Order along these lines; however, it fails to go beyond outlawing dealings with those who violate air pollution laws.

This principle could be extended to a wide range of government-granted or regulated benefits and privileges. For example, Sierra Club President Raymond Sherwin has recently purposed that environmental protection might be enforced through the withdrawal of special tax privileges (e.g., the oil companies' depletion allowances, and permission to treat foreign purchases as taxes paid to foreign governments), stock market trading privileges, interstate or international trading privileges, and others. It is only reasonable to make the exercise of privileges conditional upon compliance with environmental standards, and this would also provide a significant economic incentive for compliance.

Emission and effluent charges, or "pollution taxes," promise to be an effective economic incentive for pollution abatement. Such charges would place financial responsibility directly on a polluter according to the amount of pollution discharged. Thus the costs of pollution would be internalized at the source, rather than imposed on society by the polluter. Pollution taxes could be levied either on a flat charge basis, e.g., a certain sum per unit of pollutant, or on a graduated scale, with the charge per unit increasing with the amount of pollutant emitted from the source.

If the charges were set sufficiently high so that pollution would cost more than abatement measures, industry would be motivated to seek the most economical and efficient means of abatement. Competitive factors and cost-minimizing behavior will ensure in most cases that industries will choose the less costly alternative of abating pollution. A significant advantage of the pollution tax system is that the incentive to reduce pollution remains even after regulatory standards are met, encouraging continuous research and development toward the best long-term means of pollution control.

Though the product may cost more due to increased industry costs, *any* effective pollution control will cost the consumer more, either in higher prices or higher taxes. And products now are often artificially cheap; goods should reflect the *total* costs of production, including environmental costs. Pollution taxes, by encouraging the most economical means of control, will cause the least increase in cost consistent with pollution abatement.

One type of economic incentive already in use at both the state and federal levels is the granting of tax relief to encourage pollution abatement. Included among such measures are property tax exemptions, accelerated depreciation write-offs, tax credits, and sales and use tax exemptions. These incentive provisions, while imposing a financial burden on the public, have failed to achieve effective pollution control. They do not encourage the most effective means of pollution abatement. By giving credit for facilities and "hardware," they bias industry toward capital expenditures, often for end-of-the-line treatment, when process changes and related research often would achieve more significant and economically efficient results. Moreover, there is no requirement that the investment actually reduce pollution. Instead of the tax relief being tied to a measured reduction in the actual amount of pollution, the relief is conferred for the mere act of investing in control equipment regardless of whether it works or not.

The tax relief only reduces the cost of the investment; it does not make this investment the most economically attractive course of action, as with the pollution tax.

Even with the tax break, industry is still faced with a net expense for essentially nonproductive facilities. Companies will not usually be stimulated to make unprofitable investments just because the government promises to absorb part of the cost. Further, most tax plans are drawn so that profitable abatement measures do not qualify. In most states, a facility must be for the "primary purpose" of pollution control, and in some, for that purpose exclusively. The federal provision, section 169 of the Internal Revenue Code, disqualifies any property whose costs will be recovered over its useful life, by profits from recovery of wastes or otherwise in the operation of the property. Though basically commercial facilities should not be given a tax break, still, these provisions may discourage good pollution control programs which coincidentally produce reusable materials or marketable byproducts.

Expenditures necessary to comply with health or pollution laws and regulations cannot be considered public benefits gained through tax incentives. In helping to pay for facilities required by other laws, tax relief brings no gain to the public in exchange for the loss of tax revenues, which may be immense. Further, the tax relief aids only large or wealthy companies, which have the least need for public assistance, while failing to aid small or inefficient businesses without the capital to invest in control equipment. Finally, the basic objection to this approach is its philosophy of rewarding polluters for refraining from environmental contamination which they have no right to impose on the public in the first place.

Subsidies are another type of economic incentive which has been suggested. These might be in the form of outright payments for pollution control, or could involve low-interest loans or guarantees. If directly related to the reduction of emissions, payments might be more efficient than incentives related only to capital investments, and also could be channeled to financially hard-pressed companies. However, the award payment approach is largely unsatisfactory. It is subject to some of the same objections applicable to the tax relief approach, and it also has additional deficiencies of its own. Basically, a system that pays polluters to stop polluting is unacceptable. It imposes the burden upon the public, which already has been wronged, and either rewards recalcitrant and antisocial conduct, or distorts our economic system by keeping inefficient units afloat.

Among the economic incentives that are unacceptable are permit fees. These most closely fit the characterization of "licenses to pollute." A nominal fee under the new Refuse Act permit system to cover administrative costs might not be objectionable, but it would hardly provide much of an incentive to clean-up unless the amount of pollution under the permit is minimal and could be easily abated. If the fee were not a flat fee but graduated in terms of the type and amount of pollution, then it would more closely resemble an emission or effluent tax. Some have also suggested auctioning off a limited number of industrial discharge permits. In such a case, the auction market would set the price rather than the government. This approach requires that the total amount of discharges be held within permissible limits and that a competitive market exist to make the auction work. Under such assumptions, the permit price is assumed to rise high enough to induce competitors to reduce their discharges because they cannot afford to bid for a permit or because they can only afford a smaller permit. It is questionable whether these assumptions could actually be met in many cases.

Of all these proposals, the one that has the greatest number of advantages and the least liabilities is the emission and effluent tax. Properly applied, this tax can turn the economic tables on the polluter so that it is to his own self-interest to abate his pollution and to do so in the most efficient possible way. However, to have this effect it is essential that the amount of the tax be greater than the cost of abating the pollution. Moreover, it is essential that the tax be joined with a strengthened standards program which attempts to absolutely prevent all pollution beyond a permissible level. The feasibility of the approach also depends on a number of other carefully defined conditions. These are spelled out in a resolution recently adopted by the Sierra Club's Board of Directors, which sets forth our general policy on this subject:

"The Sierra Club advocates the establishment of pollution taxes which would make it less expensive for a polluter to adopt alternative processes or invest in additional equipment to curtail releases to the environment than it would be for him to continue as before. Such taxes would supplement, and not replace, standards on maximum permissible emissions. These taxes should be imposed when the following conditions are found to generally prevail:

(1) For competitive or other reasons, cost-minimizing behavior tends to exist in the company or industry;

(2) The cost of abatement is expected to be significant, both in relation to revenue from sales and in absolute terms; and

(3) The quantity of pollutant released to the environment can be determined with reasonable accuracy, either by direct monitoring of every source, statistical sampling of a small fraction of many similar sources produced by a few manufacturers, or by indirect means. The cost of monitoring should be small in relation to the tax revenue expected in the absence of abatement.

As a first step, a tax equal to 20 cents per pound should be imposed on sulfur contained in fuels intended for combustion (with a rebate given to those who demonstrate that the sulfur was not released to the environment), and on sulfur emitted from smelters, refineries, and sulfuric acid plants. The tax on lead contained in gasoline proposed last year by the Administration should also be promptly enacted. The feasibility of taxes on the emission of nitrogen oxides, particulate matter, carbon monoxide, and hydrocarbons should be investigated in the next few months, for possible action on these air pollutants; studies should also be conducted on the practicality of similar taxes for the various water pollutants."

Part II: The Emission Tax

(By Laurence I. Moss)

Environmentalists concerned with devising effective pollution abatement strategies must keep in mind that from the polluter's point of view it is cheaper in almost every case to pollute than to stop polluting. There are exceptions: pressures to abate pollution may lead to a search for new processes and occasionally one is found which is more efficient than the former process. But these have been few in number, as might be expected

when over the years industry has refined its processes to approach an economic optimum with little or no value attributed to environmental quality. Now, with increasing public emphasis on the value of the environment, a new factor, the social cost of pollution, must be included in arriving at a new optimum. This new social factor will frequently involve higher production costs for industry.

This is the reason that the leaders of industry generally oppose effective abatement measures. They are not evil men. Rather, they work within a system where their performance and that of their companies are judged by the corporate profit and loss statement. When the corporate self-interest is coincident with society's interest, as it often is, the result is satisfactory. When the two interests are separate, the result desired by society is not achieved. This unhappy situation, when it exists, is not the fault of industry. It is the fault of society for not devising and implementing effective constraints and forces which would modify the decisions of industry to make them more consistent with society's goals.

The most common form of such constraints and pressures is the imposition of standards and regulations by the government. This can work well, but normally a number of conditions are necessary to achieve success.

An instructive example is the recent abatement of water pollution by mercury from industrial sources. The diaphragm process was an alternative to the mercury-cell process for producing chlorine. Means were readily available to greatly reduce the effluent from other operations in which mercury had been released.

The costs were relatively small, at least on the scale of operations of most of the companies involved. The 1899 Refuse Act was available and the Environmental Protection Agency and the Department of Justice were willing to use it to shut down non-conforming producers. It would not have been credible for a defendant in such a case to plead that the government was making demands which were impossible to fulfill. Finally, the number of polluters involved and the staff time and energy required for each were low enough so that the administrative and legal resources of the federal government were not overtaxed. As a result, there has been a very substantial decrease in effluent from industrial polluters, though the problem of mercury in water has not yet been solved.

But contrast the mercury case with that of the emissions of sulfur oxides, to pick an example where the standards by themselves are likely to be neither effective nor efficient. Enormous quantities of sulfur oxides—about 35 million tons per year—are emitted from powerplants burning coal and and oil, smelters, oil refineries, sulfuric acid plants, furnaces burning fuel oil, and other sources. The cost of significant reductions in emissions of sulfur oxides is likely to be large, perhaps several billion dollars per year. A proven technology to achieve these reductions, according to the National Academy of Engineering, is not yet available for powerplants which emit 55 percent of all sulfur oxides. Research and development of abatement technology have long been neglected. Even now, after years of discussion of the importance of the problem and specific mention of it in the President's energy resources message, the efforts of the public and particularly the private sectors to find solutions are inadequate in light of the magnitude and urgency of the task.

Indeed, it could easily be argued that not finding solutions serves the economic self-interest of industry. If they are found, then industry will be obliged to implement them, thereby substantially increasing costs of production and perhaps even drastically changing the way in which business is done. If they are not found or if government regulators cannot prove they exist, then industry will be able to present government with a choice of shutting down an activity vital to the economic welfare of the United States or postponing the implementation of the standards. Does anyone seriously believe that EPA in 1975 will shut down all fossil fuel burning powerplants in areas having concentrations of sulfur oxides in excess of the national ambient air quality standard, if a substantial portion of U.S. electrical generating capacity lies within such areas? And even if EPA pressed ahead, it would be possible for industry to delay effective action for years by spending a small fraction of what would be necessary for abatement on administrative appeals and litigation. In short, in a case of this kind, every profit-making instinct of industry would be oriented towards conducting token research and development primarily for its public relations value, withholding any significant results of that research, and delaying implementation of the standards by various legal tactics.

Thus a need exists to supplement the conventional regulatory process in these difficult cases in order to establish a condition under which government and industry are similarly motivated. Pollution taxes will fill this need by making it more costly for industry to continue to pollute than to stop. Under such circumstances it would be expected that industry would greatly increase its investment in research and development and quickly apply any promising technologies, if for no other reason than its return on this investment would be higher than that from competing investments.

The level of the tax should be such that the desired environmental quality—determined by social and political decisions in which both the measurable and non-measurable benefits and costs of pollution abatement are assessed—is attained within a reasonable period. The decision regarding the level of the tax is the equivalent of a decision regarding the desired environmental quality. Because of its inherently value-laden nature, such a decision should be made by Congress, in the full light of public awareness.

Another important aspect of the pollution tax strategy is its efficiency. By encouraging marginal cost decision making, it has the potential of achieving the desired level of environmental quality at the lowest cost. The social and political consensus that has been reached on the need for improving environmental quality could be jeopardized if large, unnecessary costs were incurred. For a given expenditure, a greater degree of improvement in the environment can be attained if it is allocated efficiently. An example of the possible difference in costs is seen in the results of studies by economist Robert H. Haveman, who has calculated that the net budgetary cost for five years of water quality control under an effluent charge system is $4.3 billion, as compared with $12 billion for the Administration proposal and $14 billion for that of Senator Muskie.

With specific reference to the case of emissions of sulfur oxides, the Sierra Club applauds the President's endorsement of a charge on such emissions in his environmental message last February, and again in his energy resources message. We believe that the measure should include the following features:

—A charge of 20 cents per pound of sulfur, achieved in full by 1975. This is greater than the estimated costs of abatement, which for most emissions range from about 5 to 15 cents per pound, but it is less than the measurable health and property costs to society of pollution from sulfur oxides which are estimated by EPA to be 25 cents per pound;

—Uniform application of the charge in all areas of the nation, both for administrative simplicity and to avoid creating havens for polluters; and

—Revenue from the tax should go into the general fund, rather than to a trust fund. The purpose of the tax should be to abate pollution, not to raise revenue, and hopefully, revenue from the tax would quickly decline as effective abatement is achieved. Other environmental improvement programs should be funded on their merits and not be dependent on this source of funds. Obviously, the Administration and Congress should feel obligated to authorize and appropriate enough money for administration, auditing and monitoring, and enforcement of the tax; however, the required amount for these purposes will be small in relation to the expected revenue.

Pollution taxes can be powerful instruments in implementing the environmental quality standards desired by society. They are particularly valuable and fill a present vacuum in the strategy of implementation in cases where there are no obvious technological solutions available, the industry would undergo substantial change upon implementation of abatement, or where the costs of abatement are high. These are the conditions which encourage, under the present system, opposition to and delay of implementation. With a tax set higher than the marginal cost of abatement, this undesirable situation would be changed; industries would find it in their own economic self-interest to abate pollution quickly and efficiently.

CHARLES K. PARKER, AUTHOR, EAGLE COLUMNIST, DIES AT 73

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. CONTE. Mr. Speaker, one of the truly unique personalities of western Massachusetts, Charles K. Parker, of Pittsfield, died suddenly last Sunday. An author, teacher and world traveler, his knowledge of the Orient was surpassed only by his affection for its peoples. At home, Charlie Parker brightened the days of many people through his witty, urbane columns in the Berkshire Eagle and, earlier, as a news commentator for WBRK radio. Charlie Parker could be a staunch ally or a formidable opponent, but, regardless of political viewpoint, he was always a pleasure to be with.

As a longtime personal friend of Charlie Parker, I would like to share the following article from the Berkshire Eagle of November 29, 1971, with my colleagues in the House of Representatives. It described the adventurous life of a colorful, engaging individual, who will be greatly missed throughout the Berkshires.

The article follows:

CHARLES K. PARKER, AUTHOR, EAGLE COLUMNIST, DIES AT 73

Charles Kenneth Parker of 63 Pomeroy Ave., retired Eagle columnist and newsroom assistant, author, former radio commentator and teacher for 23 years in the Orient, died yesterday afternoon after being stricken with a heart attack at his home. He would have been 74 on Thursday.

Known by most acquaintances as Charlie, although he preferred the nickname Ken of his boyhood and Williams College days, he was a familiar figure in downtown Pittsfield with his cigar and cane.

A bon vivant, he liked to engage in "light conversation," as he called it, with congenial souls, usually over libations or food

or both. He loved to talk with people of all walks of life and of varying shades of political, philosophical and religious persuasion.

A FLAIR FOR WORDS

Although some took exception to his views and philosophy, which were basically right-wing, they respected him for his erudition, unfailing congeniality and generosity. He had a flair for words which found expression not only in his conversation but also in his writing. It was not unusual for him to dash off a poem on a paper napkin or any piece of scrap paper that was handy.

His latest effusion was written a few days before Thanksgiving for Marcel E. Peltier, the Eagle Sunday Sampler's Inquiring Photographer. In answer to the question, "Do you think we have lost the significance of Thanksgiving?" he wrote:

"It's not that the Fourth of July and Thanksgiving Day have lost much of their significance, but that life no longer has the flavor it once had. The flavor caressed the heart as the pumpkin pie, walnut cake and canned raspberries of Thanksgiving dinner caressed the palate. Life has lost much of its flavor because we have been robotized in our tastes, devotees of insipid routines. Life is an adventure in taste. If we keep that spirit of adventure alive, our children's children will give thanks as most of us still give thanks in our hearts for a magnificent heritage."

AUTHORED TWO BOOKS

Mr. Parker was the author of two books and was writing a third. The first, "A Dictionary of Japanese Compound Verbs," in 1939 dealt extensively with the origin of the Japanese language. In 1950 "Dog Eats Moon" was published, a 500-page evaluation of the postwar situation in the Far East based on a series of radio talks the author gave on his WBRK program, "Rim of the Pacific."

A native of Pittsfield and graduate of Pittsfield High School, Mr. Parker was the son of the late Mr. and Mrs. Robert T. Parker of this city. As a youngster he was a member of Boy Scout Troop 1 of the First Methodist Church which, he proudly recalled, hiked to Saratoga, N.Y., and back.

AN EARLY ORATOR

At the age of 16 he made an impassioned speech excoriating the selling of ice cream on Sunday. He also exercised his oratorical abilities in denouncing the evils of drinking intoxicating beverages.

At Williams College, where he received his bachelor of arts degree in 1919, he was known as "Fuzzy" because of his crew cut. This term of endearment continued with his Williams classmates when they gathered with him at reunions.

Immediately after graduation he left for Foochow, China, where he lectured on French, English and modern history at Fukien Union University for two years. He then became a teacher at Osaka Higher School in Osaka, Japan, where he remained for 20 years.

While vacationing in Kobe, Japan, he met and married Shizu (Peace) Narishima, the daughter of a merchant, who had just returned from a year's trip to Europe. They observed their 49th wedding anniversary on July 11.

INTERNED IN JAPAN

Mr. Parker continued to teach at Osaka until five days before Pearl Harbor. He boarded the last ship to leave Japan for the United States on his 44th birthday, Dec. 2, 1941, but was forced to return to Japan and was interned from Dec. 15, 1941 until June 17, 1942 in Yokohama.

Mrs. Parker was not allowed to leave on the ship, but, when the couple were repatriated, she was permitted to come to the United States in June of 1942. Their daughter, June, had come to this country in 1941 to live with her grandparents and attend school here, later graduating from Wellesley College.

During World War II, Mr. Parker was attached to the Office of Naval Intelligence in Washington, D.C., for 3½ years, while Mrs. Parker taught Japanese to American military officers at Yale University.

After the war, Mr. Parker was sent with a group of ONI agents to take part in the bombing survey of Japan and also to serve in the military government under Gen. Douglas MacArthur for two years.

COMMENTATOR IN OHIO

On his return to Pittsfield, he was employed by radio station WBRK, leaving in 1951 to become a news commentator for radio station WLW and television station WLW–TV in Cincinnati, Ohio.

In 1954 he joined The Eagle and started writing a weekly column, "On the Other Hand," presenting the conservative point of view on national and international affairs. He also began a series of daily commentaries over station WBEC.

He retired from The Eagle on Sept. 30, 1964, but maintained an affiliation with this newspaper by writing the "Looking Back" column which appears on the editorial page.

POLITICAL BOMBSHELL

The Eagle was his office, especially after he had the telephone service to his home disconnected after engaging in a heated political campaign for a seat on the School Committee from Ward 4 in the fall of 1955. He tossed a bombshell at a PTA rally by charging the school administration with religious discrimination in its teacher-hiring policies and threatening court action under the Fair Employment Act.

An apology for the accusation was demanded by a member of the School Committee, and when it wasn't forthcoming, a cascade of vituperative phone calls, most of them anonymous, flooded the Parker home.

Soon afterward, he had the phone removed, and it wasn't restored until recent years. He lost the election by a substantial margin.

Besides his wife and daughter, Mrs. Max E. Goldman of Forest City, Iowa, and three grandchildren, he leaves two brothers, Claude A. of Stockbridge and Robert C. of Birmingham, Mich., and a sister, Mrs. Louis DeNagy of Hendersonville, N.C.

Funeral services will be Wednesday afternoon at 2 at St. Stephen's Episcopal Church. Calling hours at the Wellington Funeral Home will be Tuesday night from 7 to 9.

WHAT CONGRESS NEEDS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. SCHWENGEL. Mr. Speaker, last Saturday's edition of the Washington Evening Star carried an article on how the White House is keeping track of Congress.

The point of the article is that it takes a computer to effectively keep track of all of the bills and other actions of Congress.

The point I make is that everyone else seems to be doing a better job of keeping track of what Congress is doing than Congress is doing.

The Committee on House Administration is making progress, but we need to accelerate our efforts.

The article in the Star tells us clearly how far behind we are:

WHITE HOUSE "AIDE": IT WATCHES HILL FOR NIXON

(By Robert Gruenberg)

Question: Who at the White House knows most what's going on in Congress?

Answer: He (it) isn't at the White House. He (it) is a computer, linked to a network called Systems Response One. The computer is located 10 miles away, in nearby Bethesda.

Clark MacGregor, President Nixon's adviser on Congressional relations, confesses that too much happens on Capitol Hill for the White House to keep easy track of things.

But this untidy state of affairs has been solved—or almost so—by the mechanical brain which, in its development and operation for about a year now, has cost approximately $200,000.

White House officials, asked about it by the Chicago Daily News, at first were reluctant to talk. "I'm not trying to conceal it—but there's a lot of bugs to work out," one said.

But they did explain it, summoning two top officials of the Office of Management and Budget for a demonstration as well.

It turns out that, "bugs" or not, flickering some keys on what looks like an outsized typewriter keyboard can summon answers from the Bethesda computer at the rate of 600 characters a minute.

Richard Cook, one of MacGregor's subordinates who concentrates mainly on House legislation for the White House, can find out within minutes (at the rate of $5 an hour for the computer leasing) up to 180 answers about any one of 800 to 1,000 pieces of legislation in the parliamentary maze of Capitol Hill.

Between 20,000 and 25,000 bills are introduced in Congress each year.

Information on only those bills that White House legislative assistants and OMB aides feel are significant enough to keep a record on is fed into the system—and drawn out again.

Such data as the name of the bill, its sponsor, his party, its subject, the date the proposal was introduced, the House or Senate committee action on it—all the way to a presidential veto and a vote on the veto—come out.

The computer, also keeps vote records of the number of Republicans and Democrats for and against a measure—and whether President Nixon is "I-A" ("in accord," computer language) with the proposed measure.

"It's not doing voting analyses or voting profiles," says Cook, but he adds, "This is not to say we might not eventually look into those areas.

"One of its potential capabilities will be to record the floor votes by name . . . to have a capability of building up voting patterns on issues by members . . . such as how many times they voted on a (similar) bill."

It might even be possible to "develop a pattern of voting by subject matter to the extent that you could attempt to predict the outcome of floor votes on a proposal," he said. He added, however, "It would be a very risky proposition."

Cook said he "would never attempt to predict" the outcome of proposed legislation but, he said, "to the extent that you could predict, you could eliminate from consideration" the necessity to research the records of 60 to 70 percent" of the legislators, going back through reference material for the "past 5 to 10 years."

CRIES OF "1984"

His enthusiastic visions of the future—however qualified—cause shudders among other executive office officials.

Even the hint of an idea that Congress can be "programmed" to come up with what a president wants passed—as long as the planning for that result is based on the right "input" into a computer—has them climbing the walls with nightmares of public outcry over "1984" and "Big Brother."

They wont speak for the record, however.

Cook helped set up a somewhat simpler computer-indexing of bills for the House Banking and Currency Committee, a system now joined by the House Judiciary, Government Operations, and Interstate and Foreign Commerce committees.

He is enthusiastic over the time-saving capabilities of the White House "legislative tracking system," as it is officially known, and its possibilities for cutting down the payroll.

WHITE HOUSE WAS BEHIND

When he came to the White House legislative office, he recalled, he discovered that even the weekly legislative reports were "not reliable."

"Here was the White House—the presidency—even further behind than the U.S. House of Representatives!" he exclaimed.

"We were spending an hour a day out of 10 (hours) answering these dumb questions from congressional offices and legislative assistants wanting to find out where legislation is," he said.

All that, he said, led him to work up the present system.

"Hopefully," Cook said, "it will save time and money, but primarily it is to give more people on the staff accessibility to this kind of information.

"For instance . . . the press office would have accessibility to this, instead of calling us when we're in the middle of more important things like trying to get the votes.

"They'll be able to get the information themselves . . . if (Ron) Ziegler (Nixon's press secretary) wanted to know where such-and-such a bill was (in Congress)."

Among the machine's capabilities is locating legislation sponsored by individual House members or senators.

On a test run for a reporter, a search was made for legislation sponsored by Sen. Charles H. Percy, R-Ill.

Clickety-click-click-click, the machine ticked and soon nine bills sponsored by Percy were listed, ranging from one on historic preservation to a "Community Service Act" for middle-aged and older workers.

Another test run was made for Illinois Rep. Abner Mikva, a liberal Democrat who has introduced scores of proposals ranging from prison reform to abolishing detention camp legislation.

Clickety-click-click went the machine—and turned up blank.

THE POWER OF THE AGING IN THE MARKETPLACE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. FRASER. Mr. Speaker, a recent article in Business Week discussed the power of the aging in the marketplace. This week the White House Conference on Aging, has set as its task the job of hammering out a national policy for what is fast becoming not only one of the country's largest and potentially most powerful minority groups but also one of the country's most troubling social issues.

The latest census figures show that the over-65 group is now expanding twice as fast as the under-65 group. These 20 million older Americans constitute 10 percent of the total population and, perhaps more significantly, 17 percent of the voting population.

I recommend the article to my colleagues:

THE POWER OF THE AGING IN THE MARKETPLACE

The over-65s are 10% of the population and increasing faster than under-65s, and they refuse to be ignored as consumers any longer.

"What we must build in this country—among all our people—is a new attitude toward old age; an attitude which insists that there can be no retirement from living, no retirement from responsibility, and no retirement from citizenship."—President Nixon, June 25, 1971.

In President Nixon's America, a rather stark fact confronts society today: People are retiring earlier, living longer, and having fewer children. The result is that in a nation that has long worshipped the youth cult, the retirement ranks are swelling, and the over-all population is actually growing older.

This creates enormous strains on an economy and social structure geared toward the young. Yet this country lacks any all-embracing policy or mechanism for dealing with the 20-million Americans who are 65-and-over. Later this month, more than 3,400 delegates will converge on Washington, D.C., for a five-day White House Conference on Aging, the second in 10 years. They have set as their task the job of hammering out a national policy for what is fast becoming not only one of the country's largest and potentially most powerful minority groups but also one of the country's most troubling social issues.

The latest census figures show that the over-65 group is now expanding twice as fast as the under-65 group. These 20-million Americans constitute 10% of the total population and, perhaps more significantly, 17% of the voting population. What is more, they vote in much higher proportions (70%) than younger voters.

For all their numbers, however, older Americans remain one of the most alienated, neglected, and misunderstood minorities in the country. Fully one-quarter live below the poverty level. Almost two-thirds of those living alone or with nonrelatives are poor or near-poor. Nearly all feel a squeeze on their fixed incomes.

IT'S A $68 BILLION MARKET

They also feel slighted and ignored as consumers. While their individual incomes may be low, averaging about half those of the under-65 group, they still represent an enormous market for all the necessities that a younger family requires. As in every population segment, there is, as well, a higher-income layer at the top that lives quite comfortably. And it is bound to grow as private pension programs expand their coverage and benefits. This group travels, buys cars, dines out at fancy restaurants, buys presents for the kids and grandchildren, and spends a growing share of its retirement dollar on leisure goods and services. Altogether, the over-65 market adds up to $60-billion. This is far larger than the vaunted and highly amorphous youth market—variously estimated at anywhere from $20-billion to $45-billion.

Adam Charles F. Adams, executive vice-president of D'Arcy, MacManus-Intermarco, raises the questions that more and more businessmen are privately asking themselves. "Have American marketers gone overboard in their courtship of the youth market? Have we, as marketers, ignored and possibly offended mature America in our obsession with young America?"

For Adams and many others, the answer is undeniably yes. "As I watch television and read magazines and attend movies these days," Adams says, "I sometimes wonder if anybody besides myself is over 30. There seems to be a conscious denial of middle age—and certainly of old age." TV ads continue to feature shaggy-haired surfers and long-limbed golden blonds swigging Pepsi or dashing around in Detroit's latest scat-abouts. Seldom does an older face show up, except in those stultifying ads for laxatives and denture adhesives.

Arthur S. Flemming (box), chairman of the White House conference and, at 66, a major symbol of leadership in the old-age movement, stresses that today's older Americans want and deserve what most younger Americans simply take for granted. "They want to be involved in life in a meaningful manner," he says. "They want to be part of the mainstream." European nations long ago recognized these needs and have gone far ahead of the U.S. in providing broader pensions, more health care, and the other economic and social necessities of the older generation. Above all, the elderly want dignity. "Too often," Flemming feels, "we have acted as though we were willing to apply the concept of dignity and worth only up to a particular age."

OLDSTERS ON THE MARCH

At this year's White House conference, scheduled for Nov. 28 through Dec. 2, Flemming hopes to complete the job that was only barely begun at the first White House conference, which he organized in 1961 as Secretary of Health, Education & Welfare under President Eisenhower. Altogether, that first conference generated 600 recommendations, some of which led to medicare, medicaid, and the Older Americans Act of 1965. This last act set up the Administration on Aging to coordinate federal old-age programs. Yet over-all, that conference fell far short of expectations. There was no planned follow-up at state and local levels, and many of the 600 recommendations were merely pious expressions of rights and wishes.

Neither Flemming nor anyone else going into the second White House conference expects instant miracles. Nothing short of a total reordering of national values would ever alter the elderly's place in American society. But Flemming does hope that the conference will help stem the depressing human erosion taking place among the aged. The conference could do this by simply helping to put more money in the pockets of the elderly, looking after more of their needs, and generally restoring their faith in a society that, up to now, has only frustrated and finally alienated them. "They recognize," Flemming says of his older constituency, "that society has made some attractive promises, but that our actions have not lived up to these promises."

Some of this will show up in policy and legislative recommendations that come out of the conference. These will touch on all the crucial areas of concern for the aged: industrial retirement policies, pensions, nutrition, health, housing, transportation, education, emotional problems, legal aid, employment, rehabilitation of the disabled, and the special problems of older blacks, Indians, migrant workers, and other disadvantaged minorities. At the same time, the conference should increase the pressure on Congress to pass some of the major old-age bills already pending, including the Administration's massive welfare reform bill.

White House conferences, of course, have a way of generating little more than soaring rhetoric. Even Flemming admits as much when he says: "I don't consider the White House conference an end in itself. It is part of an ongoing process." The conference will have done its job, he feels, if it just quickens the momentum.

Already, that momentum is gaining velocity. From city to city, older Americans are going on the march. In Boston, Chicago, Sacramento, and Philadelphia, the elderly are fighting for partial tax exemptions. In San Francisco and Philadelphia, they seek better housing. In Cleveland, Milwaukee, and New York, they want special transportation privileges. And in scores of other cities, they are campaigning for everything else from greater job opportunities and more liberalized benefits to reduced prices in movies, restaurants, and other private businesses.

To back up their demands, older Americans are also uniting on many election issues that

affect them, and often they cast the deciding vote. This might be against a property tax increase or a school bond issue, or against a politician like California's former Senator George Murphy, who committed the political blunder of opposing medicare, expanded Social Security benefits, and other programs dear to the hearts of older voters.

"Senior citizens are seething, angry, and ready for action," says Zena Smith Blau, assistant professor of sociology at Northwestern University and author of Aging in a Changing Society, to be published next year. "We can't take a whole age group and put it to pasture and not have that affect the entire society."

"Since time immemorial," adds Herman B. Brotman, chief statistician for the Administration on Aging, "we've wanted to live longer. Now that we've achieved this, our society and technology have pushed older people out of all the roles that gave them status and function in our society. In an agrarian society, the older person represented a wealth of advice and knowledge. Today, all of the roles have disappeared."

Typical of the new senior militants is Henry A. Sherman, a hard-boiled, 74-year-old retired Army colonel and a delegate to the White House conference. Sherman recently organized an old-age political action group in Houston, and last month the group chalked up its first major victory: the promise of a senior-citizen fare reduction on city buses.

"When we get the fare reduction," Sherman vows, "then comes the gas, telephone, and lighting companies, and then the stores. We will take one group at a time and get them to give a special rate for senior citizens." With a glint in his eye, Sherman shrugs off any suggestion of "political pressure." But the politics is inescapable. "The pressure that we have is that we represent 133,000 people in the county 62 and above who will be very disappointed if they don't get any help. And the politicians know that these 133,000 are all eligible to vote."

THE CLAMOR GROWS LOUDER

Such political facts are not lost on Washington. All through the planning for the White House conference, the Administration has harped on how much the Republicans have done for the elderly, while its critics rail about how little has been done. Among a growing list of congressional supporters, "senior power" now counts among its chief allies Senators Frank Church, Edward Kennedy, Edmund Muskie, Charles Percy, Frank Moss, and Jacob Javits and Representatives Wilbur Mills and David Pryor. Even consumer watchdog Ralph Nader has called for an "old people's liberation movement" and set up a "Retired Professionals Action Group" to champion the causes of the elderly."

As yet, senior power does not constitute a bloc. It is barely even a movement, since it lacks cohesion, strong central leadership, or even direction. What it consists of is millions of oldsters going their separate ways and hundreds of small local groups, some of which have affiliated with one of two major national organizations based in Washington: the National Council of Senior Citizens and the American Assn. of Retired Persons. The NCSC claims 3-million members and is largely labor-oriented, while the AARP, with its sister group, the National Retired Teachers Assn., claims slightly more than 3-million members, mostly retired white-collar workers.

The job that older Americans have set for themselves is one of stupendous proportions. It involves no less than exploding the countless die-hard myths that have grown up around the aged and that nourish the sense of neglect, frustration, and misery many of them feel.

Many retired people, for instance, want to go back to work. They need the money and psychological lift that can come from a job. But most employers are leery of hiring older workers. The complaints are common: "They get sick, cantankerous, forgetful. They are set in their ways. Their learning capacity drops with age. They have less commitment to a job than a younger man.'

Studies show, however, that in many clerical and production jobs, older workers do as well, and sometimes better, than younger workers. George Rosenberg, professor of sociology at Case Western Reserve University and author of *The Workers Grow Old*, published last year, insists that older workers would be a "gold mine" for many companies. "Old people are just as committed as young people," he claims. "Their absentee rates are lower. They are steady workers and are serious and conscientious."

Old people may also have a stake in a job that no younger worker could ever appreciate. The president of an old-age job placement company on the West Coast gives an example: "We have placed at least 3,000 older men and women in jobs and gotten them back into the mainstream of life. One woman told us we saved her from suicide."

As they get older, some men even seem to get more flexible and adaptable, judging by the current trend toward regular or early retirement and then a complete switch in careers. One exceptional example occurred at the very top of the executive ladder. Paul A. Gorman retired from the presidency of Western Electric Co., became president and chairman of Penn Central Co., then moved on to the same spot of International Paper Co.—all within the span of 14 months. With Gorman's appointment at International Paper, former Chairman Frederick R. Kappel, who himself had retired as chairman of American Telephone & Telegraph Co., became chairman of International Paper's executive committee.

Right now, one-quarter of the country's 65-plus men are working part-time or full-time. That compares with two-thirds of the population back at the turn of the century before compulsory retirement became common. More significantly, older women—like younger women—are moving deeper into the labor market. Nearly 10% of the country's women 65-and-over are now working. In 1900, it was 8% of a far smaller population.

The question is not really whether oldsters can work or not, insists Hiram J. Friedsam, director of the Center for Studies in Aging at North Texas State University. "We've never really faced the issue," he says, "of what kinds of jobs older people can perform and how to absorb them into the labor market. We need to take a hard look at this."

One company that has taken a look is Harris-Intertype Corp., a leader in hiring retired top executives as consultants, particularly in technical areas. "It's all related to know-how," says Loren Miller, assistant to the chairman. "We're in a know-how industry, and we see no reason to let this know-how go simply because a man has passed 65."

Some department stores hire older women to serve older customers. Deere & Co., the farm implement maker, employs retired former workers as tour guides. Hastings College of Law, a part of the University of California, has achieved a notably rare distinction in this area: all of its 22 full-time teachers are at least 65 years of age, and all are cast-offs, or were about to become cast-offs, of colleges with compulsory retirement.

NOBODY WANTS TO BE OLD

The older American as consumer is also surrounded by myth. The biggest is that he wants his own individual style of apparel, shoes, food, and so on. The fact is that at a time when more and more consumer markets are being broken down by age, income, and other segments, the old-age market is actually blurring into the others.

"You have a psychological thing here," says John Howard, a Columbia University professor and co-author of *The Theory of Buyer Behavior*. "Many older people don't want to be reminded that they are old, and they often tend to react against advertising and marketing programs that separate them from the masses."

H. J. Heinz Co., for instance, discovered that many oldsters were eating the company's baby food. So Heinz packaged a special line of "senior foods." The product failed, largely because senior shoppers preferred to buy baby food and claim it was for the grandchildren. Some retirement communities face the same problem, partly because they isolate and all but ghettoize the aged. Partly for this reason, two of Del Webb Corp.'s three Sun City retirement communities, one near Tampa, the other in Riverside, Calif., are in trouble, and are even selling off part of their land. (On the other hand, Del Webb's third Sun City, located in Pheonix, is now up to 20,000 population and has just acquired another 11,000 acres for expansion.)

John A. Clausen, professor of sociology at the University of California, speaks for many when he describes the problem of housing for his 92-year-old father. Clausen does not want to isolate his father in an old folks' home. "There is nothing between the standard apartment and nursing home," he says. "There should be more apartments where meals are served. If my father had to go to a nursing home, it would kill him."

Older Americans are just as insistent when it comes to what they wear. "We find there is no such thing as an old woman any more," says Harry S. Robinson, president of Red Cross Shoe Div. of U.S. Shoe Corp., a big seller to the elderly. "From a style standpoint a few years ago, there was a much sharper demarcation between what grandmother wore and what mother wore."

Several women's wear manufacturers have also noticed this and have recently abandoned their lines of apparel for "mature tastes." Says the president of one such company in Dallas: "It was a shrinking market. People don't want older-looking clothes. Most of the older women want to look like their daughters, and generally they can."

The only answer is what one university professor calls a "trans-generational strategy"—marketing to several specific groups at once without alienating one or the other. Greyhound Corp., which does 35% of its business among the older set, has refined this to an art. Its ads feature both youngsters and oldsters having a great time aboard a bus. In the liquor industry, Roger M. Coleman, senior vice-president of Brown-Forman Distillers Corp., calls it "fence-straddling." Says Coleman: "You want to keep your old and valued customer, and yet you want to appeal to the new drinker who's turning 18 or 21."

One of the newest examples of trans-generational marketing is U.S. Foods Corp. of Houston, a shop-by-phone grocery and drug service set up last year. Though the company's best potential customers are 60 and over, its advertising never speaks to them as the elderly. "The aged don't want to be classified as old and helpless," says President William Rogers. "We just market to their needs." A typical ad reads: "If transportation is a problem, we are the company to solve it."

And is transportation a problem? "I got a call from a lady the other day who was just starting to use our service," says Rogers. "She said it was her 76th birthday and that we had made it the greatest birthday she had ever had, and she cried like a baby."

In their shopping, elderly consumers tend to be more cautious than younger consumers, more set in their preferences, and shrewder comparison shoppers. They buy nationally advertised brands. They will usually pass up new products and stick by the older, established ones. They favor larger chain stores and shun small specialty outlets, especially those that gain a name for catering just to the

elderly. As Robert Sakowitz, executive vice-president of Houston's Sakowitz, Inc., notes: "It would be suicide to say, 'Come, old people, shop with us.' "

Joseph Reese, a 69-year-old retiree who lives in a grim, rundown area of North Chicago, says: "I don't buy imported shirts, and in the grocery line, I won't go for imported beef or products. I watch prices to see if they are raised, and I always read the ads in newspapers." While Reese generally shops with national chains, he will buy milk and produce from independents. "But I shy away from meats in the independents and watch the turnover of perishable products."

Higher-income retirees change in subtler ways. "I'm buying a Chevelle this year, instead of a bigger car," says Alfred Teplitz, a soon-to-be-retired research engineer at U.S. Steel Corp. "I don't need a big car and all that gas expenditure anymore." Now that he is retiring, Teplitz may postpone, as well, the purchase of a new dining room set.

David Bernstein, a 61-year-old former manufacturing executive, feels the same way. After retiring, he sold his home on Long Island and now he and his wife live in a posh Miami apartment. "Our spending pattern has definitely changed," he says. "An expensive apartment still costs less than a home and gives greater freedom for travel and entertainment." Bernstein expects entertainment to be his largest expense in the next few years. Travel will rank second, and clothing third. Cars, which he calls "an evil necessity," rank far back on his list. His only hope, he says, is to "find one that can stand up for a period of years without too many visits for replacements or servicing—a car that is safe and manageable to drive." His investment tastes run in the same direction. He is now more interested in high-yield securities, such as bonds. He shies away from stocks because of their uncertainties.

Bernstein, Teplitz, and other upper-income retirees are far less cautious when it comes to travel and other recreational activities. In fact, Samuel N. Mercer, a vice-president of Pacific Far East Line, notes a "marked difference" in the attitudes of his company's over-55 cruise customers from those of five or 10 years ago. This probably reflects their greater affluence. "They are a much younger feeling crowd," says Mercer, "more swinging and livelier. They seek more entertainment than they used to and more services too." Mercer also feels that today's seniors are "more sophisticated. They are more knowledgeable, have broadened their horizons, and are more willing to travel to new places. Since they have been conditioned to the world's unrest, an uprising that would have deterred them previously does not frighten them off now. They just barge right on out."

Following the lead of other companies, Pacific Far East does not aim its advertising directly at the over-55 crowd, though this represents the bulk of its business. "We show a mixture of people," says Mercer, "but not too many children. We tend to show a very old-looking lady of 75, though she might be in the background."

For the company that can meet the complex needs of the older market, there are rich dividends. Colonial Penn Group, Inc., which provides the aged with travel services, insurance, and temporary job placement, has built up a $100-million business that is growing 15% to 20% a year. The company works closely with the AARP, the NRTA, and more than 80 client organizations of older people.

"Back in the mid-50s," says its chairman and chief executive, John J. MacWilliams, Jr., "we spotted the need for group style health insurance and developed the first group-style program for retired people. It had been a neglected market. Companies had been frightened to get into it." Then, in the early 1960's, Colonial developed a direct mail, life insurance program tailored to the aged. Four years ago, it began mass marketing old-age auto insurance. "We find," says MacWilliams, "that older drivers are better drivers, particularly the ones who drive 3,000 to 4,000 miles a year. Their exposure to accidents isn't great. They seldom have accidents involving high speed, death, or drunken driving." MacWilliams will not discuss other areas, but does say: "We're not going to stop here."

Like all myths, those about the aging die hard. But even the largest and most persistent myth of all—that the elderly are quiet, sedentary, and hopelessly resigned to their obsolescence—is at last beginning to yield to a few realities. And this false picture will continue to undergo revision as the country faces up to a challenge that no nation has ever confronted before: how to function with a longer-living, shorter-working, and relentlessly aging population.

James E. Birren, director of the Gerontology Center at the University of Southern California and a delegate to the upcoming White House conference, describes the U.S. even now as "a nation of the retired"—if only because of the explosive growth of that segment of the population. In the future, he feels the problems of aging will be further complicated by a change in generations. "The present older generation continually seeks economic security and a place to live. But another generation is coming along very soon that is motivated differently. They have more education, better retirement benefits, and they are better consumers." The inference is that they will want, and demand, far more out of life than money in the bank, a roof over their heads, and a gold retirement watch.

This market is bound to grow not only in size but in the breadth of its needs. "We are a society now that is putting its whole security in the hands of bodies beyond ourselves—government, insurance, pensions, and so on," notes James F. Engel, a professor of marketing at Ohio State University. "So the security problem is being taken off the individual. This can only mean that in the future, it's going to be a market with a lot more discretionary income"—and a lot more ways to spend it. Engel predicts a greater emphasis on learning among the aged and "educational thrusts of all kinds."

THE COMING REVOLUTION

Yet there is also some question as to how willingly this new retirement generation will even retire. Some experts claim they will not go quietly at all, and within the next 20 years, they predict a labor problem of "crisis" proportions. "We have to reduce the nonfunctional reasons for retirement and find ways of keeping these people in the labor force," says one university professor. "It's a very serious problem, the kind of thing we can see coming over the horizon. Employers will have to think about redesigning jobs."

The average worker, for instance, now spends one-quarter of his life in school, one-half in work, and one-quarter in retirement, in that order. "Instead of dividing life into these distinct phases," suggests Chicago's senior-citizens division director, "we need to mix them up over the whole life span." He cites the example of Xerox Corp. Under a new program, certain Xerox employees are now permitted leaves of absence to teach handicapped children, to work in the ghettos, or perform any other nonpartisan good works they choose.

Some sociologists feel there should be a similar shakeup in the retirement process itself. For the present, at least, retirement will continue to be sudden phenomenon with full work one day and full retirement the next. "But during the next several decades," says Robert Wray, retired chairman of the University of Georgia's Council on Gerontology, "it would be desirable if retirement came about more gradually, perhaps with a shortened work week, work day, or longer vacations."

Something must also be done to resocialize the aged into other roles that give retirement years some meaning. This might involve more training programs for those who want part-time or full-time work. It might also mean more volunteer jobs, such as working with shut-ins, planting and beautifying community areas, acting as "foster grandparents" for retarded children, and so on.

In many ways, today's crisis of aging is simply a crisis of dignity and respect. "Older Americans represent an important economic segment, and they just don't want to be ignored anymore," says William Fitch, executive director of the National Council on the Aging, a private, nonprofit educational and training organization. "In the future, I don't think either industry or our politicians will be able to look the other way."

"What we have to bear in mind" adds Peter Dickinson, editor-in-chief of *Harvest Years*, a retirement magazine, "is that we are not just talking about some small minority. We are talking about all of us in the next 10, 20, or 30 years, assuming we don't depart the world ahead of our time. And this has got to give the problems of aging more urgency in the coming decade."

ARTHUR FLEMMING: AN OLD CHAMPION OF THE ELDERLY

There may be a generation gap between youth and the middle-aged, but between youngsters and oldsters? Not at all, says Arthur S. Flemming, the courtly, mild-mannered chairman of the upcoming White House Conference on Aging. "There's a real affinity between the aged and youth," he insists, "because they face a common enemy—the middle-aged. The middle-aged tell youth, 'You're too young to deal with the problems,' and they tell old people, 'You're over the hill.' "

While the White House conference may not bring the elderly back to the summit, Flemming hopes it will at least put them on higher ground. One answer, of course, is for the federal government to become more and more involved with the elderly. But it cannot stop there, "States won't be able to walk away from the issues," insists the 66-year-old former Secretary of Health, Education & Welfare. "And there should be increasing involvement of the private sector in voluntary assistance."

BACKGROUND

Flemming's own involvement with older Americans goes back to 1942, when President Roosevelt appointed him to the War Manpower Commission. There, Flemming helped mobilize old people for essential jobs in the civilian work force.

After a postwar stint as president of Ohio Wesleyan University, Flemming returned to Washington in 1951 to oversee manpower programs in the Office of Defense Mobilization. In 1958, President Eisenhower named him to head HEW. In that role, Flemming laid the groundwork for the 1961 White House Conference on Aging. Following the Eisenhower years, he became president of the University of Oregon and then, Macalester College.

Since his latest appointment in April, Flemming has been on a nonstop travel schedule, attending regional preconference planning sessions and dealing with all of the internal pressures and forces at work within the old-age movement. At one stage, blacks were claiming that the conference was being stacked in favor of whites; many oldsters claimed it was being stacked in favor of "professionals," and others complained it was being stacked with pro-Administration delegates. Dissension reached such a pitch that the National Council of Senior Citizens even threatened to pull out. With the skill and aplomb of a seasoned diplomat, however, Flemming quickly restored balance and calm.

SKILLS

"Arthur has the uncanny ability," says one Washington colleague who worked with him during his Eisenhower years, "to ferret out of a complicated jumble of arguments a course of action that will be acceptable to almost everyone. He's like a machine that can take in and weigh and integrate and balance conflicting pressures, then come up with a solution not way over on one side or the other."

In the regional conferences he attended, Flemming found oldsters particularly concerned about retirement programs in industry. "They're almost bitter toward personnel policies that require retirement at an early age," he notes. "Business and industry could profitably reexamine this policy of retirement at a set age." But Flemming acknowledges that oldsters "realize the tide is running very much against them."

At the same meeting, Flemming also heard pleas for "real" preretirement counseling. "They're not talking about programs which give them details of their pensions and a few essential facts," he says. "They're talking about programs that start years before retirement." Flemming found pensions themselves just as much a concern. "They are definitely asking for a national policy of vesting after a number of years, of portability, and federal supervision over payments. This will be one of the liveliest topics of discussion at the conference."

National old-age leaders give Flemming high marks for his planning and organization of the conference. "It's coming around to a potentially responsive activity," says Bernard E. Nash, executive director of the American Assn. of Retired Persons. "Dr. Flemming has done everything he can to open his conference and make it a people's conference." On the broader problems of aging, Nash adds, "We've just been changing light bulbs instead of the entire electrical system."

THE QUESTION

Nelson Cruikshank, president of the National Council of Senior Citizens, poses the ultimate question, however: "Assume for a moment that a good, dynamic, positive, and reasonable program comes out of the White House conference—and I'll say that's a big assumption—it's going to cost billions. Where will the Nixon Administration be then, and what will it do?"

Flemming has no doubt that the Administration will do its duty. Politically, there may be no other choice.

FLORIDA: THE IMPACT OF AN AGING POPULATION

Florida has long cherished its reputation as the playground of America. Now it is fast becoming the living room, bedroom, and kitchen for the aged of the country.

The 1970 census shows that Florida passed five other states in the last 10 years to become the nation's No. 1 haven for people over 65. They represent 14½% of the state's 6.8-million residents, or nearly 1-million people—almost double the number 10 years ago. Like a hurricane swirling out of the Gulf, the impact of this generation on the state's economy and politics has been shattering, and in many ways may foreshadow what is to come in other states as the number of older Americans inches higher.

THE NUMBERS

Miami Beach, for instance, may be loaded with lavish hotels and hordes of sun-worshipping vacationers. But the last census shows that its permanent population of oldsters is up to 42,000 or nearly half of the city's residents. In St. Petersburg, the over-65 crowd has grown to almost one-third of the population. Then there are the state's other meccas for the geriatric set. Cape Coral (24%), Clearwater (29%), Pompano Beach (22%), Port Charlotte (33%), and Sarasota (26%).

Two of these bustling cities, Cape Coral and Port Charlotte, barely existed in 1960. They were both developed by the big land companies that are cashing in on the boom and, in many ways, even feeding it with their huge promotions, easy financing, and hard-sell merchandising—Cape Coral by GAC Properties, Inc., and Port Charlotte by General Development Corp.

When they started out big in the 1950s, Florida's land companies were mainly in the business of selling just that: land. It was easier and the profits were bigger. But more and more, the land companies now feel that putting homes on the land adds "value" and is a good way to lure more customers. "Our whole pitch," says Neil E. Bahr, executive vice-president of Deltona Corp., "has always been to bring people to see for themselves what we have to offer. It certainly assists our sales efforts when they see homes and happy people living in them."

Not all retirees, of course, flock to the land companies. Over the last few years, more and more of the wealthier set have moved into condominiums. Arvida Corp., which sells high-rise, high-priced condominiums, estimates that up to 80% of its customers are 55 years or older. "I'd say at least half are retirees, 30%–35% are contemplating retirement, and the rest are still actively working," says Arvida President Brown L. Whatley.

Improved jet travel is one reason for the boom. "In the 1940s when an elderly couple moved to Florida," says an assistant vice-president at General Development, "they were separated from their children by at least 48 hours, the time it took to drive from the North. Now they're only two or three hours away." With improved pension and other retirement benefits, far more retirees can also afford to relocate in Florida. Then there are the biggest factors of all: the climate, which makes living cheaper and better, and the state's low taxes.

THE PROBLEMS

In their wake, however, the oldsters have brought some problems. Miami Beach hotelman Morris Lansburgh recently went before the Dade County Tax Adjustment Board and sought a tax cut on his hotels because of what oldsters were doing to his business. "With all deference to senior citizens," he testified, "regardless of how hard we try, we are on a downward trend [in the hotel business] because of the condominiums and the excess of housing and the people living on Social Security." On the one hand, the more well-heeled elderly are moving out of hotels and into apartments or condominiums. On the other: "The tourists who spend money don't want to come to an old folks' home for a glamorous vacation."

The influx of elderly is creating waves in politics, too. Older voters were the deciding factor in electing two political unknowns to major office: Democratic Lawton M. Chiles, Jr., to the U.S. Senate and Democrat Reubin Askew to the governorship. "The one thing the seniors have in common is fiscal conservatism," says Donald Petit, a veteran campaign manager. "They want more money out of Social Security and medicare, but they'll fight you over taxes they have to pay themselves. Askew had the perfect ploy. In promoting a corporate income tax, he offered a way to raise tax money that wouldn't come out of the oldsters' pockets."

One seasoned political observer in Miami adds: "The important thing is that the seniors' vote. They have time to study issues and candidates, and they love to be wooed. You go to them, and they don't forget it. Send them a letter and they're thrilled. They're getting more powerful in Florida each day, and the politician who takes them for granted can't win."

JUVENILE JUSTICE

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. RAILSBACK. Mr. Speaker, the seriousness and enormity of our juvenile delinquency problem demands a new approach.

Statistics on juvenile crime are shocking. According to the FBI's recent Uniform Crime Report, the involvement of young persons in crime as measured by police arrests is escalating at a pace almost four times their percentage increase in national population.

Youngsters 18 and under are responsible for one-half of all serious crimes in the United States. This is particularly distressing since their acts generally represent only the beginning of a life at odds with society—50 percent to 75 percent will be arrested again.

I believe H.R. 45, legislation to be considered on Monday, December 6, under suspension of the rules, provides at least a partial answer to our crime problem. Briefly stated, this bill creates an Institute for Continuing Studies of Juvenile Justice. The primary functions of the legislation are threefold: First, to provide training programs and facilities for personnel involved in the prevention, control, and treatment of juvenile crime and delinquency, patterned after the FBI Academy; second, to provide a coordinating center for the collection and dissemination of useful data on treatment and control of juvenile offenders and the juvenile justice system in general; and, third, to prepare studies on juvenile justice including comparisons and analyses of State and Federal laws and model laws and recommendations which will be designed to promote an effective and efficient juvenile justice system.

The training program which the Institute would operate is a matter of the highest priority. As Judge Harold J. Wollenzien of Waukesha, Wis. explained:

> There are inadequate facilities in many parts of the country to deal with the juvenile delinquent, and we need a major program to deal exclusively with the juvenile and provide expertise and training and education to all of the persons who deal with the juvenile daily.

Another priority of the Institute would be the coordination and gathering of information on the various programs dealing with juvenile offenders. Thomas G. Pinnock, Deputy Director of the Department of Institutions for the State of Washington, has called for "a central clearinghouse for materials regarding the problems of delinquents and some means established for the regular dissemination of the information to those directly involved with the problems of youth." H.R. 45 establishes this clearinghouse.

Finally, the third priority of the Institute will be to analyze statutory provisions, develop model laws and codes, and make appropriate recommendations. This function holds much promise for steps to

be taken to clear the existing confusion in our juvenile justice system. The American Bar Association and the American Law Institute have achieved striking results with a similar approach.

Support for H.R. 45 has been gratifying. Over 100 Members in the House are cosponsors of this bill, and 19 Senators have sponsored identical legislation. Support has also come from some of the best known authorities on the subject of juvenile delinquency in the country. I now insert a few of the many telegrams and letters that have been received from around the country in support of H.R. 45.

Milton G. Rector, Director, National Council on Crime and Delinquency, letter dated October 28, 1971:

We are writing to you to express our strong support for H.R. 45, the bill to establish an Institute for Continuing Studies of Juvenile Justice.

As you know we testified before your committee on July 29, 1970 concerning H. R. 14950, H. R. 45's predecessor in the 91st Congress. At that time, we strongly supported the concept of the bill and continue to do so. However, in our testimony before the committee we suggested that the Institute be lodged in either HEW or LEAA. This suggestion was based on the then existing plans of those two agencies.

Since that time our hopes for HEW and LEAA were not realized. In the last fiscal year LEAA only planned to spend 14.6% of their state block funds in the area of Juvenile Delinquency. Of this pitifully low amount only 14.1% was spent on training.

HEW's performance has been equally disappointing. In the last fiscal year they expended only 12.9% of their resources on training. We have been informed by officials from HEW/YDDPA that in the present fiscal year they do not plan to spend any funds in the training area. This decision, made apparently in the face of the 1968 Juvenile Delinquency Act, is most discouraging.

Therefore, we would like to modify our previous testimony and urge that the Institute as described in H. R. 45 be enacted by Congress.

Daniel P. Starnes, State Director for Georgia, National Council on Crime and Delinquency, letter of June 14, 1971:

I feel that the establishment of such an Institute is a positive approach to juvenile corrections. The system of juvenile justice is so fragmented now and inefficient that it will take federal legislation such as H.R. 45 to bring some order to a chaotic system.

Judge James H. Lincoln, president National Council of Juvenile Court Judges, telegram of October 26, 1971:

The National Council of Juvenile Court Judges is the largest association of judges in the nation with approximately 2,000 members. Our jurisdiction covers over 80 percent of the population of the nation. NCJCJ does not often support federal legislation. We do so when we are convinced that the legislation is of vital national concern and related to juveniles.

We have stated our position in detail by appearing before the subcommittee. Numerous letters have been written detailing our position.

It is not the purpose of this telegram to again make a detailed statement. It is my purpose as President of NCJCJ to again reiterate our very strong support of H.R. 45.

We have had long experience with dealing with the present departments and agencies in Washington concerning matters relating to juveniles. We have an abundance of grass roots knowledge of problems at the local level. We know that H.R. 45 is long overdue legislation. We urge favorable action.

Byron B. Conway, Wood County Judge, Wisconsin, letter of October 22, 1971:

I am a past president of the National Council of Juvenile Court Judges and that organization has taken a deep interest in the passage of this bill since it (H.R. 45) was introduced. The bill is also supported by the National Council on Crime and Delinquency, the Association of Parents and many other sincere organizations that deal with the problems of children.

The juvenile court has become a "whipping boy." People must realize that we do not have a magic wand to accomplish our purpose. We must have adequately trained personnel.

Orman W. Ketcham, judge of the Superior Court of the District of Columbia, letter of October 26, 1971:

At the request of the Committee on Family Law Judges (of which I am chairman) the Family Law Section of the American Bar Association adopted a resolution last July in New York City endorsing in principle H.R. 45, and urging the establishment of an independent Institute for Juvenile Justice.

An independent Institute for Juvenile Justice whose primary function is to find and impart improved ways to curb youth crime is greatly needed. H.R. 45 is a bill which, if enacted, will make a belated, but necessary beginning in this area where federal guidance has not previously been forthcoming.

Everett L. West, judge, Benton Circuit Court, Indiana, letter of October 22, 1971:

I sincerely appreciate your efforts on behalf of H.R. 45 which seeks to establish a National Institute for the training of juvenile court personnel and which further provides for the collection and dissemination of information concerning all programs that may be available to Juvenile Court Judges in the handling of children already adjudicated to have been delinquent.

I am writing this as a judge of general jurisdiction, including that of juvenile court jurisdiction. I find myself unable to find any method whereby probation officers may be trained or whereby standards for probation officers may be found. I have also had any number of instances where after I have made disposition of a case, I have learned that there is in existence Federal programs which would have assisted me in arriving at a better solution.

I am quite certain that the only method to upgrade juvenile court personnel and the handling of juvenile court problems is by the establishment of a judicially oriented training center that is independent of all other agencies. This should do for Juvenile Courts what the F.B.I. has been able to do in training police personnel.

Hope Eastman, acting director, the American Civil Liberties Union, letter of October 26, 1971:

The American Civil Liberties Union strongly supports H.R. 45, a bill to establish an Institute for Continuing Studies of Juvenile Justice.

This legislation represents an imaginative effort to deal with (lack of resources) this problem. It would provide training programs and facilities for persons connected with the prevention, control and treatment of juvenile crime and delinquency. It would also establish a national clearinghouse of information and studies on juvenile delinquency and the juvenile justice system.

Trained personnel and greater knowledge are essential to achieving the specialized treatment and rehabilitation of juvenile offenders which is necessary to halt the alarming increase in juvenile crime and delinquency.

As the National Crime Commission reported: "One reason for the failure of the juvenile courts has been the country's continued unwillingness to provide the resources—the people and facilities and concern—necessary to permit them to realize their potential."

We, therefore, hope that both the House of Representatives and the Senate take early action on this important legislation.

Mrs. Barbara D. McGarry, executive director, American Parents Committee, letter of October 14, 1971:

The enormity of the problem (juvenile delinquency) clearly calls for a new approach, in view not only of financial drain, but, most importantly, in reclaiming the misdirected young lives of that segment of the nation's most important natural resource—its children. This new approach is soundly realized in H.R. 45.

Precisely because of lack of Departmental inertia toward the mounting problem of juvenile delinquency, it is necessary to establish an independent Institute of Juvenile Justice, where Federal funds can be targeted directly to alleviating this problem—both by the training of special probation officers, intake and aftercare personnel, and by determining which programs show the greatest promise in controlling juvenile delinquency and in effectively rehabilitating the youthful offender.

"Legislation Memogram" from Mrs. Walter G. Kimmel, PTA, Memogram issued September 20, 1971:

H.R. 45 is a proposal to establish a National Institute for Continuing Studies of Juvenile Justice.

We believe the bill contains many elements of juvenile treatment and control that are much needed, and we would like to see the bill reach the floor of the House for consideration.

David McCord and James Burton of the Georgia State Department of Family and Children Services, letter dated June 17, 1971:

As social workers with a total of over ten years experience in the Juvenile Justice System, we feel this (H.R. 45) is a needed resource.

Robert A. Kettel, Chief Probation Officer, Juvenile Court of De Kalb County, Decatur, Ga., letter dated June 16, 1971:

I am writing with reference to House Bill 45 which I wholeheartedly support. This bill establishing an Institute for continuing Studies of Juvenile Justice is one that has been needed for some time.

As a professional in the field of juvenile corrections, I welcome the opportunity to give my support to such an effort. House Bill 45 does so much in needed areas of Juvenile Justice. If passed, it will really give us help in finally reaching the real problem in the handling of the juvenile offender.

David L. Daniel, director, Cook County Department of Public Aid, Chicago, Ill., letter dated May 24, 1971:

I am writing you in the interest of the establishment of a National Institute of Juvenile Justice as sponsored by the House bill H.R. 45 and the companion bill S. 1428, now pending in the 92nd Congress. This bill was based upon a resolution of juvenile justice approved by the 1970 White House Conference on Children, and I am informed that it has bipartisan support.

The Department is very much concerned about the welfare and justice of youths and we recognize the need to coordinate, at least

on a federal level, all of the various and numerous fragmented programs and findings that are now in existence to help and improve the status of our young people. We believe that it will make in the long run, for a more uniform and planned administration if a National Institute of Juvenile Justice were established that would coordinate and direct all of these various programs.

The current definition of youth, related to chronological age, offense, and court procedures, is to a large extent obsolete. There is a vital need to have a National Institute which would research the entire problem in order to establish a body of knowledge that would indicate needed changes in law as well as qualifications for professional staff to work with offenders. It would offer all the States some uniform guidelines to follow instead of every State dealing with offenders by its own interpretations through numerous institutions.

I wish to express my support for the establishment of a National Institute for Juvenile Justice.

America's best hope for reducing crime is to reduce juvenile delinquency. I hope we begin this task by passing H.R. 45 on Monday.

MINNESOTA RABBI DELIVERS MOVING PLEA

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. NELSEN. Mr. Speaker, at an open forum of the White House Conference on Aging chaired by former Supreme Court Chief Justice Earl Warren, Rabbi Noah Bernstein, of Minnesota, delivered a most eloquent plea for a changed public attitude toward the aging. Rabbi Bernstein, of Duluth, who is Upper Midwest Director of Merko's Chaplaincy Service as well as a social worker, stressed the primary need of all parents to provide their children with a sound religious education in order to foster respect not only for our Creator, but for all His creatures of whateaver age.

Under permission previously granted, I include Rabbi Bernstein's complete remarks at this point in the RECORD:

REMARKS OF NOAH BERNSTEIN, OF MINNESOTA, BEFORE THE WHITE HOUSE CONFERENCE ON AGING, 1971, SUPREME COURT CHIEF JUSTICE EARL WARREN, CHAIRMAN

Thank you Mr. Chairman, We have all gathered here in Washington because we realize that the attitude of society toward the aging must change.

We must reverse the current trend of utter disrespect for aging and build a society where one can age with dignity.

Children must be taught that respect due to parents and interest in their well being is not a two day a year affair—mothers day and fathers day, but a 365 day a year matter. This pertains to parents of any means—whether indigent or affluent, not only with regard to material help but also to their emotional well being.

I know of a case where a son provided a lavish meal for his aging parents and the parents felt degraded because he threw the food in front of them and said "eat"! I also know of a case where a son had nothing to offer his mother but a glass of tea but served it to her with love and care and a smile of satisfaction broke out on her lips. The name of the game is genuine concern.

How can we teach genuine concern? By teaching children while still young of the existence of G-d and that morals and ethics emanate from G-d. Children taught respect for G-d, the creater of the world, who sustains the world and cares about our well being will be taught G-d's command to respect their parents and the aging in general.

We should strive to give our children the maximum religious education but at the very least there should be a nondenominational regents prayer where one is taught of the existence of G-d and our reliance upon G-d for our daily sustenance and our well being.

We must also influence children by personal example. If parents treat their parents with respect and show concern for their well being then their children will learn from their example and show more respect for them.

Also funds for adequate programs must be made available in the public and private schools as well as through the multi-media, television, radio, newspaper, etc. on a daily or steady basis to educate and show how to respect, help and relate to the aging.

It should also be stressed that respect due to parents and aging is commanded by G-d and this will give greater mood to society to fulfill their obligation to the aging.

This will then reverse the trend of the utter disregard of children for parents and society for the aging and help build a society where one can age with dignity and where the aging will become the moral and ethical guides for the coming generations.

COMMUNITY DEVELOPMENT TESTIMONY AT WALNUT RIDGE, ARK.

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ALEXANDER. Mr. Speaker, I would like to make a part of today's record testimony from the community development needs hearing that I recently held in Walnut Ridge, Ark., which I believe will be of particular interest to my colleagues in the Congress who are interested in national growth and development problems.

This testimony will be of special interest for two reasons. The comments by Mr. Lawrence Hamilton, director of the Neighborhood Service Center of the Crowley's Ridge Development Council, Inc., concentrate on the problems facing low-income persons in First Congressional District. Mayor B. H. Johnson of College City, Ark., is a commercial airline pilot who chose to live in a small town and commute to his job in a metropolitan area. Mayor Johnson employed the knowledge and insight he has gained from his activities as a public official and as a frequent traveler to major cities in preparing his testimony.

The testimony follows:

STATEMENT BY LAWRENCE HAMILTON, NEIGHBORHOOD SERVICE CENTER, DIRECTOR, CROWLEY'S RIDGE DEVELOPMNT COUNCIL, INC.

(Prepared for Congressman BILL ALEXANDER, First District Field hearing on Proposed Community Development Bank, scheduled for October 23, 1971, at Walnut Ridge, Ark.)

Congressman Alexander, I am Lawrence Hamilton, Director of Neighborhood Service Center Program for Crowley's Ridge Development Council, Inc., serving Craighead, Greene, Jackson and Poinsett Counties in Arkansas, with community action programs that deal with the problems of poverty. I thank you for the opportunity to appear and present my views pertaining to the social and economic development of our area.

Our area has experienced a change over the past twenty years that has resulted in the loss of manpower and brain power. The struggle to establish an industrial basis in transition from a predominately agricultural economy was accompanied by an alarming loss of population by migration. This trend has stabilized and possibly reversed itself in some areas, sufficiently to reduce a great cause for alarm. The trend from a rural to an urban population continues, but at a reduced rate in recent months. The average per capita income in the area is rising, but not rapidly enough, especially in some areas. Per capita income statistics does not necessarily provide an accurate gauge as to the standard of living enjoyed by residents of the area.

The continuing of industrialization to bring a desired balance between agriculture and industry, will depend greatly in the future on federal assistance through loan and grant programs to assist state and local governments develop a comprehensive development program.

Crowley's Ridge, extending north and south through the entire area of East Arkansas Development District and including three of the four counties covered by this report, is a natural asset for pleasant living and for the attraction of tourists. It must be developed carefully and progressively. To accomplish this, there is a urgent need for a complete land use study. Thousands of acres of fertile lands composing the bulk of our area should be protected from flooding, wind and other erosion and used with increasing thought for the great potential of feeding our own and other residents of our country. By turning over lands to the production of foods and then insisting that all of our extracted land products be processed on these lands, we will be able to go far in providing profitable employment for a large segment of our people who are presently unemployed.

We need not capitulate to the philosophy that a large percentage of our residents must always be poor and live at the expense of the rest. There is sufficient brain power among us to devise and activate means to utilize presently wasted power, human and natural resources to produce for the common good. Our policy on poverty must be to relieve suffering only until the causes of poverty are diagnosed and removed. Of course, there will ever be pockets of poverty with which to cope, but the physically able must be shown the way to prideful, happy and remunerative productivity by providing them the opportunity to help themselves.

The Fact Sheet pertaining to this hearing stated that information should be given concerning the most urgent needs of cities and counties. I feel this can best be stated by the people who are the greatest affected by the problems that plague our area. A survey conducted by Crowley's Ridge Development Council, Inc. during July, August and September, 1971, indicated the following causes of poverty in priority order. This information was received from target area residents throughout the area served:

1. Unemployment.
2. Underemployment.
3. Deficient and inapplicable education.
4. Lack of opportunity for job training.
5. Inadequate Housing.
6. Poor Health and lack of purchasing power to provide health services.
7. Large families and need for expanded Family Planning and counseling.
8. Transportation relating to health services, employment and other personal needs.

9. High prices on consumer goods, food and services.

10. Low wages.

The respondents identified the contributing factors that cause the problems to exist as being:

1 and 2—Unemployment and Underemployment. A rapid change in agricultural methods has replaced manpower with machines, resulting not only in fewer available jobs, but those jobs that still exist are apt to be seasonal. Although some factories have moved into the area, there are not enough unskilled jobs to employ the worker displaced by machines on the farm, and people displaced do not have the training to fill skill jobs in factories, because:

(a) Their skills are based on an agricultural economy;

(b) Decreasing need for agricultural labor and an increasing need for second wage earner in families due to minimal wages paid in existing industries.

(c) Tremendous school dropout rate has placed a large number of youths into the labor market unprepared.

(d) Vocational training institutions are not designed so as to encourage the disadvantaged to participate.

(e) Failure of the public schools to adjust curricula to meet the employment demand of the community.

3-4—Education and Job Training.

(a) Target area children begin school at significantly lower levels of education and maturity than nontarget area children.

(b) Some school curricula are not relevant to target area needs in cultural, employment and learning potential, and as a result, target area children fall behind in all educational activities, particular in reading and math.

(c) Vocational programs are not reaching enough target area students, therefore dropouts and unskilled adults lack job skills and the opportunity to correct previous educational deficiencies.

(d) Many low income residents over eighteen years of age are uneducated and a high percentage have not completed the eighth grade.

(e) Continuing educational, cultural, social and recreational needs of the communities are not being served.

5. Housing. There is a limited supply of low and moderate cost housing in the area. The shortage is general throughout the area, but two groups have the greatest need. The elderly, because a high percentage of the target area residents are over 62, and large families, because of the overcrowded houses in the communities.

The problem was created by the following conditions:

(a) Lack of financial resources necessary to meet the cost of new housing or to provide for rehabilitation of substandard housing.

(b) High interest rates.

(c) Rising construction costs.

(d) Target area residents lack of income to meet monthly or yearly payments.

(e) A limited supply of developed land at reasonable costs.

(f) Codes and ordinances prohibiting the development of mass produced houses.

6. Health. Health conditions are a reflection of problems in all areas. Substandard overcrowded housing, inadequate solid liquid waste management, etc. are related directly to all health problems.

Specific causes of health conditions are:

(a) Low educational achievement, unemployment and financial pressure contribute to the environmental, physical and mental health problems of the area.

(b) Health has traditionally received low priority in state and local budgeting.

(c) Health emphasis has been on treatment rather than preventive health services.

(d) Limited health facilities and manpower in the area.

(e) Lack of transportation to health services.

For the sake of time, I will not elaborate on the other causes that contribute to the problems of the area as indicated by the survey.

Crowley's Ridge Development Council is addressing these needs with a limited amount of funds to develop and administer programs to alleviate the existing problems. These efforts, coordinated with East Arkansas Planning Development District, North Central Arkansas Development District, State and local government, along with other agencies, are dedicated to bring about comprehensive economic development.

We realize that the many problems of the area must be treated as one gigantic obstacle that must be removed if we are to enjoy the healthy economic and social climate we desire. To do this, we must be able to establish an adequate financial basis—Water and Sewer Systems, Public Facilities, Health Facilities, Police and Fire Protection, Solid Waste Disposal, Industrial Parks, Recreational Facilities, Adequate Roads and Streets, and maintain a balance between our natural environment, both ecologically and economically.

I would like to mention some of the proposed Development Programs for the four county area. Perhaps some of these will be funded while many will not be, due to lack of funds. Others will be dependent on local tax and bond issues.

Some of the potential Development Programs are as follows:

Potential development program for CRDC area (Craighead, Greene, Jackson and Poinsett Counties)

Greene County:	
1. Greene County Courthouse	$900,000
2. Walcott, Stanford Water Users Association	200,000
3. Center Hill Sewer System	600,000
4. Greene County Rural Water System	650,000
5. Halliday Water System	475,000
6. Oak Grove Water System	169,321
7. Delaplaine Sewer System	84,000
8. Green County Library	350,000
Craighead County:	
1. Jonesboro Center Urban Renewal Project	8,016,600
2. Monette Water & Sewer System	281,824
3. Brookland Sewer System	182,000
4. Philadelphia Water Association	30,000
5. Craighead County Hospital	5,000,000
6. Jonesboro Civic Center	3,500,000
7. Craighead Vo-Tech School	1,000,000
8. Water & Sewer to Arkansas Children's Colony	113,000
Poinsett County:	
1. Tyronza Water System Expansion	36,000
2. Trumann Water & Sewer Expansion	233,500
3. Crowley's Ridge Water Association Water System	354,175
4. Lepanto Water System Expansion	150,000
5. Weiner Water System Improvements	156,000
Jackson County:	
1. Newport Sewer Improvements	85,000
2. Weldon Water System	439,000
3. Jacksonport Water	82,000
4. Newport Industrial Rail Spur	80,000
5. Newport Air Industrial Park	800,000
6. Grubbs Water	219,000
Multi-county potential development programs:	
Craighead-Greene: Thompson Creek Watershed Imp	$1,101,100
Poinsett-Cross: St. Francis Water Users Assn. Rural Water Systems	434,000
The total amount of these potential programs	25,371,520

Local governments are limited by the amount of revenue that can be generated. Existing laws make it almost impossible to raise matching money for improvements and development programs. Amendment No. 13 to the Arkansas Constitution permits Ad Valorem Bond Issues for capital improvements for a specific list of public improvements. Bonds cannot be issued for longer than 35 years and cannot bear interest at the rate of more than six percent per annum. With high interest rates and the federal threat to tax municipal bonds, very few cities have issued municipal bonds under Amendment No. 13 in the last few years. Cities are limited to a total of five (5) mills on 20 percent assessment for all capital improvements; with an additional five mills maximum for specific projects. Once a city makes a capital improvement and pledges its five mills for 20 or 30 years, then it cannot make another capital improvement until these bonds are paid off.

Your proposed plan for a community development program to provide funds for local government, would eliminate the present and ever-increasing stagnation of our communities.

Local governments in the past have taken advantage of funds available for community improvement projects, according to the local community ability to raise matching funds. Local government officials are too often discouraged by the almost daily increasing amount of red tape and paperwork and delays in the funding of applications.

East Arkansas Development District, North Central Economic Development District, Crowley's Ridge Development Council, Inc. and other service organizations have coordinated efforts for a united thrust to offer assistance in dealing with the problems mentioned in this report. However, other resources are needed to assist local government and communities develop and fund the needed economic development programs. I feel that your proposed plan for Economic Development would offer this assistance.

I want to again thank you for giving me this opportunity to present this testimony at your hearing.

REMARKS BY MAYOR B. H. JOHNSON, COLLEGE CITY, ARK., AT COMMUNITY DEVELOPMENT HEARING CONDUCTED BY REPRESENTATIVE BILL ALEXANDER IN WALNUT RIDGE, ARK., ON OCTOBER 23, 1971

Congressman Alexander, (Ladies) Gentlemen: I am B. H. Johnson, Mayor of the City of College City, Arkansas. College City is located in Lawrence County and had a population in 1970 of 645. I appear here today in support of Congressman Alexander's commendable efforts to establish a workable and effective community development program.

In addition to my duties as Mayor, I am a commercial airline pilot, employed by Southern Airways, Inc., flying twin-engine passenger jets out of Memphis. I am a native of Arkansas, but have spent several years in the cities of Tulsa, Memphis, New Orleans, and Atlanta. My duties as a pilot routinely take me to many other large metropolitan areas, such as St. Louis, Miami, and Chicago.

College City has many problems . . . and just as many, perhaps more, needs. But one important thing my travels have shown me . . . the big cities have their problems too.

I suspect most of you in this room today know of several people, living in one of our large cities, who would like very much to move to some small town or rural area. The reasons are many: to be back with family or friends, get away from pollution problems, escape those high taxes, lead a slower-pace life, get away from the confusion of mass busing, become a gentleman farmer, or . . . well, you know the reasons.

Why do people move to the cities? To find jobs!

Why do our fine young people go to the cities upon graduation from high school or college? To find jobs!

Imagine for a minute a city with: adequate fire protection, beautiful housing, clean, clear, cool water, dedicated schools, efficient hospitals, frilly libraries, great, giant airports, hilarious parks, ingenious industrial park, and, jumbo streets but no jobs.

Just what good, really, are all these refinements if the people can't work? Our people want the dignity of having jobs! They deserve the pride of being employed! They need the security of a regular paycheck!

The number one need for college city is jobs!

The number one need for Lawrence County is jobs!

The number one need for Arkansas is jobs!

The number one need for the entire United States is jobs!

The year 1972 can see all these needs filled! Congressman Alexander, with your leadership, with imagination and determination, we can have jobs!

The year 1972 can be the year of zero unemployment!

The zero unemployment goal can be attained by the following:

1. Establish locally directed and oriented public works projects. These projects would include:

a. Operating child care centers (up to 24 hrs./day).

b. Building and maintaining streets, parks, and playgrounds.

c. Clean-up of public areas.

d. Garbage pick-up, disposal.

e. Building, renovation, and maintenance of public buildings.

f. Working in public owned institutions, public owned factories, retail outlets, and service establishments.

2. Abolish unemployment benefits. Unemployed persons would report to a public works coordination center for assignment.

3. Abolish public welfare assistance to able-bodied persons under age 60 and over age 18. Able-bodied persons would report to a public works coordination center for assignment.

4. Adopt a maximum 40 hour work-week.

5. Restrict and adjust wages.

6. Offer tax incentives to businesses to increase employment.

7. Lower retirement age for Social Security benefits to 60.

8. Increase number of governmental employees at no cost by reduction of pay. Our government practices discrimination by giving all government payroll to such a few. Many of these relatively high paid persons came to the government with no particular skills or specialized training or education. They have been trained by the government, either in service, or on the job. They likely could not make the same money in business or industry. They are over-paid. 1,000 employees earning $12,000 per year could be transformed into 1100 employees earning $10,000.00 per year.

9. Establish a system of Federal Drainage and Flood Control to include all rivers, creeks, and drainages such as Coon Creek and Village Creek.

10. Substantially increase such Federal Agencies as the Federal Bureau of Investigation, Secret Service, etc.

11. Triple number of aviation weather observation points, and vastly improve the dissemination of this information, both to the general public and to pilots. This can be accomplished through wide use of modern computers and watts telephone systems, etc.

12. Undertake a massive crash program to bring our nation's airports up to date with the aircraft they serve. Airports and their associated facilities are up to 50 years behind the modern jet aircraft. It is nothing but sheer luck that we do not lose thousands of persons annually because of our lack of modern facilities.

There is no sound basis—no valid reason—for a 7 or 6 or 5% national unemployment rate. Job diversification essential.

For balanced economic development we must strive for a variety of jobs. A person desiring to engage in a particular occupation should not have to leave his geographical area to find employment. We do not need all farmers, or dressmakers, or mechanics. Heavy industries tend to pay more and would stimulate the economic growth of the area.

Tax incentives for industries and commercial enterprises needed . . .

To provide for the impetus to attract new industries and businesses to our area a substantial tax credit should be allowed for relocation expenses, training new employees, and moving old employees, and for a loss of business for a reasonable time.

GOVERNMENTAL TREND MUST BE REVERSED

Government offices and agencies providing primarily area or regional wide services must be located in small cities and towns. These offices can serve their function as well outside the large cities, their removal would create less congestion in the big cities, less burden on the cities to provide essential services, and workers in the rural areas could perform the jobs just as well. Of course, many present employees, living in the large cities would welcome a chance to relocate to the small town atmosphere. Some examples of the types of offices that should be relocated are:

1. FAA flight Service Stations (Jonesboro, Memphis, Oklahoma City, etc.).

2. Corps of Engineers (Little Rock, Memphis, etc.).

3. Internal Revenue Service Centers (Memphis).

4. U.S. Postal Service Sector Centers (Jonesboro).

5. FAA Air Route Traffic Control Centers (Memphis).

6. Air National Guard units (Memphis, Little Rock, Atlanta, Knoxville).

7. FAA Academy (Oklahoma City).

8. National Oceanic and Atmospheric Administration (commonly called the Weather Bureau) (Memphis, Little Rock, Tulsa, Atlanta, etc.).

The reason our country is great today—the reason you and I are free to choose—free to go—free to enjoy—is because our leaders back during those hard, trying days in the beginning sacrificed and worked. Due to the controls and influences of big government today, the situation is somewhat different than it was 50, 100, or 150 years ago. We must depend on some help from big government to make our environment right—to create jobs. More than that, to see that what money they spend is wisely spent, fairly spent, and that they do not over-pay someone for doing a task. They must correct flagrant discrimination against individuals in small cities in such programs as the Emergency Employment Act which leaves those persons in cities under 1,000 completely out of the program.

OTHER URGENT NEEDS OF AREA

1. Medical facilities.

A. Federal grants for more equipment, facilities, and to promote a program that will attract more doctors, technicians, and nurses.

2. Recreational facilities.

A. Develop additional park facilities.

B. Establish National Forest in Western section of county.

C. Build community centers.

3. Transportation.

A. Development of the present Walnut Ridge Municipal Airport into a regional jet port with a system of satellite airports is essential. The jet port would feature an instrument landing system, longer runways, and other lighting and approach aids. The satellite airports would each have a hard surfaced 3,000 foot runway, runway lights, a rotating beacon, Unicom, public telephone, serve yourself gas and oil facilities, lobby, rest rooms, and a parking ramp.

4. Technical Training facilities.

A. Establish a technical school at College City, to provide needed skills to your young people and those who are underemployed, unskilled, or in a profession that is being phased out because of automation. The school would feature training for a Private Pilot License. All veterans can train for any other profession with the V.A. paying the entire bill. To train as a pilot, he must first pay $800 to $1,000 out of his own pocket. This prevents many from entering their desired field. With aviation such a growing field, this would be a great investment for our community. The school would provide dormitories and a cafeteria for the students.

5. Public Utilities.

A. Develop a county-wide water and sewer system.

6. Retail Outlet Development.

A. The Small Business Administration should provide a mobile field office and make frequent trips to the area, furnishing the following:

(1) Survey of needs.

(2) Site selection assistance.

(3) Train businessmen.

(4) Assist in loan applications.

(5) Speed up processing of loan applications.

(6) Give priority to areas of low income, areas without essential services, etc.

7. Fire and police protection and equipment.

A. Provide grants and low interest loans to buy equipment, build buildings, train personnel, etc.

8. Drainage and flood control.

A. Coon Creek and Village Creek should be placed under the Federal Drainage and Flood Control System and given top priority.

9. Communication and cooperation.

A. More efforts must be made to be certain all local governments are cognizant of Federal programs available to them.

B. Small cities and towns do not have the personnel and facilities to dig through all the "red-tape" required and compile the exhaustive reports necessary for many government programs. The government should determine simply if the town desires the program, then send in a government representative to take care of the paperwork.

10. Housing.

With the national housing situtaion in urban areas reaching crisis proportions, we feel that a partial solution to this problem is to attract many of those now living in cities to return to the rural areas from whence they came.

Many of these people are elderly and would welcome the opportunity to return to their native home place, but many do not possess the resources to do this and there are few places where they can find to live if they did return. Qualified applicants would be eligible for partial or total refund of moving expenses.

We propose a totally new community designed and constructed to be available to these people both here and away. A pilot program that would serve as a model to the entire nation. We suggest that it be limited to those 60 years and older that are still active and not infirmed.

There are many places throughout our nation where people of wealth can find conditions such as those outlined above.

The program we are outlining would serve to provide those hardest hit by age coupled with a program that will permit them to live out their lives both with usefulness and dignity.

We have the necessary land available that could be provided with existing public facilities such as sewer, water, natural gas, and so forth.

This program the "Interested not the Infirm" would be sponsored by a non-profit and/or limited profit group and would be located at College City, Arkansas, and would consist of a minimum of 500 dwelling units.

In addition the following would be proposed:

A. A community center for entertainment and cultural development to enlarge and promote community participation and individual talents.

B. A non-denominational chapel.

C. A central laundry facility.

D. A heated swimming pool.

E. Miniature golf course.*

F. Hobby shops of various kinds using safety equipment.

G. Greenhouse for year-round gardening and flower growing.

H. A community TV cable system.

I. Various games such as shuffleboard, croquet, and etc.

J. Small shopping mall.

K. A community transportation system for scheduled transportation.

L. Educational training—an extension of Southern Baptist College.

M. Infirmary staffed by a medic and/or registered nurse, an extension of all local doctors clinics and Lawrence County Memorial Hospital.

N. Guest rooms for visitors.

O. A management and/or control center.

P. Hostess to oversee and pre-plan activities.

Q. Small industry to provide scheduled, short workweeks for residents.

R. Exercise rooms.

S. Park and fishing facilities.

Mr. Speaker, this is the 10th insertion in the CONGRESSIONAL RECORD of testimony and other materials which I have gathered during my search for ways to assist community development in nonmetropolitan areas. Other materials on this subject appear in the CONGRESSIONAL RECORDS of September 22, pages 32741–32742; October 1, pages 34505–34506, October 6, pages 35409–35410; October 13, pages 36133–36135; October 21, pages 37358–37361; October 28, pages 38121–38123; November 3, pages 39156–39158; November 11, pages 40813–40816, and November 17, pages 41882–41884.

* Regular golf could be played at a country club course only a short distance away.

REPORT ON THE PARIS NEGOTIATIONS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BINGHAM. Mr. Speaker, the course of our negotiations with the North Vietnamese in Paris is of constant concern to the Congress and to the American public. The following report on those negotiations, which appeared in the November 6 issue of the New Republic, is a most thoughtful one by an expert, Mr. George McT. Kahin:

NEGOTIATIONS—THE VIEW FROM HANOI

(By George McT. Kahin)

George McT. Kahin, former director of Cornell University's Southeast Asia program, is the editor of Governments and Politics of Southeast Asia. This article reflects conversations he had during a recent visit to Hanoi with various officials, including Prime Minister Pham Van Dong, Ambassador Ha Van Lau (a former delegate to the Paris talks who monitors the negotiations for the Prime Minister), and with the Provisional Revolutionary Government (PRG) Special Representation in Hanoi. The article also draws on a trip to South Vietnam which Mr. Kahin made shortly before going to Hanoi. During the past four years Mr. Kahin has talked with members of the American and Vietnamese delegations to the Pairs talks, and to representatives of the Democratic Republic of Vietnam (DRV) and National Liberation Front (PRG) in Phnom Penh, Djakarta, Rangoon and Vientiane.)

It is evident that President Nixon has turned away from important negotiating opportunities which were offered by the NLF's Provisional Revolutionary Government at Paris four months ago in its new 7-Point proposal. Despite the desire of Hanoi and the NLF to discuss these points and their willingness to elucidate them in considerable detail, the President has been unwilling even to reconnoiter the much broader path to a negotiated settlement which they opened up. With respect to the release of American prisoners, the safe evacuation of American troops and protection of the South Vietnamese against political reprisals, there is no doubt that these proposals and the Communists' subsequent explanations of them offer much that is new and represent a considerable effort to meet many of the public objections made by Mr. Nixon to earlier proposals.

It has been as clear to the Communists as to the Nixon administration that with Nguyen Van Thieu at the head of the Saigon administration there would be no negotiated settlement of the war. Thieu's vested interest in a continuation of the conflict is much too strong for him to accept any sort of compromise so long as he can count on American backing. The only alternative to a continuation of the fighting which he has offered is the NLF's capitulation, with its individual members invited to lay down their arms and trust to his announced good intentions. Any possible doubt as to his position was removed by his reiteration, particularly during the months leading up to the election, of his "Four No's"—no coalition government, no participation of Communists in government, no neutralism, and no loss of territory (*i.e.* no acceptance of any political accommodation wherein the NLF would retain the areas it now controls).

However, President Nixon's repeated protestations of concern for the safety and welfare of American troops and prisoners led Hanoi and the NLF to conclude that these matters were of great importance to him and that if they made significant concessions on them he would become seriously interested in negotiating an end to the war. They realized that Nixon wanted to maintain Thieu at the head of an anti-Communist government in Saigon. But they did not believe that in pursuit of that objective he would be willing to subordinate the interests of American prisoners and soldiers if he were provided with the opportunity for negotiating their release and safe withdrawal. The Vietnamese Communists expected that out of concern for the welfare of these men President Nixon would be willing to accept a sufficient change of leadership in Saigon to permit such negotiations, although apparently they realized he would not be willing to accept a coalition government, even one with only token NLF participation, at least until after November 1972.

Many of the non-Communist South Vietnamese opponents of Thieu who backed General Duong Van Minh's candidacy in the elections shared this view. They believed that if the U.S. permitted reasonably free elections Minh would win, and that his election would meet at least the interim requirements of both the United States and the Vietnamese Communists. With General Minh in the Presidential Palace the way would be opened for serious negotiations, while at the same time Washington would be dealing with a non-Communist leader who acknowledged that substantial dependence on the United States would for a long time be essential to the viability of his regime. Washington could thus have a non-Communist government in Saigon which the Communists would be unlikely to subject to pressure, at least until after negotiations had been given a genuine try. This process, they argued, would take time and would therefore help ensure that such a regime would be still in place at the time of the American presidential elections—an objective which they believed ranked very high on Richard Nixon's scale of priorities.

Hanoi and the NLF would presumably have found little fault with the logic of this analysis. As they saw it, the Vietnam elections would make it possible for Nixon to leave it to the people of South Vietnam to replace Thieu themselves, thereby making it unnecessary for the US itself to arrange for his ouster. Moreover, by relying on the electoral process President Nixon could be regarded as acting consistently with Washington's oft-repeated pledge of self-determination for the South Vietnamese people.

The Communists' July 1 proposal was, therefore, attuned to the expectation that it would be attractive enough to the US to induce President Nixon to press for a reasonably open election—one which would allow someone to come to power who was representative of the clearly overwhelming sentiment in South Vietnam for an end to the fighting and a settlement by negotiation. Appreciation of this point is essential to an understanding of the July 1 proposals. If one keeps in mind the distinction between agreements and their execution, and that some of the bilateral agreements between the United States and the Communists require trilateral (that is, including Saigon) cooperation in execution, then it is easier to appreciate why the Communists believe there is a necessary interdependence between the section in their proposal relating to military matters (Point One) and that relating to political power (Point Two). Without question Saigon's cooperation is essential with respect to the exchange of prisoners, and almost certainly it is needed with regard to the safety of withdrawing American forces. As these are the two provisions likely to be most highly prized by the United States, the Communists had reason to believe that it was in the US interests as well as theirs to have a regime in Saigon which would not be an obstacle to implementation of any agreements reached.

The proposal which the Communists offered on July 1 is that if the US will stipulate a terminal date for the withdrawal of all American and foreign allied troops from Vietnam, they are prepared to enter into an agreement with us providing for the safety of these forces as they withdraw and for the release of all war prisoners—the last prisoner to be released concurrently with the departure of the last troops. (The July proposal indicated that this should be accomplished "by the end of 1971," but they are flexible concerning the date, regarding it as negotiable and extendable.) Whereas a year ago the Communists were prepared merely to

engage in "discussions" concerning these matters, with this new formula they met one of President Nixon's major objections by being prepared actually to come to an agreement with us spelling out in detail the nature of the safeguards that are required.

At the level of actual implementation there is an inescapable interpedendence between agreements reached on military matters (withdrawal, cease-fire, and release of prisoners) and the question of political power in South Vietnam. Their proposal for a bilateral cease-fire with the forces of the US and its foreign allies as soon as the US gives a firm date for total withdrawal is something upon which an agreement can be negotiated directly with us, whether or not the Saigon government is in accord, although it might be very difficult to carry out this agreement without Saigon's cooperation. But with respect to the release of prisoners—"the totality of military men of all parties and of civilians captured in the war"—the problem is necessarily a three-sided one, and implementation of any agreements absolutely requires Saigon's assent and cooperation. Many of the prisoners involved are, of course, held by Saigon—both captured soldiers and political prisoners (non-Communist as well as Communist). And it is here that the consequences of past US military expediency have come back to haunt us. For we have given Thieu custody of the soldiers our forces have captured, and thereby we have made the problem of prisoner exchange much more difficult—necessarily a trilateral affair requiring Saigon's positive participation.

In talking with spokesmen of the NLF and the Hanoi government I gained the clear impression that the part of Point 2 that is essential to carry out if agreements on military matters are to be made operative is that calling for the United States to "respect the South Vietnamese peoples' right to self-determination, put an end to its interference in the internal affairs of South Vietnam," and specifically to cease its efforts to maintain Thieu in power. (With their proposals coming out three months before the South Vietnamese election, they added "and stop all maneuvers, including tricks on elections, aimed at maintaining" him.) The Communists are not, as the Nixon administration alleges, calling upon the United States to "overthrow" Thieu, but simply to stop propping him up in defiance of the opposing majority of South Vietnamese opinion. In the interval between their July 1 proposals and the election they hoped to see a sufficient reduction in American partisanship to permit the South Vietnamese electorate to vote Thieu out of office.

Most of the remainder of Point 2 is of less immediate interest to the United States and covers arrangements whereby three elements—a new Saigon administration, the NLF and those South Vietnamese elements not attached to either of these other two groups—can arrange for a cease-fire between the military forces of Saigon and the Communists and work out a South Vietnamese political settlement. However, there is one other matter under Point 2 which should be of more direct concern—that relating to guarantees against political reprisal. Believing that President Nixon advanced his "bloodbath argument" as an excuse for avoiding a negotiated settlement, the Vietnamese Communists have given special prominence and stronger emphasis to their long-held position that any settlement must provide for concrete measures and effective guarantees prohibiting reprisals against people who have collaborated with whatever party. It is, I think, an earnest of their concern that in response to my questions they indicated they would be in favor of exploring possibilities for international supervision as a means of providing such guarantees, the object, they emphasized, being to agree on "the most effective measures."

Although the NLF and Hanoi are adamant in their insistence that any political settlement in Vietnam must be fashioned by the Vietnamese parties themselves without foreign interference, one of the strikingly new features of the July 1 proposals is the emphasis accorded to an international guarantee of any settlement that is concluded. Indeed, they have introduced a separate point (Number 7) in order to give this matter prominence. A Hanoi spokesman stated to me that there was an important role for outside powers in guaranteeing the settlement reached, and that there should be discussions at Paris concerning this matter. There, he said, whoever has opinions concerning "the concrete details about organization, duty and competence, etc." of international supervision can raise and discuss them. Moreover, he gave me the impression that in his government's view the scope for international guarantees need not be limited to agreements between the several Vietnamese parties, but could possibly be extended to cover the accords which Hanoi and the NLF reached with the United States on matters of cease-fire, exchange of prisoners, and the safe withdrawal of American and Allied forces.

In an effort to ascertain which foreign powers the Hanoi government though might appropriately participate in guaranteeing a Vietnam settlement, I asked whether China, the Soviet Union, Great Britain and Japan might be possibilities. No comment, either positive or negative, was made concerning the first three countries, but it was made very clear that Hanoi would never accept Japan in such a role. Bitterness against Japan stems not merely from memories of the Japanese occupation, but also from their conviction that Japan has been a major ally of the US in its Vietnam intervention, providing what they term the "real logistical base" for American forces, while deriving great economic profit from the war. Moreover, Hanoi is profoundly repelled by Nixon's earlier suggestion that Japan assume military responsibilities in Southeast Asia.

The Communists argue that once the first two points in their July 1 proposal have been agreed upon there will be little difficulty in resolving the others, and they emphasize that, as with Points 1 and 2, they are open to discussion on all these points at Paris anytime the US wishes to raise them. (Points 3 to 6 follow closely similar points advanced by the Communists in their 1969 and 1970 statements; they are respectively headed: "Regarding the Question of Vietnamese Armed Forces in South Vietnam"; "Regarding the Peaceful Reunification of Vietnam and the Relations Between the North and South Zones"; "Regarding the Foreign Policy of Peace and Neutrality"; and "Regarding the Damages Caused by the US to the Vietnamese People in the Two Zones.") They repeatedly stressed to me that they are flexible and ready to discuss in Paris any aspect of their proposal, and in any order, that the US wishes; and that they are also prepared to discuss any points of its own which the United States wants to raise.

The extent to which spokesmen of Hanoi and the NLF were willing to elucidate and discuss details and nuances of the 7-Point proposal with me makes clear that if the US really wishes to talk substance, there is a great deal directly germane to a settlement that can be discussed at Paris, if only President Nixon will give his representatives there a mandate for doing so. Unless one equates "stubbornness" and "uncooperativeness" with the Communists' unwillingness to negotiate their own surrender, it is clear that major responsibility for the impasse at Paris lies with the Nixon administration.

Apparently President Nixon still believes that by heavy reliance on American air power and artillery, he can provide Thieu with the minimally necessary amount of support for ensuring the survival of his regime through 1972, while at the same time withdrawing American troops at a rate, and keeping their casualties down to a level, tolerable to most of the American public. As a fall-back position, in case American casualties again become numerous enough to enflame public opinion against him, the President retains the option of making a well-publicized move toward negotiation in the form of a proposal realistic enough to blunt domestic criticism, even if it did not at that late stage succeed in convincing the Communists that he is serious. At least for his American audience he might be able to develop a plausible argument that the time necessary to give such a new proposal a fair chance required patience, until after November 1972.

In the meantime, President Nixon has, of course, bought time with the American public because of expectations concerning a Vietnam settlement aroused by his projected trip to Peking. Past statements of his and of previous administrations have undoubtedly conditioned many Americans to assume Hanoi's subservience to Peking's wishes; and this myth is now useful to him. It is bound to take some time before Americans appreciate that the proposition that Peking can be relied upon to use its good offices in a Vietnam settlement in a way that favors the United States is no more realistic than the Nixon administration's earlier assumption that Moscow would do so. Whatever the President's expectations, Hanoi and the NLF are evidently not worried that his conversations in Peking are going to lead to any diminution of Chinese support in their struggle with the United States. Nor do they see him inducing China to sponsor an international conference on Vietnam or on Indochina as a whole against their wishes—and they do oppose any such conference unless it is for the purpose of guaranteeing agreements reached at Paris or by the Vietnamese parties themselves. There is no reason to believe that the Chinese could force such a conference on the Vietnamese Communists, and there is no evidence to indicate that they want to try. President Nixon cannot by-pass Paris by going to Peking.

Mr. Nixon can get a cease fire with the Communists in Vietnam covering American forces and those of our foreign allies; he can get all remaining Americans and foreign allied troops out safely; he can secure the release of all American and allied prisoners; and he can get safeguards to help protect the various Vietnamese parties against reprisals. But he cannot get these and also maintain Thieu in power. And he cannot maintain Thieu or any other anti-Communist government in Saigon much longer unless he is willing to commit more American lives to that proposition than the American public is likely to tolerate. For it has become increasingly clear that the withdrawal of American troops increases neither the ability nor the desire of Saigon's forces to protect the Americans who are left behind.

The NLF and Hanoi certainly have the capacity to upset the President's calculations and his timetable, but the propitious time for them to do so would be later, well into the dry season and after a larger number of American troops have withdrawn. A President who has talked so often in terms of negotiating from strength is then likely to find that his negotiating position has become much weaker, and he may well be reproached at home for not having followed up opportunities for saving American and Vietnamese lives offered in our adversaries' recent negotiating offer.

NEW JOB LEGISLATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, today I am joining my distinguished colleague, the gentleman from Wisconsin (Mr. REUSS) in introducing legislation to create 500,000 new jobs for unemployed Americans and get our economy rolling again. The 500,000 jobs would be federally financed, locally administered public service jobs.

A large-scale Federal effort such as this is needed without delay to provide work for the unemployed, to make available public services which would otherwise not be provided, and to bolster the sagging economy.

This bill would mount a three-pronged attack on the financial ills which now plague our Nation. First, and most important, it will put unemployed Americans back to work. There are presently more than 5 million Americans who are unable to find a job, and without some type of firm, positive action, the rising rate of unemployment will continue to soar upward. According to one estimate, we will have to find 2.4 million new jobs in 1972 just to keep unemployment from getting worse.

This bill will provide our taxpayers with vitally needed public services and will simultaneously head off local tax increases. Earlier this year, as part of a constructive alternative to President Nixon's new economic policy, I urged that more Federal funds be used for programs such as this to aid State and local governments and to head off further increases in local taxes. This proposal would accomplish these purposes by utilizing Federal funds to place unemployed persons on the payrolls of local government agencies to provide badly needed services in the area of education, health care, day care, parks and recreation, libraries, pollution control, conservation, and public works.

This bill would give our sagging economy a badly needed shot in the arm. According to a recent Gallup poll, public concern over economic problems is greater today than at any other time since the job-lean years of the late 1930's when one-sixth of the total working force was unemployed. Since President Nixon has taken office, unemployment has risen constantly, from 3.3 percent up to around the 6-percent level. In my own State of Michigan the unemployment situation is even worse. For the past year it has been approaching 10 percent.

Mr. Speaker, this program is urgently needed because the economic policies pursued by the Nixon administration have been nothing but total failure. Ever since Mr. Nixon's inauguration this country has been plagued by inflation and continually rising unemployment. The President, in introducing his new economic policy, has finally acknowledged that something must be done about inflation.

I would hope, with the introduction of this bill, that he will also acknowledge that something must be done about unemployment. One year ago Mr. Nixon vetoed a job-creating bill similar to this and referred to the public service jobs it would have created as "dead-end jobs" and "WPA-type jobs." In that veto message, in December 1970, Mr. Nixon assured us that he believed his economic policies were working and that he believed the economy was moving up. He stated further that he was not satisfied with the unemployment rate, which was then 5.8 percent.

Today, almost 1 full year later, the unemployment rate is still 5.8 percent, and our economy has still not "gone up." It is time for Congress to provide this country with leadership which the Nixon administration has either been unable or unwilling to exercise.

Enactment of this bill would directly attack the problem of unemployment by immediately creating jobs for 10 percent of those presently unemployed. Furthermore, this program will stimulate the stagnant economy by putting money in the pockets of no-income and low-income persons which in turn will bolster the sagging consumer demand. More consumer demand in turn will lead to more business sales, more investment, and more jobs. The money to finance this program can be readily found simply by cutting back on some of the proposed tax reductions and tax credits for big business.

Mr. Speaker, the President has asked for our cooperation in restoring stability to our shattered economy. The best way to do this is to insure that every American has a job. This program is a step in the right direction. It is a step toward getting this country moving again. I would hope that it will receive the immediate endorsement of President Nixon, and I would hope that all of my colleagues on both sides of the aisle will offer their strong and immediate support.

At this point I would like to insert into the RECORD a short summary of some of the more significant provisions of this bill:

SUMMARY OF BILL

This bill would amend the Emergency Employment Act of 1971 (Public Law 92-54, July 12, 1971) as follows:

(1) Funding.—The present law authorizes $1 billion for FY 1972 and $1.25 billion for FY 1973. The proposed bill would authorize a total of $2 billion for FY 1972 and $4 billion for FY 1973.

(2) Distribution of funds to States.—The present law provides that 80 percent of the funds in the main section 5 program must be apportioned among the States: in an equitable manner taking into consideration the proportion which the total number of unemployed persons in each such State bears to the total number of such persons, respectively, in the United States.

The proposed bill tightens this formula to require that this money be distributed solely "on the basis of the proportion which the total number of unemployed persons in each such State bears to the total number of such persons in the United States."

(3) Distribution of funds within States.—the present law provides for distribution of funds within the States: in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in each such area bears to the total number of such persons, respectively, in that State.

Again, the proposed bill tightens this up to require apportionment based solely on the proportion of unemployed persons in the area.

(4) Eligible applicants.—Labor Department regulations presently do not allow units of general local government with populations lower than 75,000 to apply directly to the Secretary of Labor for funds, requiring them instead to go through their State governments.

The proposed bill would remedy this situation by allowing units of general local government, and voluntary combinations of such units, to apply directly to Washington for funds if there are at least 1000 unemployed persons within their jurisdiction. Funds would be "provided directly to" and "admistered exclusively under the direction and supervision of, such units of general local government." Their applications would be acted on by the Secretary of Labor "without reference to, or approval of, any other agency in the State."

(5) Full Federal funding.—The present law limits the Federal share to 90 percent but allows states and localities to make up their 10 percent share "in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services." Furthermore, the Secretary can allow 100 percent Federal funding if "special circumstances or other provisions of law" warrant it.

The proposed bill would simply allow 100 percent Federal funding.

(6) More reliable funding.—The present law requires that the main Section 5 program be terminated when national unemployment falls below 4.5 percent for three consecutive months, and emphasizes throughout that the public service employment program is only to be temporary and transitional".

The proposed bill reduces the cut-off unemployment level to 4 percent and eliminates the word "transitional" wherever it appears. This will permit states and localities to run their public service jobs programs without the fear that funds will be cut off abruptly.

All other provisions of the Emergency Employment Act of 1971 would be left unchanged.

COMMUNITY REPORTER MARKS 25TH ANNIVERSARY OF ITS FOUNDING BY PUBLISHER ATTILLO J. MONACO

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ANNUNZIO. Mr. Speaker, I take this opportunity to congratulate Mr. Attilio J. Monaco, publisher of the Community Reporter, an outstanding neighborhood newspaper in the Chicagoland area and in my own Seventh Congressional District of Illinois, which is marking its 25th anniversary on December 5, 1971.

The Community Reporter has made a substantial contribution over the years by its forthright coverage of events affecting the citizens in our neighborhood. Ever since its founding by Mr. Monaco, this newspaper's policy has been and still is to render outstanding service to all races, nationalities, and creeds, and especially to the residents of the area it serves.

Mr. Monaco, whom I know personally, is a dedicated civil leader who has given of himself, his time, his efforts and his funds in order to serve his fellow citizens. He has participated in countless humanitarian activities, and last year was selected as Man of the Year by the Marshall Square Chicago Boys Club. When Mr. Monaco was selected as Man of the Year, all of the proceeds from the banquet in his honor were given to the club and were used to good advantage in helping the boys and girls of the Little Village Community.

Additionally, he has received the Citation of Appreciation, Chicago Boys Club; the Award of Merit, Catholic War Veterans; the Citation of Appreciation, Infantile Paralysis; the Award of Distinguished Service, American Cancer Society; the Plaque for Outstanding Community Service from Citizens of Little Village Community; the Award of Merit, Home Owners Preservation and Enterprise; the Citation for Community Preservation, St. Casimir Post; the Citation for Outstanding Service, Father Flanagan's Boys Town; the Certificate of Appreciation, Kiwanis Club of Little Village; and a Certificate of Participation from the American Legion.

The youngest of 13 children, Attilio J. Monaco was born in Warrenville, Ill., on July 30, 1917, to immigrant parents, Dr. Giuseppe Monaco and Antoinette Colletta Monaco. His biography renews our faith in the American way of life, for by his own efforts, Mr. Monaco has achieved not only personal success but the rewarding opportunity to be of service to his fellow citizens.

He graduated from Morgan Park Military Academy, received a Bachelor of Science degree from Loyola University, and served as a commissioned officer with the U.S. Army Reserve. He began work in 1939 as an accounting clerk for the Chicago District Generating Corp. Subsequently, he served as senior auditor with Commonwealth Edison Co., and vice president of Mitchell Serdiuk, Inc. He founded the Community Reporter 25 years ago and is serving as chairman of the board and president of the Community Reporter newspapers. He is also president of CF Printing Service and chairman of the board and president of M & M Printing & Publishing Co. Additionally, he is one of three organizers of the official Chicagoland and Community and Suburban Newspapers Organization, which represents in excess of 100 publications.

Those who have had the opportunity to come to know Attilio Monaco are keenly aware of the tremendous contributions he has made over the years toward the betterment and well-being of his community. Again, I congratulate him, his devoted wife, Rosemary, and their five children, Michael Stephen, Suzanne Lou, Stephen Attilio, Diane Alice and Alicia Janet, as well as the staff members of the Community Reporter, on reaching this silver anniversary. I extend my best wishes to Attilio Monaco for abundant good health and continuing success in publishing the Community Reporter as well as in his many other worthy endeavors.

THE DESPERATE NEED FOR PRISON REFORM

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BELL. Mr. Speaker, because of my involvement in the effort for prison reform, I read a great deal of the ever-expanding literature on this crucial topic.

Few articles that I have read in recent months, however, have been as thought-provoking and informative as the report by Congressman MIKVA which appeared in the Chicago Sun-Times.

Mr. MIKVA, along with seven other members of Subcommittee No. 3 of the House Judiciary Committee, Congressmen CONYERS, DRINAN, RAILSBACK, BIESTER, FISH, COUGHLIN, and Chairman KASTENMEIER, inspected several jails and prisons throughout the Nation. Having made similar visits to various correctional institutions, I can attest to the accuracy of Mr. MIKVA's observations, and, therefore, urge a careful reading of my colleague's compelling commentary.

THE DESPERATE NEED FOR PRISON REFORM

(By Representative ABNER K. MIKVA)

"The degree of civilization in a society can be judged by entering its prisons"—Fyodor Dostoevsky.

Across the bay from San Francisco, in the Alameda County Jail, some of the prisoners are kept in "tiger cages." They are similar to the infamous prison cells on South Vietnam's Con Son Island except that, in Alameda County, lye is not thrown on the men to keep them quiet. Instead, tear gas is used.

The cells measure 7 feet by 7 feet. There are two men in each cell, and they take their meals there—next to the toilet, which seems to dominate the small space. The cells have no windows. The ceilings are wire mesh so the guards can patrol from a catwalk and peer down into the cells. Some of the prisoners have not been convicted yet; they just cannot raise bail money. The formal name of the county jail is the "Santa Rita Rehabilitation Center."

Last March, a federal judge ruled the maximum-security section at Alameda violated the Eighth Amendment to the Constitution. It amounted to "cruel and unusual punishment." The sheriff's office insisted on the absolute need for that part of the jail, and it was decided to improve the jail, instead of razing it, as the judge had suggested. Since then, a rather substantial amount of federal funds has been spent on the jail to make some rather insubstantial changes.

Since the rebellion at Attica State Prison in New York, there has been a great deal of discussion about prisons and rehabilitation centers and the desperate need for reform. The concern is not misplaced. That much was painfully evident as I visited jails and prisons in various parts of the country with the House Judiciary subcommittee working on prison reform. The visits were made to get a better idea of the problems of prisons, the problems of the prisoners, the guards and the prison officials, so that we can try to find the right legislation to help solve them. The three days we spent at California "correctional institutions" were the most compelling because California has at the same time the best and the worst of this country's prisons. The state has the most enlightened, the most progressive prison system in the United States, but it has been torn by some of the most violent prison rebellions.

The Alameda County Jail does not have the stature or the reputation of a prison like San Quentin. (Burt Lancaster and James Cagney never "did time" at Alameda.) San Quentin is the oldest and most formidable of the 13 state prisons in California. The first prisoners were brought there in 1852, six years before Illinois started putting stone and steel together to build the Old Prison at Joliet—the old prison where, last month, guards fought a five-hour battle with rebellious prisoners. Besides San Quentin and Joliet, there are 23 other fortress-like prisons in this country built before 1900.

As we drove into San Quentin, my first feeling—and that of the other seven Congressmen—was one of disgust and frustration. There is supposed to be a rehabilitative ideal at work, but how can people be rehabilitated when they are not treated as human beings? Walls and iron cages are for punishment and society's vengeance, nothing else. For most prisoners, rehabilitation is just a word.

The warden at San Quentin told us he was responsible for 2,800 inmates, 95 of them on death row, and he talked with pride about the 16 different vocational training programs the prison offers. Of course, only one of every eight prisoners can take part in the program because there are not enough instructors or facilities. A man has to stay in San Quentin about 18 months before he gets his turn at body and fender repair or meat cutting or offset photo process. There is also a clothing factory that would have delighted Lewis Carroll: it uses obsolete machinery to train men for jobs that do not exist.

We had not been in San Quentin 10 minutes when the prison official turned to us and said, "If you are taken hostage during this tour, you're going to be treated as a dead man.

"We tell the same thing to the guards," he said. "We don't bargain with the prisoners no matter what the stakes, and the prisoners know that." To make sure there are no bargains, the guards watch the maximum-security section with automatic rifles and shotguns.

I had never been afraid in prisons or jails, even when Warden Winston Moore let me walk through the worst sections of the Cook County Jail. But I was afraid at San Quentin. There was a look of quiet desperation and profound bitterness on the faces of some of the prisoners, and there was no question in my mind that they could kill without provocation, without even trying to escape. They could explode into violence because they had been there long and because they had nothing to lose.

San Quentin was never a pleasant place to begin with, and it is even worse now. The prisoners told us they feel brutalized. The guards told us they feel terrorized. The starting salary for a guard is $650 a month, and they are understandably reluctant to risk their lives. Some prisoners, on the other hand, would risk their lives on a dare. With polarization like that, prison riots should not be surprising. Things are not much different at prisons in other states, including Illinois.

In California prisons, the maximum-security section is called the Adjustment Center, and officials told us that the "revolutionary" and the "incorrigible" prisoners are sent there. The prisoners call it the "AC." The doctor who used to be the chief psychiatrist at Soledad says the AC should be destroyed: "I don't think a place more destructive of a man's mental health could be devised. . . ."

At San Quentin, death row is on the second floor of the AC, the gas chamber is in the building behind it, and the whole complex rests near the spot where they built the first dungeon at San Quentin 115 years ago. The cells are tiny and dirty, and the prisoners get coffee and milk in the morning and two meals a day—showers once or twice a week, at least theoretically. Instead of psychiatric help and rehabilitation, the men in the AC get discipline and punishment. We carried away two

sensations from the AC: the overpowering smell of humanity and the overwhelming sense of desperation.

One of the prisoners who spent time in the AC wrote the parole board:

"I'm tired, tired, tired and tired of being tired. I have spent the last 22 months in the hole, been starved, tear-gassed and beaten. In all honesty, I must say I'm bitter. But not at any individual. I'm bitter at this system. . . . Prison does not aid society or protect it, it breeds contempt for it . . . and I refuse to believe you people are so callous that you feel 10-, 15-, and 20-year sentences in this place aid anyone. Yet, if you are trying to murder us on the installment plan, I must commend you for the thorough job you are doing."

It does not really matter if all the claims of brutality are true. Prison has changed that man, and society is not the better for it.

The State Department of Corrections ordered a report on California prisons by an independent group of lawyers, lawmakers and citizens. It recently recommended that San Quentin be abandoned because "decent living conditions are most unattainable . . . it is ugly and depressing.

California always gets credit for having the best prison system in the country, and the state's achievements in prison reform are impressive, especially when compared with the other states. The prison population has decreased in the last 2½ years—from 28,600 to 20,800—and there are no more prisoners now than there were in 1960.

The state has special institutions for prisoners who need psychiatric help (of course, they cannot handle all the prisoners who need help), and it has begun to recruit more black and Mexican-American prison guards. California has a unique probation-subsidy program that pays counties up to $4,000 for each prisoner that a judge places on probation. The money is used to improve local probation services and rehabilitation within the community. As a result, only one of every 10 convicted felons is sent to prison, and the nine placed on probation not surprisingly tend to stay out of trouble.

The recidivism rate is an all-purpose statistic that indicates how many people released from prison end up there again, convicted of another crime. California's recidivism rate is probably the lowest in the country—just over 30 percent—and it is moving in the right direction. The director of the Department of Corrections, Ray Procunier, said it was difficult to pinpoint the reason for this decline. He mentioned stronger rehabilitation programs, an improved public attitude about ex-convicts and better work by parole agents as factors.

"However," he said, "a closer look often reveals other more likely reasons—a sympathetic and helpful correctional officer, a chance association with a legitimate citizen, or the love of a good woman."

Even with statistics, it is difficult to judge and compare the success of a rehabilitation program or a prison system. By their nature, prisons are not open institutions, and the evidence that comes from within, from both sides, is often intangible, emotional and almost impossible to prove. An attorney who has been working on the problems of prisons and prisoners described the dilemma for us:

"When the Department of Corrections tells us that correctional officers are caring, compassionate and professional, and the inmates tell us that they have been treated indifferently, callously and on too many occasions brutally, we have a credibility problem. . . ."

That is evident after the first hour behind prison walls. The statements from the prison officials, the statements from the prisoners—both seem to be extremes with elements of truth. The whole truth is somewhere between them.

California has pioneered programs that reduce the isolation of prison life. At some prisons, anyone in a prisoner's immediate family can visit with him for up to two days in the privacy of a small apartment. Since 1969, inmates within 90 days of parole have been permitted to make unescorted visits home, and that program is being expanded to prisoners with more than 90 days left to serve. The benefits are obvious—it eases the abrupt transition from prison to society. But the transition still is abrupt.

"When I get out of here," one man said, "the state will give me $68, less the cost of a suit of clothes and transportation. The first thing I'll do is find a woman.

"In a few days," he said, "the money will be gone and, even if I find a job, they wouldn't pay me for a couple of weeks. What the hell am I supposed to do?"

Not all California reforms have worked so well as its experimental programs of conjugal visits and weekend passes. The prisoners still complain about rampant homosexuality and the food. The food is better than we expected, though. There is an emphasis on starches and pork, and most prisons allow extra helpings of bread and potatoes while limiting the amount of meat and dessert.

In California, the biggest complaint of all is saved for the "indeterminate sentence." Convicted felons in the state get an indeterminate sentence, like 1 to 20 years for armed robbery, instead of a fixed sentence. Theoretically, they are eligible for parole after serving one-third the time of the minimum sentence. The idea is that prisoners who show a readiness to return to the community, prisoners who have been rehabilitated, will be able to get out earlier than would have been possible under a fixed sentence. Theoretically, a panel of skilled experts evaluates a prisoner's performance and record at least once a year, looking not so much at the crime as at the man and his development. Under this system, the parole board has the power of a god.

There is evidence that the power has been abused. One prisoner said serving time under the indeterminate sentence is like "going to school and never knowing when you are going to graduate." The indeterminate sentence can be a whip in the hands of prison guards and the parole board, a method to make sure prisoners "toe the mark." The parole board works from a prisoner's file when it considers his case, and a guard can put anything in that file without being challenged.

Until a recent court decision, there was no such thing as significant "due process of law" for prisoners, especially when they went before the parole board. The hearings are often curt and cursory, and when parole is denied, it is denied without an explanation.

"Before they will parole you," one prisoner said, "they must see something in your eyes, that certain look that signifies you are broken." If a prisoner doesn't pass the parole board, he doesn't get out. In most cases, a man convicted of a crime in California will stay in prison longer than if he had been convicted in any other state.

Members of the parole board staunchly defend the program. The chairman of the board said, "this law provides an essential flexibility to an administrative agency which treats each man as an individual within the framework of the law. Our failures are sometimes highly publicized; our success cases are almost never heard from."

Rehabilitation and the rehabilitative ideal are not new to this country. Before the 1800s, jails were just a place for keeping people before they were punished—thieves' hands were cut off and, in England, men were hanged for shooting rabbits. Many prisons even charged their "clients" money, so much for getting in and a bit more for getting out. In 1870, a group of prison "reformers" met in Cincinnati and recommended vocational training, indeterminate sentences and quick parole.

With some exceptions, prison reform in this country has not reached even 1870 standards. If there has been reform, it is only that physical degradation has been replaced with psychological degradation—sometimes. The prison system still is a failure at $1 billion a year.

In the exceptions to that trend, there is some hope. Pressure is building for prison reform. Prison guards are demanding more pay and better conditions. Prison officials are asking for more help and more money. And more attorneys have begun to work with prisoners to correct the abuse they see.

Reform and rehabilitation are not magic words. To begin with, only co-operative prisoners have access to vocational training. The revolutionaries, the hardened criminals get the AC. Yet these are men who may be the most dangerous when they are sent back to society.

Clearly, more psychiatric counseling and vocational training are necessary. But it will also take a monumental change in the public's attitude. A few years ago, a national poll showed that 72 per cent of the people favored significant prison reform, but only 43 per cent would hire an ex-convict to be a janitor. If a prisoner gets special job training or special help, some people think that's going too far; that, after all, prisoners have committed crimes and they ought to be punished. Retribution and vengeance—they have been part of the prison system for centuries, but people hate to admit it.

Retribution and vengeance don't protect society. The laws and the courts call for 20- and 40-year sentences for armed robbery, theoretically to keep these dangerous men off the streets. But what consolation is there if, when his time is up, the prisoner is going to be more bitter and more dangerous?

There are no easy answers. After visiting these prisons, I do not have any. The important thing is to begin, and begin with the small things—more rehabilitation, conjugal visits, shorter prison terms—because this country has never made a positive national commitment to solving the problems of the prison. I am convinced that we cannot delay that commitment any longer.

We can begin by tearing down the prisons that are nothing more than warehouses. It is possible to build prisons that are safe and secure without the emphasis on walls and locks and bars and darkness—without slapping a prisoner in the face with it, saying "You are inferior, and we are keeping you in a cage."

We need smaller penal institutions. It simply is not possible to handle 2,000 prisoners in one prison without treating them as animals. Until the prisons are small enough, rehabilitation will be a luxury for only a few. At Soledad, another California prison, we saw a good example of what decreasing the prison size can do. When the officials there decided to "cool things off," they started by moving 900 prisoners to San Quentin. Even with that modest decrease in size, Soledad became a different place.

At our hearing in California after the prison visits, one of the witnesses cynically observed that the current concern about prisons is a phenomenon that occurs every 30 or 40 years but disappears quickly. If he is right, if the present concern is superficial, prisons will continue to be a plague on society. I do not think the concern is superficial this time, but the country must become aware that prison reform does not come cheaply or quickly. After all, there really is no alternative: we cannot ignore the problem. If we do not find a way to correct people who break society's rules, those people may break society.

At the Alameda County jail, as we walked down one of the cellblocks, a prisoner thrust a note into my hand.

The note said he was 21 years old, and he

had been locked up in a 7-by-7-foot cell with another prisoner for almost a year. He had been involved in a "shootout" with the Oakland police, and the prison officials consider him a revolutionary. He is allowed out of his cell only four times a week and then only for short periods of time. The "shootout" was his first offense, and he pleaded guilty in exchange for a less serious charge. He said he has asked to be put with the other prisoners because he is no longer a revolutionary. But prison officials had refused. So he stays in that small cell. The note ended this way:

"If I live through this year, I never be the same, all I fine (sic) myself think(ing) of is hate, hate, hate. They won't give me a chance to change."

If that is the best we can do for prisoners, this society ought to be judged even more harshly than Dostoevski suggested. I think we can do better. Indeed, we have to do better.

HIGH UNEMPLOYMENT—ILLEGAL ALIENS ARE A CAUSE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ANDERSON of California. Mr. Speaker, unemployment in our country is entirely too high.

In the United States, nearly six people out of every 100 are looking for work, but cannot find it.

In my area, Los Angeles, out of every 13 people seeking employment, one person cannot find a job.

And these figures represent only those who are looking for work. We must remember that many have given up trying to find a job.

REASONS FOR HIGH UNEMPLOYMENT

While the reasons for the high unemployment rate vary from area to area, in Los Angeles, people are generally out of work for four basic reasons.

First, the economy is stagnant. Business and industry, because of uncertainty, and a lack of confidence in the future, are not expanding. Rather, they have cut back production and, in fact, our plants and factories are not using approximately 25 percent of their facilities.

Secondly, foreign imports have taken a larger share of the U.S. market. American companies are locating their plants overseas in order to take advantage of low tax rates, low U.S. tariffs, and cheap labor. In addition, foreign companies, using U.S. technology, but with cheap foreign labor, are shipping billions of dollars worth of goods to the United States. This is especially true in the electronics, textiles, and automobile industries.

Third, Federal defense contracts have been cut back. Because of the winding down of the war in Vietnam, and because of a reordering of priorities, defense research and development funds have been cut back.

Fourth, illegal aliens are taking jobs from Americans seeking employment. According to the California State Department of Industrial Relations, 100,000 illegal aliens were employed in California in 1969, and they earned over $100 million in wages.

Mr. Speaker, hopefully, the Revenue Act of 1971 will correct part of the unemployment problem. This measure is designed to spur the economy and create approximately ½ million jobs. In addition, the Revenue Act of 1971, coupled with the 10 percent surcharge on imports, is designed to provide a degree of protection for our domestic industries.

But, today, Mr. Speaker, I am introducing legislation which would plug a loophole in our tax law in order to encourage U.S. employers to hire U.S. citizens rather than illegal aliens.

This measure would disallow a deduction, as a business expense, any salary or wage knowingly paid to aliens illegally employed in the United States. In effect, this bill would give the employers an incentive to hire U.S. citizens, for if he knowingly employed illegal aliens, he could not deduct their salaries from his Federal income tax.

California recently enacted a law which may help the local situation, but I feel that the Internal Revenue Service, working in close cooperation with immigration officials, could do much to solve a problem that is adding heavily to our unemployment, and increasing our welfare rolls.

By cracking down on employers who knowingly hire illegal aliens, this legislation could improve job opportunities for an estimated 100,000 Californians who earnestly seek employment.

NATURAL GAS SUPPLY CRISIS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. MURPHY of New York. Mr. Speaker, recent committee hearings on H.R. 2513, which I introduced early in this session, established three clear-cut reasons for the existing—and alarming—natural gas supply shortage.

One reason is the steadily increasing domestic consumer demand for a low-priced, clean-burning fuel such as gas. Another is the growing demand by industry for a clean-burning, efficient and economical fuel which enables industrial plants to comply with Federal, State, and municipal regulations governing environmental pollution. And a third reason is the sharp decline in recent years in producer exploratory efforts and discovery of new reserves.

The situation regarding increased consumer and industrial demand for gas is not expected to change. So we have to turn to the third reason for the supply shortage. The plain truth is that our hope for obtaining adequate supplies of natural gas lies in understanding the cause of the slowdown in exploration and development and undertaking to eliminate that cause or at the very least to soften it.

H.R. 2513 represents an effort to move in that direction. All the experts say the gas is out there in enormous quantities waiting to be found. Potential gas reserves of the United States, according to no less an authoritative source than the U.S. Geological Survey, are sufficient fully to meet the Nation's requirements for many years to come.

Unfortunately, present Federal law and regulatory policy have left producers with little incentive to find and develop these potential reserves.

The gas supply shortage, with the consuming public as the helpless victim, is traceable directly to this loss of incentive.

Too many uncertainties hem in the gas producer's operation. He can never tell what the rules of the game are going to be, because they may be changed at any time by order of the Federal Power Commission.

When he signs a contract to sell his gas to an interstate pipeline company, he does not know that he will actually receive the price stated in the contract or for how long a time he will receive it. Nor, under existing regulation, does he know how much gas he will be required to deliver to the pipeline or how long he must continue to make deliveries.

When new supplies are added to the Nation's proven reserves, the producer has every reason to seek to sell it in the intrastate market, where his sales contracts are not subject to such deadening uncertainties. But it is in the interstate market that the need is greatest. The most densely populated metropolitan areas are largely located in States where there is little or no gas production. It is the consumer in these areas who is faced with the threat of inadequate gas supplies.

Testimony during the recent committee hearings showed convincingly that H.R. 2513 offers a practical, affirmative way to help increase the supply of natural gas in the interstate market at a price acceptable to the consumer.

The bill proposes to remove some of the uncertainties by making contracts between gas producers and interstate pipelines binding on all parties concerned. The validity of contract provisions of the bill will enable a producer to determine quickly whether all of the terms and conditions of his contract are acceptable to the Federal Power Commission. He will know that once his contract has been reviewed and approved by the Commission, the document's provisions will not be changed during the term of the contract. This knowledge will do much to provide gas producers with the incentive needed to step up their exploration programs and to commit newly discovered gas supplies to the interstate market.

All major new producer contracts will still have to be submitted to the Commission. The Commission's authority to approve them, approve them subject to stated conditions, or to disapprove them will not be diluted.

If the Commission approves a contract as submitted, it is binding on all parties and is not subject to later revision, except in cases of certain indefinite pricing clauses permitted under H.R. 2513. If the Commission approved the contract subject to stipulated conditions, the involved parties may accept those conditions and the contract becomes binding. If they do not accept the conditions, the contract is

null and void. And if the Commission disapproves the contract, it likewise becomes null and void.

The Commission thus will have every opportunity to protect the interests of consumers. H.R. 2513 was not written as a decontrol measure, and, in fact, it is not one.

Regulatory changes proposed in the bill have the object of helping to restore producer confidence—and investor confidence—in the future of gas exploration and development of new supplies. That encouragement is essential to keep the present gas supply shortage from turning into an irreversible disaster.

Representing, as I do, an area in which there is enormous consumption of natural gas, but no production of it, I am deeply concerned about this prospect. I believe that without question enactment by Congress of H.R. 2513 will serve to alleviate a situation which threatens the well-being of millions of Americans.

REMOVING THE VEIL

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

REMOVING THE VEIL

(Sermon by Dr. Robert H. Mayo, First Presbyterian Church, San Diego, Calif., Navy Day Service, October 31, 1971)

II Corinthians 3:4–18

When Moses came down from Mount Sinai with the Ten Commandments, his face was veiled, presumably because the reflected glory of the Lord upon his face was so bright, the people could not gaze upon it. (Ex 34:33–35) But in our text (vs 13) which Adm. Walker read, the Apostle Paul adds the further suggestion that the face of Moses was veiled in order that people might not have to gaze upon the slow fading of that glory. It is a sad thing to see the fading glory of anything, whether it is a man past his prime, a nation in decay, or the fading glory of God in the life of an individual.

I have a thesis I want to suggest to you this morning—that the fading glory of a people is primarily a religious problem. The defeat of Athens in 404 B.C. was more than just a military defeat. Stripped of the things of which Athenians were once very proud, military power, Hellenic wisdom, and world leadership, Athens turned in upon herself and developed what Gilbert Murray, in lectures which he delivered at Columbia University in 1912, called "failure of nerve," compounded by a sense of guilt. During this period of her fading glory, Murray suggests the Athenian state developed four religious heresies: (1) Anti-nomianism, literally (anti-nomos from the Latin) anti-law, rebellion against the establishment. In the days of the Judges every man was described as doing what was right in his own eyes. (Judge 17 :6) Today we describe the anti-nomian spirit, "Every man does his own thing." (2) An Athenian form of Zoroastrianism which divided the world into two warring factions, black and white. (3) Astrology. Murray says that astrology fell upon the Athenian people like some exotic disease on a remote island. (4) Cynicism. Diogenes and his Cynics dropped out of the world and forsook their culture to live the life of a dog.

Does history repeat itself? I really don't know, but the similarities are striking. (1) Cynical and disillusioned young people drop out of society to lead the life of a dog in hippie communes. (2) The anti-nomian spirit in youth rebels against the establishment and reacts against authority in the home, on the streets and on our campuses in their disrespect for our police officers. (3) Neurotic national guilt feelings are illustrated by My Lai and the trial of Lt. Calley. (4) A new interest in the occult, as even Presidential aspirants like Senator Harold Hughes express their faith in astrology. (5) The division of the world (literally) into warring factions within the ghettos, of the blacks and whites. Heresies thrive in spiritual emptiness! In a period of fading glory people seek to redeem a blighted culture with shallow and second-rate solutions and begin to worship false gods.

I plead not guilty! I refuse to be caught up in this national neurosis which results in a failure of nerve, and I refuse to yield to masochistic feelings which condemn our country for being imperialistic, mercenary, or warlike. I would suggest this morning that we stand before our God with unveiled faces, (vs 18) and these are some of the veils which I suggest need to be removed in this hour.

First, there's the veil of gloom and doom. Even our American history today is being taught in this kind of atmosphere. We are the first generation of Americans to be taught to be ashamed of ourselves. It is time for us to quit apologizing for our greatness and begin to take pride in those things which have made this nation to be great. We have heard it said so many times that civilizations become decadent after 200 years that, as we begin to approach our own Bicentennial, we have almost come to believe our culture is over the hill.

Secondly, I would remove the veil which has clothed Communism in a halo of decency and has made an aristocrat out of a wanton harlot. Actress Jane Fonda told 2,000 students at Michigan State University last November 22nd, "I would think that if you understod what Communism was, you would hope. you would pray on your knees that we would some day be Communists." (Detroit Free Press, Nov. 22, 1970) I presume Jane Fonda knows what Communism really is. She has spent enough time and money propagating its doctrines. But do you know what it really is? Do you know Lenin's legacy to youth? On October 16, 1905, Lenin wrote these revolutionary instructions: "Go to the youth. Form fighting squads everywhere of 3, 10, 30 persons. Let them arm themselves at once as best they can, be it with a revolver, a knife, a rag soaked in kerosene for starting fires . . . let 5 or 10 percent make the rounds of hundreds of workers' and student study circles, and supply each group with brief and simple recipes for making bombs." This prescription for revolution was given when the Russian people were bitter over their Naval defeat by the Japanese at Port Arthur. The Encyclopedia Brittannica says, "Patriotic feeling began to turn against the government. The war grew extremely unpopular." Be warned, Christian America! War weariness is Communism's opportunism.

Thirdly, I would remove the veil which confuses anarchy with dissent. The freedom to dissent is one of our most precious American freedoms. But the patriot exercises this freedom within the framework of the law. The anarchist expresses his dissatisfaction outside the law. The one is constructive; the other is destructive. President Nixon said to the graduating class at the Air Force Academy last year, "A nation needs many qualities, but it needs faith and confidence above all. Skeptics do not build societies; the idealists are the builders. Only societies that believe in themselves can rise to their challenges." I think it's time we began to believe in ourselves, to rally constructive support for our country, and to label the anarchist as the outlaw he really is.

Fourthly, I would remove the veil of military unpopularity, with the demonstrations outside recruiting offices, antagonism against recruiting officers on college campuses, and more recently, activities which sought to keep our ships from going to sea. The expulsion of Taiwan from the United Nations has greatly sobered me. The undisguised glee with which delegates from certain nations hailed the departure of Nationalist China is a very ominous sign that our U.S. diplomacy is at its lowest ebb. We cannot afford the luxury of fighting among ourselves, civilians against the military. We must recognize that we are all part of the same team.

A hundred years ago a British soldier wrote these words on a sentry box in Gibraltar.

"God and the soldier all men adore
In time of trouble and no more.
For when war is over and all things righted,
God is neglected and the soldier slighted."

There are no atheists in foxholes in wartime and no heroes at home in peace-time.

What if our military, fed up with their critics, vacated the perimeters of our national defense to the enemy and said, "All right, you armchair critics, you peaceniks, it's your war! You take it from here!" Military men don't initiate policy; they obey orders. They're not gangsters and assassins but patriots and Christians, of which this Navy Day service is one of the finest illustrations. We all fight under the same national ensign, and live beneath the same banner of faith. We have the same common goal, the same idealism, the same citizenship, the same love for our Lord and for our country.

Fifthly, I would remove the veil which suggests that the only road to peace is the road of withdrawal and retreat. Moshe Dayan, Israeli Defense Minister, has said, "We would not achieve peace by retreating . . . what has been offered to us is retreat without peace." The bleeding hearts in Congress and in the clergy seek to convince us that our only alternative for peace is pacifism. We chip away and we chip away at our military preparedness until we have lost our military superiority. I do not believe that we could afford another Cuban crisis today in the Near East or the Far East or in Berlin, Korea, or South America. In an eyeball-to-eyeball confrontation with the Russians, I believe we would blink. And when we do, we relinquish our place of leadership in the world.

As, Admiral Moorer, Chairman of our Joint Chief of Staffs, said to the graduating class at Annapolis a year and a half ago, "In international gamesmanship there is no prize for second place." Where did we ever get the idea that God can't operate through strength as well as weakness? Or that the solution to evil is to run from it, rather than stand and fight against it? Jesus said, "I have not come to bring peace, but a sword." (Mt 10:34) And if we remove from the Old Testament all the passages of Scripture in which God told the Israelites to fight against the enemy, we have a mutilated Scripture. On one occasion He ordered the complete destruction of the Canaanites, every man, woman and child in order to eradicate evil from Israel. No commanding officer would give an order as harsh as that today. Take out of our Psalms the military songs, and we remove some of our most beloved hymns, including the Twenty-third Psalm. It is a privilege to be an American. Our faith is worth fighting for. But we don't preserve freedom with a naked ideal. We have to beef up our freedoms with the strength to sustain them.

Sixthly, I would remove the veil from patriotism itself. I am grateful for a service like this one. It sends chills up and down my spine to hear the voices in this great Sanctuary sing in unison "The Star-Spangled Banner." I think we as clergy and churchmen err by our silence when we fail to affirm those things which made this nation great. Before our Pilgrim forebears ever set a single foot upon that stern and rockbound coast, they gathered together in the cabin of the Mayflower and signed a Compact: "In the Name of God, Amen. We whose names are underwritten . . . Having undertaken, for the glory of God, and advancement of the Christian faith and honor of our King and Country, a voyage to plant the first colony in the northern parts of Virginia, do by these presents solemnly and mutually in the presence of God and one of another, covenant and combine ourselves together into a civil body politic." That is how it all began. That was the beginning of our country. "In the Name of God, Amen." Men and women, for the glory of God and the advancement of their faith, combined in a civil body politic. Never has that civil body politic been more threatened than it is in this hour. Never has it needed men and women to stand up and affirm their faith in this body politic more than now. We all abhor war as useless slaughter and waste. But cannot we, as Christians, seek peace with honor and victory and prove to the entire world that we have recovered from this failure of nerve?

Shakespeare wrote in Julius Caesar (Act IV, Sc 3):

"There is a tide in the affairs of men,
Which taken at the flood leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows and in miseries.
On such a full sea are we now afloat,
And we must take the current when it serves,
Or lose our ventures."

We stand at the flood tide and a failure of nerve now can cause us to lose the venture. This is no time for the faint-hearted. Jesus said, "Would that you were cold or hot! So because you are lukewarm, and neither cold or hot, I will spew you out of my mouth." (Rev. 3: 15–16) A vacillating people cry out, "Peace, Peace, when there is no peace" (Jer 8:11) because they have lost their pride, their honor, and their heritage. Jesus said, "Blessed are the peace*makers*." Peace is something that has to be made. We have to work at it. It occurs only when we make sacrifices for it. There are no panaceas, no bargains in peacemaking. It will take the blood, sweat, and tears of every Christian to emancipate us from this failure of nerve. And that's why I feel that our problems today are primarily religious problems.

When Jesus came down from the Mount of Transfiguration, He was greeted by the father of an epileptic boy who said, "I asked your disciples to cast the devil from my son and they could not." (Mk 9:18 T.E.V.) Will the world say to us, the Christian churchmen of America today "We asked you to cast out these devils which debilitate and destroy and you could not"?

There is an inscription on a 17th Century church in Leicestershire, England, "In the year 1653, when all things were throughout the nation either demolished or profaned, Sir Robert Shirley, Baronet, founded this church, whose singular praise it is to have done the best things in the worst times and hoped them in the most calamitious." What a tribute to a church! In an hour of crisis to do the best things in the worst times!

I believe we will rise to our challenge. Only a mircle can save our fading glory. Only a miracle can remove the veils caused by this failure of nerve. But within the church we believe in miracles. The Scripture which was read to you this morning said, "Where the Spirit of the Lord is, there is freedom," (Vs 17) and individuals filled with the Spirit of God will help us to recover our faith, preserve our freedoms, redeem the time (Eph 5:16), and accomplish "the best things in the worst times." It will take a miracle. But Christian statesmen, like those who sit on the platform with me in this hour, can pull it off. Then when we pledge allegiance to our flag, "One nation under God," it will not be blasphemous irony.

This is not the best possible of all worlds. There's room for improvement in the church and our nation, but I would rather be here, in this hour than any other place, at any other time, in the world's history. We can't rely solely upon our military leadership to provide the patriotism and they can't rely solely upon us to provide the faith. It's our privilege to serve both our God and our country in this hour. We will meet the challenge and we will solve our problems. I believe that this failure of nerve will become the foundation of our faith, and that through patriotic Americans and faithful Christians, we will recover our fading glory. But it is the flood time. As we sing, "Once to Every Man and Nation Comes the Moment to Decide" we invite you to make a decision for Christ, and to come forward and take your place in a church which we believe is trying to accomplish the "best things in the worst times."

NATIONAL GALLERY CONTINUES "CIVILISATION" SERIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. MOORHEAD. Mr. Speaker, I am pleased to put into the RECORD today the schedule of events for the month of December, of the National Gallery of Art.

I might note that the gallery is continuing its outstanding series "Civilisation."

The gallery is to be congratulated for conducting this delightful tour through western history and development. I believe that my colleagues would spend an enjoyable afternoon viewing any of the fine shows in this series.

NATIONAL GALLERY OF ART

(Calendar of Events—December 1971)

MONDAY, NOV. 29, THROUGH SUNDAY, DEC. 5

Painting of the Week*—Manet. *The Dead Toreador.* (Widener Collection) Gallery 83, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week—*The Exhibition of Rodin Drawings: Rodin.* Central Gallery, Tues. through Sat. 1:00; Sun. 2:30.

Tour—*Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

"Civilisation," V—*The Hero as Artist.* Sat. & Sun. 12:30 & 1:30.

Sunday Lecture—*Rodin and Tradition,* Speaker: Horst W. Janson, Professor of Fine Arts, New York University, New York, Auditorium, 4:00.

Sunday Concert—Ann Zalkind, *Pianist,* East Garden Court 7:00.

*11" x 14" reproductions with text for sale this week—25c each. If mailed, 35c each.

MONDAY, DEC. 6, THROUGH SUNDAY, DEC. 12

Painting of the Week*—Monet. *Rouen Cathedral, West Facade, Sunlight.* (Chester Dale Collection) Gallery 84, Tues. through Sat. 12:10 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week—*The Exhibition of Rodin Drawings: True and False.* Central Gallery. Tues. through Sat. 1:00; Sun. 2:00.

Tour—*Introduction to the Collection.* Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

"Civilisation," VI—*Protest and Communication.* Sat. & Sun. 12:30 & 1:30.

Sunday Lecture—*Eighteenth-Century Crèches.* Speaker: Loretta Howard, Artist and Collector, New York. Auditorium 4:00.

Sunday Concert—The Madison Madrigal Singers. Robert Shafer, *Conductor,* East Garden Court 7:00.

The gallery is open weekdays and Saturdays, 10:00 a.m. to 5:00 p.m., and Sundays, 12 noon to 9:10 p.m.

MONDAY, DEC. 13, THROUGH SUNDAY, DEC. 19

Painting of the Week*—Jacob van Ruisdael. *Forest Scene* (Widener Collection) Gallery 46, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week—*Sculpture from the Middle Ages to Rodin.* Rotunda, Tues. through Sat. 1:00; Sun. 2:30.

Tour—*Introduction to the Collection.* Rotunda, Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

"Civilization," VII—Grandeur and Obedience. Sat. & Sun. 12:30 & 1:30.

Sunday Lecture—Poussin's *"Holy Family on the Steps".* Speaker: Howard Hibbard, Professor of Art History, Columbia University, New York, Auditorium, 4:00.

Sunday Concert—National Gallery Orchestra. Richard Bales, Conductor, with soloists. East Garden Court, 7:00.

All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS–AM (570) and FM (103.5).

MONDAY, DEC. 20, THROUGH SUNDAY, DEC. 26

Painting of the Week*—Giorgione. *The Adoration of the Shepherds.* (Samuel H. Kress Collection) Gallery 21, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour—*Introduction to the Collection.* Rotunda, Mon., 11:00 & 3:00; Tues. through Thurs., 11:00, 1:00 & 3:00; Sun., 2:30 & 5:00.

"Civilisation," VIII—*The Light of Experience,* Sun. 12:30 & 1:30.

Sunday Films—The Year 1200 and Images Médievales. Auditorium, 4:00.

Sunday Concert—Loren Withers, *Pianist,* East Garden Court 7:00.

For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue entrance.

THREE NEW PAINTINGS

The acquisition of three paintings was announced last month. These pictures are hanging in galleries on the main floor. A genre piece entitled *The Unlikely Lovers,* painted by Quentin Massys (1465/6–1530) founder of the important Antwerp school of painting, shows an elderly man being robbed of his wallet while seeking the affections of a young girl. Joos de Momper's (1564–1635) *Landscape with a Vista through a Grotto,* a work rich in technical virtuosity and personal fantasy, was painted during the period that saw the full northern development of the art of landscape painting, a period formerly unrepresented in the Gallery's collections. *The Seine,* a landscape by the important black American artist Henry O. Tanner (1859–1937), was painted eleven years after he had moved to Paris and reflects his admiration for impressionism.

RODIN DRAWINGS-TRUE AND FALSE

Original drawings by the major late 19th-century French sculptor Auguste Rodin and forgeries of his work by Ernst Durig and two other forgers known as Hand A and Hand B are on view in the Central Gallery in a special exhibition designed to aid the viewer in discerning between the true and the false. An illustrated folder listing all the works in the exhibition is available. The visitor is invited to test himself on the True-False section of the show by filling in the blanks provided in the folder and comparing his score with the answers, also given in the folder. A book, *The Drawings of Rodin,* published concurrently with the exhibition, is on sale in the Publications Room. The exhibition will be on view through January 23, 1972.

(The identifications of the pictures used in the November Calendar are as follows: *Nude on Her Stomach*, which appeared on the right, is a true work by Rodin; the other drawing, *Seated Nude*, is attributed to the forger known as Hand B.)

EIGHTEENTH-CENTURY FRENCH PRINTS AND BOOKS

A selection of 18th-century French prints, books, and drawings from the National Gallery's Widener Collection remains on view in the Print Exhibition Room, ground floor. through January 6.

EIGHTEENTH-CENTURY CHRISTMAS CRÊCHES

On December 12 at 4:00 p.m., Loretta Howard, artist and collector, will speak on "Eighteenth-Century Crêches" in the Gallery Auditorium. The custom of creating crêches for the home became popular in Naples about 1670 as an exercise in seasonal worship, with precedents in the medieval mystery plays of the Nativity and in the sculptured devotionals in the churches at the Christmas season. Some of the figures are credited to the best 18th-century Neapolitan sculptors.

Nearly 150 baroque crêche figures, including the Holy Family, the shepherds and their flocks, the Magi and their retinue of Eastern figures and camels, peasants, burghers and merchants, and a miscellaneous group of animals, comprised one crêche which Mrs. Howard has given to the Metropolitan Museum of Art. Others in her collection have decorated the White House in recent years.

TWENTIETH-CENTURY GERMAN PRINTS

A selection of 20th-century German prints chosen from a group of 64 given to the United States by the people of the Federal Republic of Germany in 1955 is on view in the Northeast Corridor. There is a wide diversity in technique and subject matter. Woodcuts, lithographs, etchings, linoleum blocks, and monotypes, printed both in color and in black and white, are included.

NATIONAL GALLERY OF ART CHRISTMAS CARDS

Christmas cards of National Gallery works of art are being sold in an area adjacent to the Publications Room at the Constitution Avenue entrance. Prices range from fifteen to thirty cents each.

HOLIDAYS

The Gallery is closed Christmas Day and New Year's Day. No educational services will be offered on Friday, December 24, Christmas Eve.

SAVINGS AND LOAN ASSOCIATION VOICE THEIR OPINION ON H.R. 7740 AND S. 1671

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HANNA. Mr. Speaker, early next session the Committee on Banking and Currency is going to hold hearings on H.R. 7740, the Housing Institution Modernization Act. The Senate Committee on Banking, Housing and Urban Affairs is in the process of holding hearings on a companion bill, S. 1671. Both of these bills would allow a Federal mutual savings and loan association to convert to a Federal capital stock savings and loan association. While this sounds rather simple at first glance, it does open many questions which plague the minds of both the investors and the current managements of savings and loans.

Representatives of the different trade associations expressed their plan as to the best way to allow for this conversion. But I heard very little from the several thousand savings institutions that would be affected by this legislation.

With the aid of the Federal Home Loan Bank Board, I sent a questionnaire to every Federal mutual association and State mutual association which they insure. Approximately 4,700 questionnaires were sent out. The response was most gratifying. Very nearly 1,000 questionnaires were returned, many with long letters either explaining in detail reasons for particular views or giving suggestions for specific wording of the legislation. I am convinced, Mr. Speaker, that the responses represent the well thought out opinions of those who will be the most affected by the legislation.

The questionnaire contained three basic sections. The first asked for a reaction to some of the major arguments used by the partisans on each side of the issue. The second section dealt with specific parts of the legislation itself. The last part asked simply the respondent, speaking for his association, his overall opinion of the legislation and if he anticipates that his association would convert from its present organization format to a Federal capital stock association. Tables 1, 2, and 3, respectively, give the results to each of the above mentioned sections:

TABLE 1

[In percent]

	Federal mutual associations (n=637)				State mutual associations (n=348)			
	Very persuasive	Somewhat persuasive	Not persuasive	No response	Very persuasive	Somewhat persuasive	Not persuasive	No response
I. Supporters of the legislation have made a number of arguments for its passage. How do you rate the persuasiveness of the following assertions?								
(a) It would enable Federals to provide needed additional funds to the housing market	25.0	31.8	39.1	4.1	20.7	27.0	45.1	7.2
(b) It would permit the adoption by Federals of modern methods of operation	23.8	26.8	44.4	5.0	17.0	22.6	53.5	6.9
(c) It would eliminate the need for an existing association to relinquish its Federal charter to convert to a stock form of ownership	44.4	21.6	28.4	5.6	30.2	27.3	32.2	10.
II. Opponents of the legislation have listed a number of arguments against its passage. How would you rate the persuasiveness of these arguments?								
(a) Savers would receive a windfall which they neither earned nor bargained for	42.0	22.4	31.0	4.6	36.6	19.8	37.4	7.2
(b) Existing stock associations would be hurt by transfers of accounts to mutuals by savers seeking a windfall	18.2	23.2	54.7	3.9	17.8	25.6	49.4	7.2
(c) Mutual associations would be placed under great pressure to convert by savers seeking a windfall	43.8	26.4	22.3	7.5	42.3	29.0	25.3	3.4
(d) Existing mutual associations would become a battleground for corporate raiders bent on turning a fast profit on the conversion	41.1	28.1	26.2	4.6	41.4	23.8	27.6	7.2
(e) Existing management of mutual associations who are responsible for the growth of the association would, were Federal stock chartering and conversion possible, be vulnerable to replacement by the new shareholder owners	44.5	32.8	18.3	4.4	45.5	27.8	19.8	6.9

TABLE 2

[In percent]

	Federal mutual associations n=637			State mutual associations n=348		
	Approve	Disapprove	No response	Approve	Disapprove	No response
III. A number of modifications and refinements to the legislation have been suggested. Please indicate whether you approve or disapprove of the changes.						
(a) The net worth of an existing mutual association should, as an incident to the acquisition of a Federal stock charter, be (select 1 of the following):						
1. Disbursed to the FSLIC, the Treasury, or some other public purpose	2.0	74.7	23.3	2.3	72.4	25.3
2. Frozen, with a debenture being issued by the association to the FSLIC in the amount of the net worth to be followed by the sale of capital stock in the association; or	12.5	63.3	24.2	9.5	61.8	28.7
3. Frozen, in a segregated reserve to be available for distribution in the event of liquidation to those account holders in the association who, at the time of conversion, were depositors	56.2	30.5	13.3	60.7	25.8	13.5
(b) Deposits, for the purpose of establishing stock rights, should be frozen on a date certain reflecting either the date of enactment of the legislation or some date prior thereto	54.2	8.0	7.8	50.3	10.3	39.4
(c) Specific provisions should be made to (1) reward management through the distribution for nominal consideration of stock issues as in incident to chartering or conversion and (2) protect management from arbitrary removal for a specified period through mandatory voting trust or other arrangements	84.4	9.0	6.6	51.6	9.5	38.9
(d) Chartering of Federal stock savings and loan associations should be allowed only in those States whose laws provide for chartering of capital stock savings and loan associations	44.9	47.1	8.0	42.8	18.7	38.5

IV. Which of the following best describes your attitude toward legislation to permit Federal chartering of capital stock savings and loan associations?

[In percent]

	Federal mutual associations n=637	State mutual associations n=348
Favor	46.6	37.6
Oppose	35.7	43.5
Indifferent	13.0	12.6
No response	4.7	6.3

V. Would you be interested in converting to a capital stock savings and loan association if such legislation were enacted?

[In percent]

	Federal mutual associations n=637	State mutual associations n=348
Yes	29.9	23.6
No	33.4	44.3
Maybe	34.7	26.4
No response	2.0	5.7

ALASKAN FLIP-FLOPS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. ASPIN. Mr. Speaker, Wednesday 19 other Members of the House joined me in introducing legislation that would delay the decision on the Alaskan pipeline until January 1, 1973, so that a full study of Canadian pipeline alternatives could be considered. Today I would like to include in the RECORD a recent article by former Secretary of the Interior, Stewart Udall and Jeff Stansbury entitled "Alaskan Flip-Flops."

The article discusses succinctly and accurately, realistic economic merits of the Canadian vs. Alaskan pipelines. That article follows:

[Release of Saturday, Oct. 16, 1971]

ALASKAN FLIP-FLOPS

(By Stewart Udall and Jeff Stansbury)

Somebody should award Interior Secretary Rogers Morton a gymnastics gold medal for his latest flip-flops over Alaskan oil. Within a month he has hinted that the Interior Department will approve a trans-Alaska oil pipeline, cozied up to an alternative Canadian route, spurned this same Canadian route and put off his final decision until next year.

Close observers of Interior, among them Rep. Les Aspin (D-Wis.), believe Morton has already made up his mind to issue a permit for an 800-mile pipeline between the vast North Slope oil fields and the Alaskan port of Valdez. An environmental statement due from his department in December will doubtlessly give short shrift to the Canadian alternative. This in turn will provoke fresh legal arguments from the Wilderness Society, Environmental Defense Fund and Friends of the Earth, whose lawsuit has blocked the Alaskan pipeline since April, 1970.

But with over $1.5 billion sunk into its arctic adventure, Alyeska, a consortium of 7 oil companies, enjoys the unstinting support of the White House. This alliance has led Interior's Office of Oil and Gas (OOG) to stack the statistical deck heavily in favor of an Alaskan pipeline.

For over a year, OOG has raised the specter of an oil famine in the seven westernmost states. Its estimate of the region's oil needs has jumped with every new wave of opposition to the pipeline. As environmentalists point out, OOG spelled backwards is GOO—which is precisely what may cost Alaskan tundra if the pipeline is built.

By 1980, says OOG, the seven western states will need 3.7 million barrels of oil a day. Without a daily transfusion of 2 million barrels from Alaska, these states will allegedly have to rely on heavy Middle East imports. This, declares Interior, is strategically indefensible.

The trouble with OOG's "oil famine" argument is that it is based on Alice-in-Wonderland numbers. The seven Western states now consume about 2 million barrels of oil a day. For this figure to reach 3.7 million by 1980, consumption would have to grow by 7% a year—double the national rate. This verges on the impossible. West Coast oil consumption is now growing at only *half* the national rate.

In reality, the Western states will not be able to absorb 2 million barrels of Alaskan oil in 1980. Why, then, does Interior refuse to consider a Canadian pipeline that would supply the oil-hungry U.S. Midwest and East?

The answer is that Alyeska fully intends to market much of its oil abroad, primarily in Japan. Alyeska President Edward Patton and Interior Undersecretary William Pecora concede that some of the North Slope deposits will find their way abroad from Valdez. Given OOG's souped-up data, the likelihood that the North Slope outflow will exceed 2 million barrels a day by 1980 and the great difficulty of marketing this oil on the U.S. East Coast, it is clear that up to 500,000 barrels a day will eventually be sold in the Far East.

If, as is likely, the Alyeska companies are allowed to bring an equal amount of foreign oil into the East Coast at the pegged-up price that prevails there under the Oil Import Quota Program, they will make a killing. The victims will be the Alaskan environment and consumers throughout the East and Midwest. The strategic argument for an Alaskan pipeline, moreover, will become a shambles.

Clearly, the regional inequities in the per barrel price of oil alone should rule out an Alaskan pipeline. Today the Eastern and Midwestern states pay 75 cents and 50 cents more respectively than the Western states. An Alaskan pipeline with transshipment across Prince William Sound and the Gulf of Alaska, would grossly exaggerate these inequities. A pipeline across Canada to the Midwest, however, would flatten out the costs considerably.

Environmentalists find no excuse for Interior's failure to study the Canadian alternative. Secretary Morton, they say, merely echoes Alyeska's propaganda when he claims that a Canadian pipeline would cost twice as much. Not only would it cost about the same as the Alaskan route (counting the tankers needed to haul oil from Valdez to the Pacific Northwest), but it would bring Alaska $95 million more in royalties each year from the higher price that oil commands in the Midwest. This bonus would vastly outweigh the short-lived employment advantages of an Alaskan pipeline.

Recently, Atlantic-Richfield circulated a memo among its allies in Alyeska and the Interior Department. Hinting that a *gas* pipeline would be built from the North Slope through Canada, the memo argued preposterously that Canada might someday cut off U.S. petroleum supplies if an oil pipeline crossed her territory.

Why would a gas pipeline be immune to the whims of Ottawa if an oil pipeline wouldn't? If Alaskan gas can be marketed in the Midwest, why not Alaskan oil? And if a gas pipeline is to be built through Canada, why not minimize the ecological damage by laying the oil pipeline alongside it? These are questions Alyeska conveniently brushes aside.

Meanwhile, neither Alyeska nor Interior can convince anyone that heavy oil tanker traffic across Prince William Sound will not endanger the richest salmon and halibut fishery in the Pacific Northwest. Last summer, Morton met with members of the Cordova District Fisheries Union, which opposes the shipment of Alaskan oil out of Valdez. "I don't think the politics are with you," he told them.

Indeed. There is not one ecological argument for the Alaskan pipeline. Not one economic argument. Not one strategic argument. There is only the political argument inherent in the great power of the U.S. oil industry, which enjoys the fattest subsidies known to capitalism. Along with his gymnastics award, Secretary Morton deserves a bronze medal for candor.

THE HONORABLE SAMUEL DE PALMA ON U.S. CONTRIBUTIONS TO THE U.N.

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. FRASER. Mr. Speaker, Thursday, December 2, 1971, Assistant Secretary of State for International Organization Affairs, Samuel De Palma, testified before the House Foreign Affairs Subcommittee on International Organizations and Movements. Secretary De Palma's statement on the financial assessments of United Nations members was one of the best the subcommittee has received on this subject.

The Secretary reviewed the method for establishing the assessments of U.N. members and he pointed out the "gross anomalies" that would be introduced by efforts to relate U.N. contributions to population alone, ignoring national income or national capacity to pay.

Mr. Speaker, Secretary De Palma also said that the United States "should continue to seek downward revision both in our assessment percentage and in the U.N. ceiling rate itself." He was not simply asking that the status quo be maintained. He looked forward to the time when it will be possible for the Federal Republic of Germany to enter the U.N. and make a substantial contribution to U.N. revenues.

The De Palma statement is informative and thoughtful. It is well worth a few moments of our time:

STATEMENT OF THE HONORABLE SAMUEL DE PALMA, ASSISTANT SECRETARY OF STATE

Mr. Chairman: I appreciate the opportunity to discuss the proposal to change the basis for paying U.S. contributions to the United Nations family of agencies and programs from the present system to one based on comparative population data.

It would be useful at the outset to review the method for establishing the assessments of U.N. members. This background will make clear what has been done to reduce the U.S. assessment rate in the past and will indicate what can most usefully be done to continue this process in the future.

Article 17, paragraph 2, of the Charter of

the United Nations provides that "the expenses of the Organization shall be borne by the Members as apportioned by the General Assembly." What this provision means essentially, Mr. Chairman, is that the United States, so long as it is a member of the United Nations, is subject to the rate of assessment apportioned to it by the United Nations General Assembly and decided by a two-thirds majority.

To assist in making its apportionment, the General Assembly relies upon the technical advice of an expert Committee on Contributions. This body presently consists of twelve individuals, appointed on the basis of broad geographic representation, personal qualifications and experience. It includes one American. Rule 161 of the Rules of Procedure of the General Assembly provides that the Committee on Contributions shall advise the General Assembly "concerning the apportionment . . . of the expenses of the Organization among Members, broadly according to capacity to pay." The criterion, "capacity to pay," was adopted at the first part of the first session of the General Assembly in February 1946. Also included in the original terms of reference of the Committee on Contributions was the provision that "if a ceiling is imposed on contributions the ceiling should not be such as seriously to obscure the relation between a nation's contributions and its capacity to pay."

From the outset of the United Nations, the capacity to pay criterion has been applied by the Committee on Contributions through the use of comparative national income statistics. According to the Committee, these data have been progressively improved and the comparability of the data has been enhanced by the use since 1964 of comparative net national products at market prices. Net national product is defined as the total of personal and governmental consumption expenditures on goods and services, plus expenditures for investment. Net national product differs from gross national product by excluding depreciation allowance for capital consumption.

Acting according to its original criteria, the Committee on Contributions in its first apportionment set the U.S. rate of assessment for 1946 at 49.89%. The U.S. objected to this assessment. While recognizing the difficulty of other states in making contributions after the devastation of the Second World War, Senator Vandenberg pointed out that the U.S. did not think the Organization ought to rely unduly upon the contributions of a single member. This vigorous U.S. objection succeeded in persuading the Assembly to reduce the U.S. rate for 1946 to 39.89%, and it remained at that level through 1949.

Meanwhile, in 1948 the General Assembly, at the urging of the United States, accepted the principle of a ceiling to be fixed on the rate of contributions of the member bearing the highest assessment. The principle was that "in normal times no one Member State should contribute more than one-third of the ordinary expenses of the United Nations for any one year." Simultaneously, the General Assembly recognized that "the per capita contribution of any Member should not exceed the per capita contribution of the Member which bears the highest assessment." In 1954, the 33⅓% ceiling was brought into effect by a General Assembly Resolution.

In 1957, the General Assembly, again at our insistence, reduced the ceiling to 30% in principle, and the U.S. contribution has been moving toward that rate ever since. In 1970, when the Committee on Contributions made its apportionment for the years 1971–1973, the percentage contributions of the members which had entered the Organization during the previous three years, amounting to 0.16 percentage points, were distributed proportionately among the membership, with the United States receiving 0.05 percentage points. This process reduced the U.S. contribution from 31.57% in 1968–1970 to 31.52% in 1971–1973.

As a result of the criteria supplied to the Committee on Contributions by the General Assembly, five general classes of Member States exist for the purposes of apportionment. With respect to the criterion of capacity to pay, three of these categories are relatively advantaged, and two are relatively disadvantaged.

The three categories of United Nations Members who are specially advantaged in the determination of their assessment rates are:

1. Members with per capita incomes below $1,000 per year and assessment rates above the 0.04% minimum rate. These less-developed countries are given an allowance for low per capita income which reduces their assessment rate.

2. The second category of specially advantaged Members includes only the United States, whose percentage share is reduced below capacity to pay by the application of the ceiling principle. The UN Committee on Contributions pointed out with reference to the scale for 1968–1970 that if the rate of assessment of the United States were assessed on the basis of comparative national income statistics adjusted for low per capita income, its rate would have 39.48% instead of 31.57%.

3. A few countries have also benefited from the application of the per capita ceiling principle which holds that "the per capita contribution of any Member State should not exceed the per capita contribution of the Member which bears the highest assessment." Relatively small reduction in assessment rates have been applied to Canada, Kuwait, New Zealand and Sweden over the years in order that their per capita contribution not exceed the per capita contribution of the United States.

There are also two categories of specially disadvantaged Members who pay more than they would under the strict application of the capacity to pay criterion as measured by relative national product.

These are:

1. Members individually assessed at the minimum rate of 0.04% (which is the case for more than 60 of the poorest Members) who pay more because the minimum rate exceeds their assessment based on capacity to pay.

2. Members with per capita incomes above $1,000 per year (except for those affected by the ceilings) also pay more than their relative capacity to pay. This group of developed countries pays more because the assessment rate of each, based on capacity to pay, is substantially increased to pay for the benefits given the advantaged categories (including the United States).

If I may summarize, Mr. Chairman, because of the adoption of an arbitrary ceiling, for over twenty-five years the United States has paid less than it would have if it had been assessed according to the same criteria applied to the other main industrial states, including the Soviet Union, the United Kingdom, France and Canada.

The legislation you are considering, which relates assessments to population, implies a United Nations assessment rate for the United States which we estimate at 6.20% in place of the present U.S. assessment of 31.52%. On a strict capacity to pay basis we estimate that at the present time the U.S. rate, based on national income statistics when adjusted to benefit the low per capita states, would actually be 38.40%. Comparable figures for the Soviet Union, including Byelorussia and the Ukraine, would be 7.34% on a population basis as compared with 14.66% on the adjusted basis. In fact the Soviet Union is now assessed at 16.55%. The difference between 14.66% and 16.55% is the extra amount we estimate the Soviet Union is assessed because of the ceiling principle applied to the U.S. contribution.

Comparable figures for France are 1.54% on the basis of population as compared with its present assessment of 6.00%; and for the United Kingdom: 1.72% on the basis of population as compared with its present assessment of 5.90%. These figures show that other major industrial powers would also gain a significant advantage from an assessment based on population. Nevertheless, in our judgment there would be little or no support even from these countries for changing the apportionment pattern in the United Nations to one based on the criterion of comparative population. We strongly doubt that these other prospective beneficiaries would favor it because they would not want to take on the large majority that would oppose it on the grounds of its being unrealistic and unfair. The large population states like China which would be assessed at about 22.85%, or Pakistan at 3.34%, or Brazil at 2.67%, or Indian at 15.91%, or Indonesia at 3.43% would obviously find it unacceptable.

We are convinced it would be impossible to negotiate such a scale of assessment because of the gross anomalies it would introduce. Very poor countries would find themselves paying many times their present rate, while the rate of most affluent countries would be substantially reduced. Based on average per capita incomes, an Indonesian would contribute about 44 times more of his income than the average U.S. citizen; the average Nigerian would contribute 49 times more. In terms of time per capita worked to pay toward their country's UN assessment, under the population scale an American would work two minutes, an Ethiopian two hours, an Englishman four minutes and a Brazilian twenty-five minutes. In fact, under the population scale, everyone's per capita contribution, expressed in time worked to pay toward the UN assessment, would exceed that of the average American.

We could not defend such a scale on the grounds of reason or equity and certainly could not expect to gain a two-thirds majority for it.

I strongly hope the Congress would not decide that the United States should pay its UN assessment at a 6% rate. If we unilaterally paid on the basis of population, the United States would soon be sufficiently in arrears to lose its vote in the General Assembly and, even earlier, would have pushed the United Nations over the fiscal brink. This is not a formula for reducing the U.S. contribution; it is a formula for abandoning the United Nations.

Insofar as voluntary contributions are concerned, we now contribute at varying rates—depending on our interest in the programs—but generally at a rate not to exceed 40%. Were we to reduce our contributions to about 6% we would be contributing far less than our fair share to important peacekeeping, economic development and humanitarian activities.

Mr. Chairman, that having been said, our experience of the past twenty-five years demonstrates that we can and should continue to seek downward revision both in our assessment percentage and in the UN ceiling rate itself. This experience has shown in particular that reductions are most successfully accomplished when new members with substantial contributions enter the Organization. Under this condition, none of the old members would have their own contribution raised if the ceiling rate were lowered. Consequently, we are looking forward to the time when it will be possible for the Federal Republic of Germany to enter the Organization with a percentage assessment rate which has already been set by the Committee on Contributions at 6.80%. Should the U.S. get almost the full benefit of this amount, its rate of assessment could reach the 25% recommended by the Lodge Commission last April. You will recall that this Presidential Commission made the following recommendation:

"As new members are brought into the UN, their assessed contributions to the regular budget, which may be substantial, will call for a redistribution of the financial burdens reflected in the scale of assessment. Furthermore, for its own independence and development, an international organization of 127 members should not depend upon one state for almost one-third of the contributions to its regular budget.

"The Commission recommends that the United States affirm its intention to maintain and increase its total contributions to the UN, but that, as part of a redistribution of responsibilities, it will seek over a period of years to reduce its current contribution of 31.52% to the assessed regular budget of the Organization so that eventually its share will not exceed 25%.

"In recommending that the United States seek a reduction of the percentage of its assessment for the regular budget, the Commission wishes to emphasize that it is in no way proposing any diminution of the overall commitment of U.S. resources to the UN system. Each reduction in the U.S share of the regular budget must be clearly marked by at least a corresponding increase in U.S. contributions to one or more of the voluntary budgets or funds in the UN system."

Mr. Chairman, we have given this recommendation of the Lodge Commission the most serious consideration. We have decided that it is an appropriate and necessary goal for the U.S. to pursue and we shall work to achieve it as rapidly as we can, hopefully in connection with the admission of new members. We believe that a reduction of our assessment to 25% would be beneficial to the UN because the Organization ought not to be overly dependent on the contribution of a single member. Above all, we do not believe it is politically advisable for an organization of sovereign and juridicially equal states, which is approaching universality of membership, to perpetuate such an extreme disparity between voting power and influence, on the one hand, and financial contributions on the other.

Mr. Chairman, a 25% ceiling for assessed contributions would achieve a better balance between voting power and capacity to pay, without abandoning capacity to pay as a major criterion. Finally, let me stress that we have had this matter under study for some time and our decision to work toward this goal has been taken as a matter of principle and not in retaliation for recent events in the General Assembly.

"THE GREAT AMERICAN BALLOON ADVENTURE"—A TV PRESENTATION OF AMERICAN GRANDEUR AND COURAGE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HANNA. Mr. Speaker, at a time in our national history when so much doubt is being expressed by cynics both at home and abroad about the greatness of America, it was a refreshing experience for me, as I am sure it was for millions of other TV viewers, to see "The Great American Balloon Adventure." This is a 1-hour Alcoa special filmed account on television of a young balloonist's voyage across our magnificent continent, beginning in San Francisco and completing the adventure with a landing in Central Park, New York City. The program was on TV coast-to-coast on Tuesday evening, November 30, in most areas.

Produced and directed by Dennis B. Kane for the editors of Life magazine and sponsored by Alcoa, the balloonist, 26-year-old Bob Waligunda, showed amazing courage and great pride in the grandeur of America. His odyssey reminded me at once of the indomitable courage and spirit of adventure of our forefathers when they pushed westward in their covered wagons despite every obstacle and danger. "The Great American Balloon Adventure" is a fitting tribute to the great American pioneering spirit which is very much alive today.

The balloonist's voyage carries him and his red, white, and blue striped balloon across the Golden Gate Bridge, the Grand Canyon, the Kansas wheatfields, the Louisiana bayou country, the Gulf of Mexico, up to the green hills of Vermont and finally to New York City.

The music, which superbly catches the spirit of the balloon soaring through space and through its many adventures, was composed by Alden Shuman. It was magnificent.

Mr. Speaker, the heritage of America is great and its grandeur should serve to strengthen our morale when it begins to sag and to remind us of the necessity for vigilantly preserving America's beauty and conserving it, free from pollution and contamination.

To all those associated with a great TV presentation, we offer our heartiest commendation and thanks.

AN IMMEDIATE NEED TO CHANGE THE REGULATION OF NATURAL GAS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. PICKLE. Mr. Speaker, some disasters, such as flood and drought and earthquakers, result from uncontrollable forces of nature. Others are made by man. A present, glaring example is the natural gas supply shortage, which is already forcing curtailment of the use of this economical, convenient and ecologically beneficial fuel in a number of areas in the United States, our Nation's Capital being one of these areas.

I say this gas supply shortage is manmade because it grows out of Federal regulatory policies which have been pursued over the past 15 years. These policies have simultaneously encouraged increased consumption of natural gas and discouraged the exploration which would have yielded the new supplies so badly needed.

The number of wells drilled declined sharply from 57,111 in 1956 to 28,088 in 1970, and another 10 percent drop is being experienced this year. At present, the United States is burning gas twice as fast as it is adding to known reserve supplies.

These facts add up to an extremely serious situation. According to information submitted recently to a House subcommitee by the Chairman of the Federal Power Commission, 12 out of 22 major pipeline companies will encounter problems, "ranging from minor to very serious" in meeting their commitments to customers this year. Service curtailments will cut back consumption of natural gas by 493 billion cubic feet this year, inconveniencing many, hampering normal operation of numerous industrial plants, and adding to the pollution of the atmosphere. Much more severe dislocations are expected in the future.

It should be clearly understood that the present gas supply shortage is not due to a lack of potential supplies to meet all the demands of the market. In fact, the potential reserves appear to be so great as to be almost incalcuable. Informed estimates range up to 2,061 trillion cubic feet.

But potential reserves obviously cannot be used until they are discovered and developed. That is why it is so imperative to change the Federal policies which discourage exploration for and development of new gas supplies.

A first step is to inject stability into prices for gas approved by the Federal Power Commission. They do not at present possess that quality. Producers selling their gas to interstate pipelines have no guarantee that contract provisions regarding price, volumes of gas to be delivered, or length of deliveries will not be changed by a later FPC order.

H.R. 7144, which I introduced earlier in this session, would relieve these uncertainties by making producer-interstate pipeline contracts valid and binding, just as contracts are in other segments of the business community. This would be done without removing the authority of the Commission to pass judgment on all major new contracts. But it would keep prices from being subsequently reduced once they have been approved by the Commission.

The bill also would require the Federal Power Commission to give consideration to market and economic conditions as well as to competitive fuel prices in any determination of wellhead gas prices. The need for this provision is pointed up by the fact that during what has amounted to a 10-year freeze on gas prices inflation has added nearly 50 percent to the cost of bringing in a new well.

Mr. Speaker, I am from a gas producing State, but H.R. 7144 is not a producers' bill. That is clearly proved by the support it is receiving from consumer State Members. It is the consumer who is the main victim of the gas supply shortage, which is already bad enough and is certain to get worse before it gets better.

I make this sober statement because even prompt enactment of H.R. 7144 will not cure the shortage overnight or within a few months. The search for and development of new gas fields takes time. But passage of the bill would move us in the right direction and could well mark the beginning of a period of intensive exploratory activity by men who have demonstrated that they know how to find gas when they are accorded sufficient incentive to engage in this costly undertaking.

I hope Congress will take that step during the 92d Congress. It is of national importance.

HON. CHARLES C. DIGGS, JR.: "MY VISIT TO SOUTH AFRICA"

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 3, 1971

Mr. FRASER. Mr. Speaker, the November 1971 edition of Africa Report, a nonpartisan magazine of African affairs, features an article by our distinguished colleague, the gentleman from Michigan (Mr. DIGGS), chairman of the Foreign Affairs Subcommittee on Africa.

The article reports on Congressman DIGGS' recent visit to South Africa. It indicates that the reception he received from the black people of Pretoria and the southwestern townships—Soweto—deeply moved him. I am certain that his experiences in South Africa will make him an even more effective advocate for racial justice than he was before he made his latest fact-finding mission to Africa—and he has always been effective.

Congressman DIGGS is not unique in describing the South African apartheid system as "inhuman." The system is inhuman and vicious. Most Americans would agree with such a characterization. But, most would also agree with the words of Assistant Secretary of State for African Affairs David D. Newsom that "our hope is that it—change in South Africa—will come peacefully," words Newsom expressed in a September 21, 1971, speech aimed "for a wider audience, in Africa as well as at home."

It is too simple to voice this truism, as Secretary Newsom did, while waiting for economic and demographic pressure to produce change—positive change one hopes. For what exists in South Africa and southern Africa today, as Congressman DIGGS can testify, bears no relationship to peace. Daily violations of basic human rights—the right to travel, to work, to enjoy one's family, to live where one desires—are part of South African life. The daily violence is not always concealed by the velvet glove. The mailed fist, too, is much in evidence, especially when opposition to the existing system is openly expressed. And South Africa "legally"—through capital punishment—kills more people each year than any other "civilized" government.

The existing war of the South African Government against her black and colored citizens—and some whites as well—should not be characterized by our policymakers as peaceful progress. None of us wants open warfare in South Africa. But "peaceful progress" of the magnitude and type we see today should not be accepted as the pace of progress our Government finds acceptable. Present policies are not good enough. I join Congressman DIGGS in calling for American businesses in South Africa to "push beyond the permissible" in their efforts to facilitate change in South Africa.

The present pace of change should not be acceptable to us. We must continually push and probe, prod and protest until change for the better becomes a fact. Then we can—perhaps—say that our hope is that change in southern Africa will be peaceful. The change occurring today—and Mr. DIGGS points out that the situation of the black African is worsening—is neither peaceful nor positive. To believe it is either or both is to close our eyes to reality.

As Mr. DIGGS puts it:

The U.S. must end its hypocrisy in decrying violence as means of liberation on one hand and on the other, refusing to condemn the violence with which the South Africa government subjugates the majority.

The complete article follows:

MY VISIT TO SOUTH AFRICA

(By CHARLES C. DIGGS, JR.)

(NOTE.—With the exception of Namibia, Zimbabwe and the Sudan, CHARLES C. DIGGS Jr., U.S. Congressman from Detroit and Chairman of the House Subcommittee on Africa, has now personally visited each country on the continent. Congressman Guy Vander Jagt of Michigan accompanied the Chairman on the biracial, bipartisan visit to Bissau, Cape Verde, South Africa, Mauritania, the Gambia and Algeria.)

On my arrival at Jan Smuts Airport, Johannesburg, I learned that the South African government, evidently alarmed over the unsettled situation in Namibia, had reneged on its unconditional granting of a visa and was interposing objections to my visit to Namibia.

My first decision was to abort the trip. I was profoundly moved, however, by the reception by the black people of Pretoria and Soweto, the black township near Johannesburg of nearly a million people. The yearning of the people to see blacks from outside and the common bond that unites us were compelling. I decided to continue the fact-finding trip to South Africa as a people-to-people mission.

We met and listened to many representatives of the blacks from different strategies. We met with the students, black and white, English and Afrikaner. We met with the Coloured (mixed origin) representatives, both those believing progress can be achieved working with the government and those opposing it. We met with Indian groups, with Progressives, with United Party leaders and with nationalists who are beginning to question their government's policy. We did not meet with South African officials. The government's position is well known whereas too little contact had been made with the majority of the people.

There is some ferment in South Africa. A few whites may be beginning to realize that, whether they like it or not, their self-preservation demands that they accept a multiracial society. Nevertheless, it is not clear that the ferment does not arise out of a concern with the degrading trappings of apartheid, "pretty apartheid," rather than out of a genuine disagreement with the basic policy of perpetuating minority rule. The present debate may well be on the means, and not the issue of maintaining white control. Moreover, I found no evidence that the ferment is being translated into action. The inhuman, pervasive restrictions on the majority of the people and the repressive laws, applicable against anyone, black or white, who opposes the system, are being mitigated not one iota.

In fact, the situation of the African is worsening. He has no right of political participation in the government, no right of movement, no right to work or even to live with his family. Resettlement projects, Terrorism Act trials, bannings by unchallengeable executive fiat continue.

I deeply deplore the recent action of the government in banning Mewa Ramgobin, the Indian leader and husband of Gandhi's granddaughter.

The government barred our visit to Dimbaza; so, we could not witness the "discarded people" sent to that resettlement area. We visited a squatter village and saw the squalor and persecution of the people and children. We attended the Pietermaritzburg trial, under the infamous Terrorism Act, of the members of the Non-European Unity Movement.

The essence of my visit was witnessing the indomitable spirit of the people, and I have returned with the conviction that majority rule in South Africa is inevitable. I am not prepared to start predicting when or how, but the countdown has begun.

The U.S. has no choice but to get on the side of freedom. Complicity with apartheid must be ended. As the leading power in the world, the U.S. must act to avoid the holocaust, which otherwise will surely come, and help all the people of South Africa, the blacks, the Coloured, the Indians and the whites to a free South Africa. The U.S. must end its hypocrisy in decrying violence as a means of liberation on one hand and, on the other, refusing to condemn the violence with which the South African government subjugates the majority. The U.S. must recognize that any means are legitimate so long as the recalcitrance of that government continues.

The U.S. must reform its employment practices in the embassy, the consulates and at the NASA tracking station, where I found callous racism. When it is considered that the justification for a tracking station in South Africa has not been—and in fact cannot be—given, it becomes clear that, at a minimum, NASA has no choice but to institute decent employment practices or terminate the contract.

It is inexcusable that the intention, stated before the Subcommittee last year, to place a ranking black foreign service officer at the U.S. Embassy in Pretoria has not been implemented. Several black foreign service officers, as well as staff, should be assigned to our embassy and consulates. A USIS office should be opened in Soweto.

My visit to the sugar plantations demonstrated that a sugar quota for South Africa is an abomination. It should be terminated.

The government should advise U.S. business that if they stay in South Africa they are on their own and, in the event of racial difficulties, will not receive protection. The facade that we do not encourage U.S. business investment in South Africa should be ended.

It is incontrovertible that U.S. business, representing the second largest foreign investment in South Africa and concentrated in the manufacturing and dynamic sectors, buttresses the South African economy and, therefore, the present government and apartheid. Its presence not only renders the U.S. hostage to apartheid, it provides a stake in the status quo. Nevertheless, there are innumerable policy and legal difficulties in therefore, determined to direct present efforts against the exploitation of the blacks by U.S. business, which uses the apartheid system as an excuse for slave labor practices.

I was shocked at the blatant racism of U.S. business in South Africa. U.S. business must be required to pay equal pay for equal work, to institute training programs, to throw off local coloration, to respect all employees and refuse to adhere to racial practices. The law of South Africa to a large extent does not limit wages, fringe benefits, training and educational programs, special services such as counseling, legal and educational assistance to the employee and his family. Institutions supportive of the majority, such as the distinguished Inanda Seminary, should be aided.

American firms must push beyond the permissible. It is inconceivable that the South African government would not, as it has in the case of the Japanese, find dispensations from the laws requiring discrimination in facilities and jobs, if that is the

price of keeping American business. The "Whites—Only" signs, and the segregated facilities, which we witnessed both at the U.S. plants and at the NASA tracking station, must be eliminated. The enormous communications gap between the South African subsidiaries and U.S. parent companies must be closed. I am requesting meetings with the boards of major companies involved in South Africa toward this effort.

The U.S. government must use every legitimate means to bring U.S. business to dedicate itself to fair employment principles. I shall urge that fair employment practices in their South African enterprises be a condition of eligibility of U.S. firms for government contracts.

The basic fact found by our factfinding missions to South Africa is the unquenchable will of the people to be free. South Africa is not isolated from the tide of self-determination and freedom which revolutionized the world in the middle of this century and which, through the U.N. Charter, made majority rule, self-determination and human rights legal obligations of all countries, including South Africa and the United States. This tide of freedom is a surging undertow in South Africa that will overcome.

I have returned from the factfinding mission with a greater understanding of the situation in South Africa. My views on basic strategy have been reinforced. Direct observation has afforded new insight and has netted new weapons for the arsenal.

TRADE—A TWO-WAY STREET WE MUST TRAVEL

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 1971

Mr. HANNA. Mr. Speaker, I rise to address the House on an issue of critical importance to the American economy. There is no need for me to review the long list of those economic ills confronting us today—we are all painfully aware of them. What I wish to call to the attention of the House is a developing problem which may, if Congress does not take appropriate action, stifle our economic development for years to come. I refer, Mr. Speaker, to the growing sentiment for economic isolationism. The rallying cry for trade restrictions is once again heard across the land and, as we might expect, voicing the same tired clichés and generalizations used for the last 100 years.

An economy in our present state of development simply cannot afford to withdraw from its involvement in international trade. Every Member of this House, I am sure, was concerned about the headline in the Washington Post: "U.S. Payments Gap Largest in History." I suspect that the trade restrictionists will attempt to use this headline to further their cause of economic isolation. Of course, the exact opposite should be the case. That the Nation's balance-of-payments situation is a serious problem is not in dispute here; what is in dispute is the proper course of action to redress the problem.

If we look at the historical components of our balance-of-payments situation, we find that the one consistently favorable element is international trade. Since 1946, the United States had chalked-up a trade surplus of $123 billion. After a 2-year lag in 1968 and 1969, our 1970 surplus was back up to $3 billion. These facts suggest that the worst thing we could do to our balance of payments is to put restrictions on trade. On the contrary, unless we are willing to drastically reduce our military installations abroad, our best and perhaps only chance of improving our payments position is to expand our trade activity.

In addition to improving our balance of payments, Mr. Speaker, there is a second reason why our economic prosperity requires expansion of our trade volume. The United States has 6 percent of the world's population and produces 44 percent of the world's industrial goods. This and similar data that has come to my attention in recent weeks indicate that our potential production of goods far exceeds our ability to consume or utilize. If we are to achieve and sustain full employment of labor and capital, Mr. Speaker, we must develop markets for our products beyond our shores.

In order to achieve this goal, we must allow underdeveloped countries to participate, unfettered, as our trade partners. We may need to make some concessions in the short run in order to make a handsome profit over the long haul. This is not to say that a flexible policy involves self-sacrifice. On the contrary, we are today very much dependent on the nations of Asia, Africa, and Latin America. Before people adopt the "Economic Fortress America" platform, they should consider the fact that one-fifth of the raw materials used by our factories today is imported. If we restrict trade, those factories will be idle and their employees out of work. I hasten to add at this point that anyone who thinks we can restrict imports and keep exports expanding is kidding himself. Trade is a two-way street and we have vital interests on both the export and import side of that street.

The trade restrictionists are often heard to say that the United States can live without trade, that it is only 8 percent of our gross national product. That may be true, but, if we look at the makeup of that small percentage, we find that several of our larger employer industries are dependent on foreign trade. Seven percent of all manufacturing jobs in America are directly dependent on export. In the aircraft industry, the figure is 10 percent; in computers, 12 percent; and in engine and turbine production, 20 percent. Looking at trade only in terms of U.S. jobs, our exports in 1970 supported 4,300,000 jobs and imports supported another million. The nation that trade is to blame for our unemployment today is simply fallacious. In actuality, the facts suggest that the best way to expand jobs is to expand our trade activity.

In conclusion, Mr. Speaker, I wish to say that our stake in international trade is both great and obvious. The urgency of expanding trade can be stated very simply—we need to improve our balance of payments, develop new markets for our produce, and expand job opportunities here at home. All three of these goals were be enhanced by greater—not lesser—trade activity.

Mr. Speaker. I am appending some data that I think the Members of the House will find well worth their time reviewing:

TABLE I. RAW MATERIAL IMPORTS OF THE UNITED STATES

[Material and percentage imported]

Tin	100
Industrial diamonds	100
Chrome ore	99
Bauxite	99
Cobalt	95
Beryllium	93
Nickel	93
Asbestos	91
Manganese ore	91
Crude rubber	100
Tantalum ore	85
Antimony	85
Fluorspar	77
Cadmium	70
Mercury	45
Zinc	40
Lead	37
Iron ore	35

Source: Department of State Publication, 8546; Commercial Policy Series, 206; January, 1971; and Office of Media Services, Bureau of Public Affairs.

TABLE II. PERCENTAGE OF U.S. GOODS PRODUCED FOR EXPORT

Recent U.S. exports:
52% locomotives.
49% tracklaying-type tractors.
31% agricultural chemicals.
30% construction and mining equipment.
27% sewing machines.
26% oilfield equipment.
26% refined copper.
25% pulp mill products.
24% office machines.
23% engines and turbines.
21% broadcast systems.
21% x-ray and therapeutic apparatus.
20% special industrial machinery.
20% lubricating oils.
20% carbon black.
20% gum and wood chemicals.
19% textile machinery.
18% food products machinery.
17% aircraft.
17% synthetic rubber.
16% paper industries machinery.
16% printing trades machinery.
15% scientific and mechanical measuring instruments.
15% pumps and compressors.
15% metal working, cutting, and forming machinery.
15% woodworking machinery.

Source: Department of State Publication, 8546; Commercial Policy Series. 206; January, 1971; and Office of Media Services, Bureau of Public Affairs.

TABLE III. EXPORT OF U.S. AGRICULTURAL PRODUCE

In recent years we exported on the average:
59% of our wheat.
61% of our milled rice.
81% of our dried peas.
58% of hides and skins.
42% of soybeans.
42% of hops.
40% of tallow.
33⅓% of cotton.
33⅓% of tobacco.
33⅓% of grain sorghums.
33⅓% of nonfat dry milk.